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1889.

NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

DURING THE SESSION

OF

1889,

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

IN SIX VOLUMES.
VOL. II.

SYDNEY :

CHARLES POTTER, GOVERNMENT PRINTER, PHILLIP-STREET.

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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

VOTES AND PROCEEDINGS.

SESSION 1889.

IN SIX VOLUMES.

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LEGISLATIVE ASSEMBLY.
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OF

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1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

BATHURST CATTLE SALE-YARDS BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDICES.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
29th May, 1889.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1889.

1889.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 26.—THURSDAY, 16 MAY, 1889.

5. BATHURST CATTLE SALE-YARDS BILL (*Formal Motion*):—Mr. Paul moved, pursuant to Notice,—
- (1.) That the "Bathurst Cattle Sale-yards Bill" be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Brunker, Mr. Tonkin, Mr. Crick, Mr. Gormly, Mr. Plumb, Mr. Lakeman, Mr. Thompson, and the Mover.
- Question put and passed.
-

VOTES No. 30.—THURSDAY, 23 MAY, 1889.

3. BATHURST CATTLE SALE-YARDS BILL.—Mr. Tonkin (*by consent*) moved, without Notice, That the Petition from Residents of the town of Kelso and others, in reference to the Bathurst Cattle Sale-yards Bill, presented to this House on the 14th May, 1889, be referred to the Select Committee now sitting on the Bill, and that power be given opponents of the Bill to appear by Counsel.
- Question put and passed.
-

VOTES No. 32.—WEDNESDAY, 29 MAY, 1889.

4. BATHURST CATTLE SALE-YARDS BILL:—Mr. Paul, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on the 16th May, 1889, together with Appendix and a copy of the Bill, as amended and agreed to by the Committee.
- Ordered to be printed.
- Mr. Paul then moved, That the Bill be read a second time on Tuesday, 25th June.
- Question put and passed.
-

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1889.

BATHURST CATTLE SALE-YARDS BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 16th May, 1889,—the "*Bathurst Cattle Sale-yards Bill*,"—and to whom was referred on 23rd May, 1889, "*a Petition from residents of the town of Kelso, and others*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose evidence will be found appended hereto); and that the Preamble, as amended, having been satisfactorily proved to your Committee, they proceeded to consider the several clauses and the Schedule to the Bill, in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them, with an amended preamble.

W. H. PAUL,
Chairman.

No. 2 Committee Room,
Sydney, 29th May, 1889.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 22 MAY, 1889.

MEMBERS PRESENT :—

Mr. Paul, | Mr. Crick,
Mr. Plumb.

Mr. Paul called to the Chair.

Entry from Votes and Proceedings, appointing the Committee, read by the Clerk.

Printed copies of the Bill referred, together with original Petition to introduce the same before the Committee.

Committee deliberated.

[Adjourned till Wednesday next at Ten o'clock.]

WEDNESDAY, 29 MAY, 1889.

MEMBERS PRESENT :—

Mr. Paul in the Chair.

Mr. Tonkin, | Mr. Crick,
Mr. Plumb, | Mr. Lakeman.

Entry from Votes and Proceedings, referring the Petition of Residents of Kelso and others, read by the Clerk.

Printed copies of the Petition before the Committee.

Present :—Alfred Goddard Thompson, Esquire (*Solicitor for the Bill*.)

James Simmons (*Mayor of Bathurst*), called in, sworn, and examined.

Witness handed in plan showing site of proposed sale-yards. (*See Appendix A.*)

Witness withdrew.

Thomas Durack called in, sworn, and examined.

Witness withdrew.

James Cassidy called in, sworn, and examined.

Witness withdrew.

Eugene Henry Parker called in, sworn, and examined.

Witness withdrew.

Mr. Thompson handed in letter from E. T. Webb, Ex-Mayor of Bathurst, in reference to the proposed Sale-yards. (*See Appendix B.*)

Room cleared.

Preamble considered and amended.*

Question,—“That this Preamble, as amended, stand part of the Bill,”—put and passed.

Solicitor called in and informed.

Clauses 1 and 2 read and agreed to.

Clauses 3, 4, 5 and 6 read, amended*, and agreed to.

Clause 7 read and amended*.

Further amendment proposed (*Mr. Tonkin*),—To omit, in lines 50 and 51, the words “or within two miles from any boundary thereof.”

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

Committee divided,—

Ayes, 4.

No, 1.

Mr. Paul,

Mr. Tonkin.

Mr. Plumb,

Mr. Crick,

Mr. Lakeman.

And so it was resolved in the affirmative.

Question then,—“That the clause, as amended, stand clause 7 of the Bill,”—put.

Committee divided,—

Ayes, 4.

No, 1.

Mr. Paul,

Mr. Tonkin.

Mr. Plumb,

Mr. Crick,

Mr. Lakeman.

And so it was resolved in the affirmative.

Clauses 8 and 9 read, amended*, and agreed to.

Clause 10 read and agreed to.

Schedule read and agreed to.

Title read and agreed to.

Chairman to report the Bill, with amendments, to the House, with an amended Preamble.

* See Schedule of amendments.

SCHEDULE OF AMENDMENTS.

Page 1, Preamble, line	3.	<i>Omit "said"</i>
" "	3.	<i>After "land" insert "described in the Schedule hereto"</i>
" "	12.	<i>After "advice" insert "and consent"</i>
" 2, clause 3, "	9.	<i>After "Council" insert "of Bathurst"</i>
" "	14.	<i>After "Council" insert "of Bathurst"</i>
" "	18.	<i>After "Council" insert "of Bathurst"</i>
" "	19.	<i>Omit "et-cetera"</i>
" "	24.	<i>Before "Borough" insert "said"</i>
" "	27.	<i>Omit "Council" insert "said Borough Council of Bathurst"</i>
" "	29.	<i>Omit "Council" insert "Borough Council of Bathurst"</i>
" "	6, lines 38 and 39.	<i>Omit "with the advice of the Executive Council"</i>
" "	6, line 40.	<i>Omit "Government"</i>
" "	46.	<i>Omit "Council" insert "Borough Council of Bathurst"</i>
" "	49.	<i>Omit "or any other place, building, or yard whatsoever"</i>
" 3 "	1.	<i>Omit "Council" insert "Borough Council of Bathurst"</i>
" "	14.	<i>After "any" insert "sale"</i>
" "	14.	<i>Omit "or place"</i>
" "	16.	<i>Omit "Council" insert "said Borough Council of Bathurst"</i>

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1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

BATHURST CATTLE SALE-YARDS BILL.

WEDNESDAY, 29 MAY, 1889.

Present:—

MR. CRICK,
MR. PLUMB,

MR. LAKEMAN,
MR. TONKIN.

W. H. PAUL, Esq., IN THE CHAIR.

Alfred Goddard Thompson, Esq., solicitor, appeared on behalf of the promoters of the Bill.

James Simmons called in, sworn, and examined:—

1. *Mr. Thompson.*] You are Mayor of Bathurst? Yes.
2. And have been an Alderman of that town for many years? For about six years I think altogether.
3. How long have you been a resident of Bathurst? All my life. I am 51 years of age.
4. Speaking from your experience as an Alderman and a resident of the town of Bathurst, can you say that the erection of cattle sale-yards by the Corporation has been looked upon as a necessity by the public? I can say that.
5. I believe that this subject has been frequently mentioned in the Council? Yes.
6. Can you speak as to the suitability, or otherwise, of this site? I think the site is very suitable; it could not be more so, in my opinion. It is so near the railway line that a siding could be put in at very little cost.
7. The railway passes through the proposed site? Yes.
8. *Mr. Tonkin.*] Can you point out on this plan [*Appendix A*] whereabouts the sale-yards are? They are being erected on the reserve marked here.
9. *Mr. Thompson.*] There is a Government road as well as a railway running through the land? Yes.
10. Is there a sufficient area for the erection of these yards? I think there is ample.
11. And from the nature of the land there would be no difficulty in making a siding on to the ground, so that the stock could be delivered right at the yards? There would be no difficulty. The drainage on this ground is also very good.
12. Is there any other site available within an easy distance of Bathurst—is there any other place along the railway into which a siding could be made? No.
13. I believe that the Council have erected yards at this place? They are nearly completed.
14. I believe that they are of a substantial character? Yes, the fences are very good, both as regards the timber used and the construction.
15. Will you kindly say what will be the entire cost of these yards? I should think that by the time they are completed they will have cost something over £1,000.
16. What is the population of Bathurst? I think a little over 10,000.
17. Are there any public yards within easy distance of Bathurst? There are no public yards at all there.
18. The only yards there are in the hands of private individuals? Yes.

Mr.
J. Simmons.
29 May, 1889.

Mr.
J. Simmons.
29 May, 1889.

19. Do you know that a petition in favour of this Bill—I do not mean the original petition, but one which has been signed subsequently to the introduction of this matter—has been signed by the people of the district? I know of that petition in support of this Bill.
20. Can you say by how many persons it was signed? By about 1,000 people. Those signatures were obtained in about two days, or two days and a half. We could have got about six times as many.
21. Is there anything else you would like to add, as to the necessity for these yards? I think it would be very desirable to have them on the site proposed.
22. It would be to the benefit of the ratepayers of Bathurst, and of the people of the district, in East and West Macquarie, to have these public yards established? Yes.
23. *Mr. Crick.*] Have any instances come under your own notice in which hardship and delay has occurred through there not being these yards? I have heard of several such instances. Yesterday I heard of two or three cases in which persons requiring the use of the private yards could not get them, because they had been already taken by other people.
24. That has occurred several times? Yes. I have been told of it by several people.
25. I see that there are borrowing powers given in this Bill. Have the Council borrowed any money yet to erect these yards? We have not borrowed any money.
26. *Chairman.*] How are these proposed yards situated with regard to the slaughter-houses in Bathurst? I think the majority would be near the yards—those in West Macquarie.
27. *Mr. Tonkin.*] Where are the present cattle sale-yards situated—where are the cattle for the district sold? At Kelso.
28. Do you know what county Kelso is in? The county of Roxborough.
29. That is a different county from that in which Bathurst is? Yes.
30. Do you know what electorate Kelso is in? It is in East Macquarie.
31. You have read the Bill, I suppose? Yes.
32. The 7th clause empowers the Municipal Council of Bathurst to impose a tax upon all sale-yards within 2 miles of the boundary of that Borough? Yes.
33. Would not that allow the municipality of Bathurst to tax another municipality? There is only one municipality.
34. But supposing that another municipality were to be established at Kelso? Yes; I suppose if Kelso was a municipality the Bill would allow that to be done.
35. For the benefit of Bathurst? Well, I do not know.
36. Would it not be taxing people living outside the municipality of Bathurst for the benefit of Bathurst? I suppose it would.
37. In which electorate—Bathurst or East Macquarie—do most of the stock-owners live who supply this market;—Are there any living in Bathurst? There are some in the immediate neighbourhood of Bathurst.
38. In which electorate do most of the stock-owners who supply the Bathurst market live? I suppose that at present the majority would live in East Macquarie.
39. As a matter of fact, is there a single stock-owner who supplies these markets living in Bathurst? I cannot remember just now. I suppose there would not be any living in the town itself; but there are a great number living at West Macquarie.
40. *Chairman.*] Where are the yards erected? The private yards?
41. No; the public yards? In West Macquarie.
42. *Mr. Crick.*] I understood you to say that the erection of these yards would be for the good of the people of Bathurst. Had you in view the good of the owners of stock, or of the consumers? It would be to the good of the consumers generally, I believe.
43. *Chairman.*] Of Bathurst and the district generally—not of the city only? Yes.
44. *Mr. Tonkin.*] This is a petition against the Bill presented to the House on the 14th May. Do you know any of the names upon it? Yes.
45. Do you know them to be the names of representative men of the district round Bathurst and East Macquarie? Some of them.
46. Will you point out any that are not? Some of the names I do not know.
47. You know a great many of them? Yes, the Lees, the Suttors, and others.
48. Your statement that the erection of these yards will be for the benefit of Bathurst and the district generally will hardly coincide with the opinion of these representative men who are opposed to their erection? I think the population generally are in favour of the erection of cattle sale-yards at this site.
49. But these gentlemen are against it, are they not? Yes; I believe they are; but I think that if you consulted the whole of the people in Bathurst and the district around, you would find that they are in favour of having the yards erected in West Macquarie.
50. *Mr. Thompson.*] The representative men you refer to are Messrs. George Lee, James Rutherford, William Kite, J. L. Gilmour, H. C. Sutor, and others? Yes.
51. Are not those people the men who are selling their stock at the private yards which now exist? I believe so.
52. Do you not know it? I am sure of it.
53. *Mr. Crick.*] Would it be possible, with these yards as they are, for a few people to get a monopoly of them? I think it is the general impression that that is so now.

Thomas Durack called in, sworn, and examined:—

Mr. T. Durack.
29 May, 1889.

54. *Mr. Thompson.*] You are a member of the firm of T. Durack & Co., carrying on business at Bathurst? Yes.
55. How long have you been in business as an auctioneer? About three years.
56. How long have you been a resident of the district? All my life.
57. Prior to entering into business as an auctioneer you were engaged in stock dealing, were you not? Yes.
58. For how long? About nineteen years.
59. I believe that your stock was sent to the Kelso yards? Very frequently. I very frequently attended, and bought and sold stock through the Kelso yards.
60. Are you aware that cattle sale-yards have been erected by the Corporation at Bathurst? Yes.

Mr. T. Durack.
29 May, 1889.

61. Do you know the site upon which they are erected? Yes.
62. Can you say whether there is any necessity for the erection of those yards? I think there is very great necessity for their erection.
63. Will you tell the Committee why they are necessary? Well, in my experience, I have frequently had stock offered to me for sale—fat cattle and sheep—by friends in the west, but I could not accept their offers because of the want of yard accommodation.
64. *Mr. Crick.*] Do you say that frequently occurred? Yes. I have a large circle of friends in Queensland sending down cattle to our Southern markets, but I cannot accept their offers.
65. *Mr. Tonkin.*] Was there ever any objection to your building private yards yourself? No; but my banker might have made an objection.
66. *Chairman.*] Why did you not erect yards? I noticed that an agitation was going on, in which I to some extent assisted, to get Corporation yards.
67. *Mr. Thompson.*] As there was a possibility of Corporation yards being erected, you waited? Yes.
68. Do you know the lessees of the yards in Kelso—where do they carry on their business? Their offices are in Bathurst, and they carry on the bulk of their business there; but they sell the stock in Kelso. All business they have as auctioneers, commission agents, and so on, is done in Bathurst.
69. Where does the stock sold in those yards go to? The fat stock are distributed amongst the butchers in the town and district generally. The store stock are bought by people in the district.
70. The fat stock are sold principally for the consumption of the residents of Bathurst? Yes. The butchers of Bathurst constitute the majority of these buyers. Very frequently there are no country buyers; but the butchers are always in attendance.
71. Is there not a butcher in Kelso? Yes.
72. Can you say where he finds his custom? Partly in Kelso and partly in Bathurst.
73. Do you know that he runs the cart to Bathurst daily to supply the residents of that town? Yes, he does. I see him almost every day that I am in town.
74. *Mr. Tonkin.*] In which electorate do the butchers of the district—I do not mean the Bathurst butchers—mostly live? I should think they are pretty evenly distributed, though I have not given the matter a thought.
75. Do you think there are as many in West Macquarie as in East Macquarie—Mitchell, Wattle Flat, Sofala, and all those places? There are a good many in those places, and right out as far as Blayney.
76. *Mr. Crick.*] Do all these people come to Kelso to buy their stock? As a rule they do.
77. *Mr. Thompson.*] Are they all compelled to do so? Yes; they take up what they can get locally; but when they run out of cattle they have to go to the Kelso sale-yards.
78. Where does the principal part of the stock which is sold in these yards—both store and fat cattle—come from? The principal portion of the fat stock comes from the holders in the district of Kelso.
79. A petition has been presented against the Bill, which contains the names of Messrs. George Lee, James Rutherford, William Kite, J. L. Gilmour, H. C. Suttor, Sullivan, and others;—those, I presume, are the names of some of the owners of stock which sell through these yards? Yes.
80. Some mention has been made of a monopoly with regard to these yards. Can you say anything as to that of your own knowledge? Yes. I can relate one instance in which a friend of mine tried to procure the yards in order to sell some sixty head of cattle; but he was told that he could not have them for five weeks.
81. How was that? Because the yards were taken for each consecutive sale day during that period, by, I think, some of the gentlemen just mentioned. Perhaps not by every one of them, but by two or three of them.
82. Has that been so for years? Yes.
83. Any of those persons whom I have mentioned are in a position to obtain possession of these yards for weeks ahead? Yes.
84. The sales are held on Mondays and Thursdays, and these days are taken weeks ahead by owners of stock? Yes.
85. *Mr. Crick.*] Do you say that that is a regular thing? I relate that instance because it came under my own notice.
86. Do you know that it is a general thing for these yards to be engaged some time ahead? I do.
87. And has been for years? Yes.
88. *Mr. Tonkin.*] Do you know whether it is a usual thing or not for stock-owners to engage yards some days ahead? In forwarding your stock it is the usual thing.
89. In any sale-yard? Yes; but not as a rule for many weeks in advance. If I were to despatch stock to Homebush I should have to name my day, because I should have to engage trucks to carry them.
90. *Chairman.*] Is not this the position—that in corporation or public yards you simply give notice that you want to sell your cattle and are allowed to sell them—but in this case you could not sell them for a number of weeks? Yes.
91. *Mr. Tonkin.*] Supposing you were a stranger coming to Bathurst with fat stock, could you get them into these yards? With no degree of certainty.
92. What would be, in all probability, the reply you would receive? That the yards had been taken by Mr. Suttor or Mr. Sullivan, or some of these gentlemen.
93. *Chairman.*] Will this Bill, if it becomes law, remedy that? Yes.
94. *Mr. Thompson.*] It will allow you to have equal rights with other auctioneers? Yes.
95. *Mr. Crick.*] Had they to sacrifice these sixty head of cattle, or were there any other yards in the district to which they could take them? There are no other yards available.
96. They would either have to take them elsewhere or they would have to sell them for the best price they could get? Yes.
97. *Chairman.*] What was done with those cattle? They were taken to Homebush.
98. *Mr. Thompson.*] Would store cattle, or fat cattle, or sheep coming to Bathurst to be sold come from the west by rail? The cattle coming by rail come from the west, but sometimes the cattle come by road.
99. These proposed yards will be well situated for the reception of stock? Yes; they are on the line.
100. Would there be a saving of expense by removing the cattle direct from the trucks into the yards? Yes.
101. Could you say what the difference between the cost of taking the cattle out of the trucks and driving

- Mr. T. Durack. driving them to the yards and removing them from the trucks directly into the yards would be? It is not so much a matter of cost as a saving of trouble and inconvenience, because where wild bullocks have to be driven 2 miles or more they often break away and give a lot of trouble.
- 29 May, 1889.
102. Would the expense of unloading the cattle and driving them to Kelso be more than the rates which would be imposed upon the auctioneers if Corporation sale-yards are erected are likely to be? I do not know that I could say that the cost would be greater, but I should prefer paying those rates to having to drive the cattle back from the Kelso sale-yards.
103. Mr. Tonkin.] Would it cost more to take the cattle from the railway to the yards at Kelso than to take them to the proposed Corporation yards? The present yards in Kelso are much nearer to the trucking yard than the proposed yards would be.
104. Then it would actually cost less to take cattle from the trucking yards to Kelso than to the proposed yards? Of course it would.
105. Will you look at this plan [Appendix A.] Can you point out the position of the proposed yards upon it? They are to be erected upon this reserve marked pink.
106. Does not a main road intervene between the railway line and the proposed sale-yards? Yes.
107. There is no siding from the railway to the proposed yards? Not at the present time, but I understand that there is available land for one; I believe that the land lying between the road and the railway line is to be used for the purposes of these yards.
108. Mr. Crick.] Then the plan shows that there is available land? Yes; I am given to understand that land has been resumed for that purpose.
109. Is the road marked on the plan within the municipality? No, I think not.
110. Could the municipality then make a siding across that road without obtaining a Bill from the House to give them power to do so? That is a matter upon which I could not pass an opinion.
111. It is said that a siding is to be made there, and that it will cross into the yards? I have understood that a siding is to be run into this land between the road and the railway. Receiving yards could be erected there, and the cattle could then be driven across the road.
112. Mr. Thompson.] Is there available land there to have a siding run into the yards and to allow the cattle to be driven across to the other side of the road? Yes.
113. Mr. Tonkin.] Are any yards being erected on that side of the road near the railway? No; the yards on the other side are not yet completed.
114. Mr. Crick.] The Corporation will not lose by the erection of these yards; they will pay the interest on the outlay? I think so, with the quantity of stock there is sold at Bathurst.
115. Mr. Thompson.] Can you say whether it would be a great public benefit or otherwise to have these yards erected? I think it would be a great public benefit.
116. Affecting consumers and others? Affecting business generally and consumers in particular. We have paid from a half-penny to perhaps a 1d. a pound more for beef in Bathurst than they have been paying in Orange, which is only 36 miles away.
117. Do you know whether some of the consumers send to Orange and Blayney for their meat? Not of my own knowledge, but I have heard so.
118. You know that buyers have gone to Homebush? Yes.
119. And they have got stock there more cheaply than at Bathurst? Yes; and I know that cattle bought at Homebush are sold at Kelso at a profit.
120. Mr. Crick.] Where were they brought from? A large proportion of them were brought from the south. A very large quantity was bought. To show the monopoly that exists, I may say that if the auctioneers do not get the price they want the cattle are turned out unsold.
121. Mr. Plumb.] If a pen of cattle is put up and does not realise the price expected, the cattle are not disposed of there, but the owner takes them back? Yes. As late as Monday week there were six pens of these cattle in the yard. One pen belonged to a local buyer, another was for Lithgow, and, as the bidding for the others did not come up to the auctioneer's expectation, they were simply passed in; and if a butcher wanted to buy any of them he would probably have to go to the paddocks and pay the owner's price.
122. Mr. Thompson.] Kelso is a small place, is it not? It is not particularly large.
123. How long have you known it? Ever since I had any recollection—for thirty years perhaps.
124. Has it increased in size during that time? No.
125. Is there much probability of its being constituted a municipality? I should think not.
126. Mr. Tonkin.] Where are the present cattle sale-yards situated? One is on the bank of the river at Kelso, and the other is in what we call Old Kelso.
127. That is part of Kelso? Yes. The yards are some distance apart.
128. Do you know what county Kelso is in? The county of Roxborough.
129. That is a different county from that in which Bathurst is? Yes.
130. In what Electorate is Kelso—in East Macquarie? Yes.
131. You have read this Bill? I cannot say that I have read it attentively. I have glanced over it.
132. Does not clause 7 impose a tax upon all cattle sold within 2 miles of the boundaries of the Borough of Bathurst, outside of Bathurst? On cattle brought to the sale-yards.
133. It does not matter where they are brought to? That is a matter of interpretation.
134. The clause says "or brought to any other sale-yards or any other place, building, or yard whatsoever within the Borough of Bathurst or within 2 miles from any boundary thereof." Does not that mean that any cattle sold within 2 miles of the boundary of Bathurst will be liable to be taxed at the same rate as the cattle sold in the Bathurst sale-yards? I should certainly not interpret the clause in that way.
135. Chairman.] Does it not mean that cattle that are yarded for sale within 2 miles of the boundaries of Bathurst shall be subject to this tax? But not cattle sold privately in a man's paddock.
136. Mr. Tonkin.] In what portion of the district do the principal stock-owners—the gentlemen who supply the markets at the present time—live? On the Kelso side.
137. That is in East Macquarie? Yes.
138. Chairman.] Those are the persons now enjoying the use of these yards? Those are the persons who have enjoyed the monopoly of these yards for so many years.
139. Do you know the M'Phillamys, the Palmers, and the Boyds? Yes.
140. Where do they live? In West Macquarie.

141. Are they large cattle salesmen? Yes. They sell a considerable quantity of cattle, and Boyd is a large sheep salesman.
142. *Mr. Tonkin.*] Then we are to understand that the gentlemen who have already been referred to are not the only gentlemen who supply the Bathurst market? No; not entirely. I do not think I ever said they did entirely.
143. It appears that there are a number of salesmen who live on the other side? Yes. Boyd is a stock and sheep salesman.
144. These gentlemen have the use of these yards? Yes.
145. Then there has not been such a monopoly of the yards that nobody else excepting the persons who have signed this petition can use them? No.
146. *Chairman.*] Is it not possible that some of the gentlemen I have named have also enjoyed that monopoly? Yes, to some extent. The Palmers are large cattle-dealers, and if they happened to have 200 head of cattle they might be able to put fifty of them through, because they have not got the paddocks to hold a large quantity.
147. What would be Palmer's position if he had a number of cattle and the yards were held by any of the gentlemen mentioned? He must go on to some other market.

Mr. T. Durack.
29 May, 1889.

James Cassidy called in, sworn, and examined:—

148. *Mr. Thompson.*] You are a member of the firm of R. and W. Oakes? I am.
149. How long have you been a member of that firm? Over twenty years.
150. I believe you are the lessees of one of the yards at Kelso? Yes.
151. Yours is the oldest established yard? Yes; that is, in Kelso.
152. Are there any other yards in the district? Not now.
153. Do you know the site of the proposed Corporation yards? I do.
154. Is it a suitable one for sale-yards? No, I do not think it is.
155. Is there any other land available for the erection of sale-yards? That I do not know.
156. You see the site on this plan [*Appendix A*]? I can tell you why I do not think this is a suitable site. It is too far away from the principal stock-owners. I remember suggesting a site which would have been much better—at the back of the Show Grounds in Bathurst.
157. That could not be obtained? I believe not.
158. The other site not being obtainable, and this land being available, is it not suitable? If there is no other land it must be.
159. Would it be an advantage to have the railway passing through the land? It would be an advantage because you could have a branch line to the stockyards, which would make them easier of access.
160. Would it be a saving to the owners and vendors of stock to have a railway running into the yards? It would save a good deal.
161. What do you think would be the effect of establishing these Corporation yards here? There would be a larger supply of stock, and consequently a larger field of buyers. Then the stock would be all in one set of yards, and classed, and the buyers could inspect them before sales, which cannot be done under the present system.
162. Would the construction of these yards be a benefit to the consumers and the public generally? I think so. I think it would be a great benefit to them.
163. You are speaking now as the proprietor of another sale-yard? Yes.
164. *Mr. Crick.*] Will you tell us how it would benefit the public? By giving a larger supply of stock. At present the supply of stock at the two yards is very limited, and not up to the requirements of the trade.
165. Then the construction of these yards would reduce the price of meat? The price of beef is very high, and the larger number of stock would probably reduce it.
166. *Mr. Plumb.*] There would be more competition? Yes.
167. *Mr. Lakeman.*] Do I understand that the stock-owners and the present proprietors have combined to send in a limited number of stock to keep the price up? I do not say that they have combined together, but they do it, and they do not benefit by it.
168. *Mr. Thompson.*] It certainly does not benefit the public? No.
169. *Chairman.*] As a matter of fact, have you had the same number of country buyers during the last three years as you had years ago? Nothing like.
170. *Mr. Thompson.*] Do you suffer any loss from the present system of yards? We do.
171. In what way? The other yards—Clements' and M'Carthy's yards—being the first, buyers very often stay there half the day, and I am waiting about three parts of the day for them. Then again, many men from the outside districts buy at these yards to enable them to get their stock, and do not come near me at all. This does happen, and I lose by it. Some of the buyers come to me and some do not. Then again, the buyers have not the opportunity of seeing both classes of cattle, which it is necessary they should do. They do not know whether I have good or bad cattle. There may be an inferior article at the lower yards, and they buy it, and I suffer in consequence.
172. *Mr. Tonkin.*] Do you think if the Corporation had erected the yards at Kelso, instead of in their present position, and had obtained an Act by which they could charge dues there, that position would have been preferable to the one which has been chosen? I do. I said so all along.
173. *Mr. Thompson.*] There is no land available there; it is all private property? Yes; but the Corporation were offered a rental of the land upon which our yards are built, and they could have bought it.
174. *Chairman.*] Suppose Kelso became a municipality, as it has been suggested it might, could cattle be driven through it, except within certain hours? Yes; just the same as through Bathurst.
175. Is there not a law which prevents it being done? I am not aware that there is.
176. Do you know that the law was put in force when Dalhunny and Palmer had the cattle sale-yards at the old pound? I have heard that such was the case.
177. If Kelso was made a municipality all the cattle that had to be driven to these yards would have to go through the town? They would through the main road. They would have to go through the main part of Kelso.
178. The cattle would have to pass through the thickly populated parts of Kelso, if there are any? Yes.
179. *Mr. Crick.*] You are clearly of opinion that these proposed yards would be a distinct benefit to the consumers—to the great majority of the people in this district? Yes.

Mr. J. Cassidy.
29 May, 1889.

- Mr. J. Cassidy. 180. You are the owner of one of the yards in Kelso;—will not this Bill do considerable injury to the owners of those yards? I do not think so. I am one of the owners of these yards, and I would not support the Bill if I thought that it would injure them.
- 20 May, 1889. 181. Are there any owners of private yards who would suffer by the operation of this Bill? I cannot tell you; I am speaking for myself. I think the others will suffer far more than I will.
182. Then it is your opinion that the owners of the other yards will suffer somewhat? Yes.
183. Much? No; I do not suppose it will be very much. The number of stock now sold in the yards is so limited that the owners will not suffer very much by having the large quantity sold in the Corporation yards.
184. Do you think that the owners of other yards are entitled to any consideration? No, I do not.
185. *Chairman.*] Do you know of your own knowledge that Dalhenty, a member of the firm who owns the other yard, has, on a public occasion, when a candidate for the position of Alderman, declared himself in favour of Corporation yards? Yes.
186. Can you say whether he is in favour of them now? I cannot say that.
187. *Mr. Thompson.*] A petition has been presented to Parliament from the residents of Kelso, in opposition to the passing of this Bill;—can you say whether the residents of Kelso would suffer any inconvenience through the erection of these yards? I know as much about Kelso as most people, and I think that the only two people who would suffer are the hotelkeepers. There is no business in Kelso apart from that.
188. There is only one butcher's shop and a couple of public-houses? Yes.
189. *Mr. Plumb.*] Do you think it would be to the interests of the public, and in a lesser degree of the stock-owners, if these yards were erected? Yes.
190. In that case it would be a benefit to the consumer and to the producer? That is my opinion.
191. *Mr. Tonkin.*] Do you say that you think it would be an advantage to the stock-owners of the district to have these yards erected, and to close the Kelso yards? No one asked me that.
192. Do you think that if the present yards were closed it would be an advantage to stock-owners of the district to go to the other yards? Most certainly I do.
193. Why? Because the stock-owners will have the opportunity of selling their stock in a body. Under the present system we can only take one man's stock at a time, and if any one asks us to take stock upon a day on which we are selling another man's stock, we say, "The yards are engaged for that day, we cannot take your stock."
194. Is not that an advantage to the stock-owners of the district? I am referring to the stock-owners of the district. There may be one or two who would not benefit by this, but to the general body of the stock-owners it would be an advantage to have the Corporation yards.
195. Will you listen to these names—Messrs. George Lee, James Rutherford, William Kite, John L. Gilmour, W. and J. Lee, Rankin, George Suttor, and the Sullivan Brothers;—are those the names of the principal stock-owners in the district? They are some of them.
196. Do you think it would be a benefit to those gentlemen if the present yards were closed and the Corporation yards opened? I do not know. I am only giving you my opinion. In my opinion they would sell twice the quantity of stock in the Corporation yards that they sell now.
197. Would there be twice the consumption of stock? The consumption would be half as much again.
198. *Mr. Thompson.*] Supposing, say, John Brown takes your yards for next Thursday in order to sell forty head of cattle, if I am a stranger or a stock-owner from another part of the district, will you allow me to sell in those yards on that day? No.
199. John Brown would have a right to the yards, and I as a stranger would have to take my stock elsewhere? Yes; and John Brown, who takes the yards to sell forty head of cattle, very often only puts in twenty.
200. *Chairman.*] How often has that happened? Very often.
201. *Mr. Thompson.*] Each of these stock-owners really enjoy a monopoly with regard to the yards? Yes; and they have not the best name in the country for that reason.
202. Where does the stock go to? To Orange.
203. *Chairman.*] And to Mudgee? Mudgee is out of the line altogether.
204. I presume that by this state of things injury is done to the consumers? There is no doubt about it.
205. And the price of meat is made higher in consequence? Yes; in consequence of the small number of cattle sold.
206. As an owner of one of the yards, have you ever been applied to by auctioneers for permission to sell cattle in your yards on payment? Yes.
207. Did you consent? Yes.
208. Were you willing to continue that? No.
209. Why? It interfered with the buyers.
210. *Mr. Plumb.*] Is it not a fact that buyers have often to come to Homebush? Yes.
211. Owing to the want of yard accommodation? The yard accommodation is very good but the system we have is a bad one.
212. *Mr. Tonkin.*] Supposing these Corporation yards were erected, would this limited supply of cattle be done away with? How do you mean?
213. If these Corporation yards are erected and the other yards continue to be used, will there not still be a scarcity of cattle in the district? Of course there will not, because the people will bring their stock to the Corporation yards.
214. If the Corporation sale-yards are erected, will all the difficulties you have spoken of be done away with? Yes.
215. Have you read the Bill? No.
216. Will you read clause 7;—Do you not understand it to mean that all sales of stock that take place within a radius of 2 miles of the municipality of Bathurst will have to pay a tax to that municipality? In yards.
217. The clause says, "or any other place, building, or yard whatsoever,"—does not "place" mean a paddock? No, I should think not.
218. Does it mean a stock-yard in a paddock? Yes. I take it to mean a place suitable for the selling of cattle. I would not call a paddock or a run "a place" under those circumstances. 219.

219. Is not anywhere a place according to the meaning of the word? I would most undoubtedly object to rates being paid by owners selling cattle in their own paddocks.
220. *Mr. Plumb.*] If the cattle were yarded for the purpose of sale, you would expect them to pay the rates? Yes.
221. *Mr. Tonkin.*] Do you think it would be an injustice to compel any one within 2 miles of Bathurst to pay a tax to the Corporation for the sale of cattle after passing this Bill? My opinion is this: The Corporation yards were built at great expense, and they require protecting, so as I am a Protectionist I go in for protection.
222. If the words "or within 2 miles of any boundary thereof" were struck out, do you think the erection of these yards would get rid of the difficulties which the Committee had been led to believe to exist with regard to the limited quantity of cattle supply? I do not think so. I know that if those words were struck out the Corporation yards would be no good.
223. *Mr. Crick.*] If they were struck out any one could erect yards alongside the Corporation yards? Yes; and I would keep on where I am.
224. *Chairman.*] That would simply increase the difficulty—it would make matters worse? It would make matters worse than they are at the present time.
225. *Mr. Tonkin.*] Will not the erection of the Corporation sale-yards shut up these yards? That I do not know.
226. Would not that be the tendency? I do not know.
227. *Mr. Lakeman.*] Would it not be a benefit to the public if they were shut up? My idea is that it would be a benefit to the public generally.
228. *Mr. Thompson.*] And place all the auctioneers on an equal footing? Yes. It is not because I have a monopoly that I should maintain it; but I shall take my chance with the others.

Eugene Henry Parker called in, sworn, and examined:—

229. *Mr. Thompson.*] You are a butcher, carrying on business in Bathurst? Yes.
230. How long have you been in business there? Just thirty years.
231. I believe yours is a very extensive business? I have been doing a bigger business years ago.
232. You are aware that it is proposed to erect—in fact, that cattle sale-yards have been erected on the Vale Road? I am.
233. Do you think that is a good site for the erection of these yards? I think it is about as good as could be got, for various reasons, and because you can get water there.
234. Could you say for drainage? The drainage is good; but the question of getting a supply of water is an important one.
235. These yards are well situated for that? Yes.
236. The drainage is good;—the yards drain into the Vale Creek? Yes.
237. *Chairman.*] What about the proximity of this site to the slaughter-houses? It has all the slaughter-yards near it but three, and to one of those three it is fairly convenient, because they can go behind the town.
238. Nearly all the slaughter-houses are in close proximity to it? Yes.
239. *Mr. Tonkin.*] How many are there in close proximity to it? Five.
240. And three at some distance away? Yes; but one of those three has a very good road to it.
241. Are these three slaughter-houses as close to the proposed yards as they are to the existing yards? Not quite, particularly in the dry time, when they can go down the river; but now they have to go through the town.
242. As to the desirability of the erection of these yards, will you say whether they will be for the public benefit? A very great public benefit.
243. Will you kindly explain what you mean by that? The want of these yards has been felt for many years by the public generally and the buyers of stock. If there is a glut of cattle at any time we do not get the benefit of it—I mean not only the butchers, but the public generally, because the stock are either kept back in the paddocks or sent to Sydney, so that the market shall not be filled. Therefore butchers do not get the chance of laying in any stock to tide them over a bad time, and we have to face a continuous high market. We never get the benefit of gluts as they do in Sydney, where cattle are put in as they come. It has been so arranged that squatters from up the country consider the Bathurst market shut out from them—that it is in the hands of a few individuals, and of late years they have not tried to get in. This applies to sheep as well as to cattle, and is an important reason why these yards should be erected.
244. *Mr. Crick.*] Does the price of meat fluctuate much in Bathurst? Not as much as in other places, for the reasons I have just given.
245. *Mr. Lakeman.*] You have not given the reasons why squatters will not send stock to Bathurst? The market is in the hands of a few large stock and land holders.
246. Would it not be just the same if you had Corporation yards? With public yards any one who wished could send in his cattle for sale.
247. Cannot they do so now? No.
248. Why? The yards are held for the large holders in the neighbourhood, who could put their stock back if they did not get a price to suit them.
249. They arrange with the auctioneers ahead? For many weeks ahead.
250. So that they can send stock in as they like? Yes.
251. And therefore the public lose the benefit of having a large number of stock to buy? Yes; there is no competition.
252. And you are forced, through the limited supply, to pay very high prices? Yes; the market is regulated.
253. Just to suit the sellers? By those men who have large paddocks and splendid pasturage, and who can hold their stock.
254. In speaking of the large land-owners I suppose you referred to men like Messrs. George Lee, Rutherford, Kite, Gilmour, Sullivan Bros., and others. Those are the persons who own large areas in the district, and fatten their stock there, and, as you say, engage these yards for weeks ahead? Not only do they fatten them, but they hold them when they are fat, and regulate the market.

Mr E. H.
Parker.

23 May, 1889.

- Mr. E. H. Parker.
29 May, 1889.
255. *Chairman.*] Have you seen a larger number of cattle advertised for sale than have been sent for sale? Frequently; but not a very much larger number.
256. *Mr. Tonkin.*] Have you ever attended any other sale-yard? I have been at Homebush.
257. Have you ever seen a larger number of cattle advertised for sale at those yards than have been put up for sale? I could not say that; I have not been there often. I have not been there on more than two or three occasions.
258. *Mr. Thompson.*] Does not this occur—does not the owner of eighty head of cattle sometimes advertise forty to be sold at one time and forty at another, so that he can have a monopoly of the two yards? That frequently occurs, so that one man has a monopoly of the yards for weeks.
259. People coming from other districts with stock for sale could not engage these yards? No.
260. And instead of putting eighty head of cattle in for sale do you know that a less number is sometimes put in? Frequently.
261. Have you yourself had to buy cattle elsewhere? I have had to do so occasionally, but not often, because we depend on these people.
262. Do you know whether these yards have been looked upon as a public necessity for a long time? Yes, for years.
263. Could you say whether the whole of the butchers in Bathurst or any of them are in favour of their construction? I say with confidence that there is not one butcher in Bathurst who is not in favour of the construction of these yards.
264. Would it affect, so far as the public are concerned, the price of meat? It should do for the reasons I have first given, because the market would be open to competition by outside persons. As it is now the market is regulated throughout the year.
265. Cattle bought at the Kelso yards now have to be brought through the town? They have, and I might remark that it is much more dangerous for us to bring the cattle as we do. Now that the rivers and creeks are up we have to cross the Vale Bridge, while those who go down the river have to cross two bridges.
266. They have to go through a populous part of the town? Through a fairly populous part, and this is very dangerous. It is more dangerous for us to take small lots of cattle than it would be to take thirty or forty head at a time. The yards as they are now are looked upon as a great nuisance, because buyers go to one yard and see what is in it, but we do not see what is in the other; while if the yards were together we should see all the cattle at once, and know what would suit us. Here we are in the dark.
267. *Mr. Crick.*] This 7th clause will make the owners or sellers of cattle in Kelso yards pay the same fees as if they sold them in the Corporation yards. Do you think that would be unfair; are the proprietors of these yards entitled to some consideration? I do not think the public would like that. They want the buyers and sellers to meet in one and the same place.
268. *Mr. Lakeman.*] At the present time these yards are owned by private individuals; but this Bill proposes to give the Bathurst municipality power to levy a fee on all cattle sold within 2 miles of the Borough of Bathurst, so that if cattle, after this Bill has been passed, are yarded in the present yards and sold there, they will have to pay the same fees to the Municipal Council as if they had been sold in the Corporation yards. I suppose if the Corporation yards are erected cattle will not be sold in the private yards? They want the yards to be in one place, and I am sure if a reasonable charge is made the public will be better satisfied.
269. *Mr. Crick.*] In your opinion, would any loss occur to the owners of those private yards at Kelso by the passing of this Bill? I should not think so because it will not lessen their sale at all.
270. Do you think these yards would be payable, and that they would be a benefit to the people of the district? There is no doubt at all of that.
271. *Mr. Tonkin.*] You say that it would not injure the owners of the present yards or the people who sell in them if they had to pay a tax to the Corporation of Bathurst? I do not know what answer to give to that.
272. That is what Mr. Crick asked you? I thought what he asked was would there be any injury done to them, and I said to that it would not injure their sale.
273. *Mr. Plumb.*] Only they would sell in another yard? They would have as big a sale in the Corporation yards as they had in their own yards.
274. *Chairman.*] The proprietors of these two yards would suffer a loss and the public would be benefited? I do not know that there would be any loss, except that fees would be charged. That would not affect the auctioneer, as the owner of the cattle would have to pay any fees.

BATHURST CATTLE SALE-YARDS BILL.

APPENDICES.

A

[Plan.]

B

A. G. Thompson, Esq.,

Dear Sir,

Western Warehouse, Bathurst, 27 May, 1889.

In compliance with your request, conveyed to me through C. V. Naylor, I have pleasure in handing you here-with information in re cattle sale-yards.

For some years the butchers and inhabitants of Bathurst have been agitating for the erection of Corporation sale-yards, and among the reasons given why Corporation yards should be erected, are the following, viz. :—

(1st.) The yards at Kelso, being in the hands of private parties, are said to be worked in such a way that it is often impossible for the butchers to obtain the cattle they require, and it often happens that they have to pay a great deal more than the actual market value of the cattle, when compared with the prices ruling at the time in Orange and Sydney.

(2nd.) It is said that persons outside a certain ring cannot send their cattle here for sale, because the auctioneers who hold the yards will not let them come in and depress the market.

(3rd.) There being only two yards at Kelso, which are owned or rented by two firms of auctioneers, no other auctioneers (of whom there are some four or five in town) can sell cattle here, as they have no yards, and the auctioneers holding the yards will not allow them to be used by others.

(4th.) From the above reasons it will be easily understood that the inhabitants of Bathurst have to pay a great deal more for their meat than persons living at Orange and other towns where Corporation yards are established.

(5th.) Kelso being on the north-east of Bathurst, and most of the butchering establishments on the west and south and south-west, it is necessary for nearly all the cattle sold at these yards to pass through the city, which is very objectionable, in fact, some years ago, a lad was killed by a wild bullock that was being driven through the town. As Bathurst extends the objection to having cattle driven through the town will be increased.

(6th.) Any cattle purchased at the Kelso yards by the Bathurst butchers have, in case the river is up, to swim the river, and sometimes they have to swim to get to the yards, and then back again when sold, and this is certainly not advantageous.

A Bill was passed some years ago to enable the Council to erect yards on section No. , which is situated at the end of George-street, one of our principal streets of the city. But as each successive Council considered it undesirable to place yards in such a central position, and on a site which is in every way suited for building purposes, as it commands an extensive view of the surrounding district; and further, if this site had been used it would have interfered with the healthful recreation of the inhabitants, being situated in a locality used largely by persons taking their children for a walk.

Another site was given to the Council some few years ago, but as it is subject to floods, the Council did not deem it advisable to make use of it, and applied for the present site, which, I believe, is considered by the officers of the Government to be the best site near Bathurst for the purpose. The site is situated about 50 chains to the south of Bathurst on the Great Western Railway Line, and stock can be driven to it without going through the town, from the Orange, Carcoar, Blayney, Rockley, Newbridge, Lagoon, Oberon, and White Rock Road. It is also in close proximity to several of the slaughter-houses, and I think there are only two butchers who will have to drive their cattle through any portion of the town, and they can get round by a back street, which is not likely to be much built on for some years, as the town is extending in a different direction.

The yards are close to the town common, which can be used with advantage by cattle sent from a distance.

The railway runs through a portion of the ground, and trucking yards can be built so as to deliver the cattle straight into the yards, and purchasers coming from a distance can truck the stock and have them sent away without being unnecessarily knocked about.

The drainage of the site is all that could be desired, being situated on a natural hill, and draining into the Vale Creek.

There are very few houses near the site, and I do not think it at all likely that population will extend round the yards, as the land on three sides is low, and not suited for building purposes, being subject to floods.

I have no doubt there are other points in favour of the site chosen, but as I was only asked this morning to write this out, I have not had as much time to think the matter over as I should have wished.

I remain, &c.,

E. T. WEBB

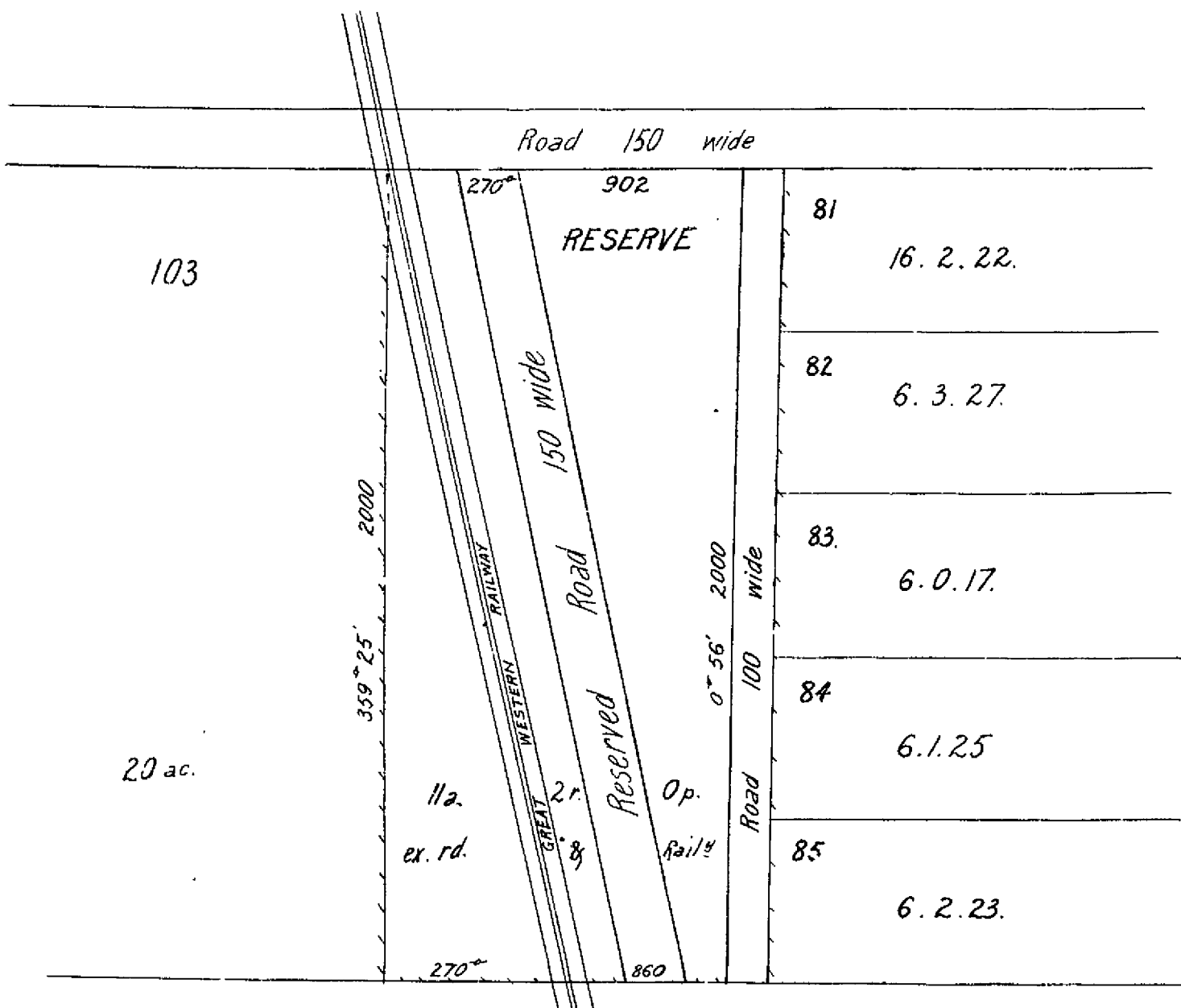
[One plan.]

PLAN

Of 1 Portion of Land,

COUNTY AND PARISH OF BATHURST,

Applied for as a site for Sale Yards by the Municipal Council of Bathurst.



Scale 4 chains to 1 inch.

(Sig. 312-)

Alfred Hulse.
Licensed Surveyor.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BATHURST CATTLE SALE-YARDS BILL.

(PETITION FROM CERTAIN RESIDENTS OF KELSO AGAINST.)

Received by the Legislative Assembly, 14 May, 1889.

To the Members of the Legislative Assembly for the Colony of New South Wales.

The humble Petition of the residents of the town of Kelso, in the county of Roxburgh and surrounding District, praying that the provisions of the Cattle Sale-Yards Bill may be amended in manner hereinafter appearing,—

SHOWETH :—

1. That the provisions of the Bill proposing to levy a rate on all stock sold within a radius of 2 miles of the Borough of Bathurst are inequitable with regard to the residents of the town of Kelso and surrounding district, inasmuch as it is an attempt to impose a Municipal rate payable by residents not within the Municipal District or Borough of Bathurst.

2. That the town of Kelso is not within the Borough of Bathurst and in a different county, and will not benefit at all by any rate imposed on residents in that town and surrounding district.

Your Petitioners therefore humbly pray that the provisions of the Bill, levying a rate on all stock sold within the radius aforesaid, will not be allowed for the reasons aforesaid.

And your Petitioners will ever pray, &c., &c.

[Here follow 76 signatures.]

111

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BATHURST CATTLE SALE-YARDS BILL.

(PETITION FROM CERTAIN RESIDENTS IN BATHURST AND DISTRICT IN FAVOUR OF.)

Received by the Legislative Assembly, 29 May, 1889.

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

The Humble Petition of certain ratepayers, consumers, auctioneers, stockowners, and others, residents in Bathurst and the surrounding district,—

SHOWETH:—

1. That by an Act to authorize the erection and maintenance of cattle sale-yards on a portion of the Bathurst Common by the Borough Council of Bathurst, and cited as the "Bathurst Cattle Sale-yards of 1873," 10 acres of land, portion of 762 acres, dedicated for commonage and public recreation at Bathurst, and known as "The Park," were made available for the erection and maintenance of cattle sale-yards by the Borough Council of Bathurst.

2. That the site of the said 10 acres of land was found to be wholly unsuitable for the erection of the said sale-yards, both by reason of its proximity to the centre of the city and the drainage falling towards the same, and the difficulty in obtaining water for stock purposes, and the said site was abandoned.

3. That your Petitioners are aware that a Bill has been introduced to the Legislative Assembly of New South Wales during the present session entitled, "A Bill intituled 'An Act to authorize the erection and maintenance of cattle sale-yards by the Borough Council of Bathurst.'"

4. That your Petitioners are desirous that the said Bill should become law for the reasons following:—

- 1st. That at present there are no public sale-yards either in the City of Bathurst or within a radius of two miles thereof.
- 2nd. That there are two sale-yards adjoining the village of Kelso, near Bathurst, the properties of private persons and where all stock is now sold for the purposes of the consumption of annual food for Bathurst and the surrounding district.
- 3rd. That for some years past a monopoly in relation to the said private sale-yards has existed to the great detriment and injury of the consumers of Bathurst and surrounding district.
- 4th. That stockowners generally are seriously prejudiced by such monopoly inasmuch as the private yards referred to are frequently engaged for weeks previous to desired sales and such stockowners are thereby greatly prejudiced by not being able to sell their stock when they desire so to do.
- 5th. That a few large landed proprietors near Kelso, and in the vicinity of the private sale-yards referred to, have been able for many years past to control the Bathurst meat market by engaging the said yards for their individual sales to the detriment of owners of stock generally.
- 6th. That those of your Petitioners who are auctioneers, residing in and near Bathurst aforesaid, suffer considerably in their businesses by reason of there being no public stock sale-yards.
- 7th. That owing to the monopoly before referred to, your Petitioners verily believe that the price of butchers' meat for many years past has been kept up from one halfpenny to one penny per pound beyond the legitimate market value, and that the only way the market could be fairly regulated would be by the erection and maintenance of cattle sale-yards, under the control of the Corporation of the Borough of Bathurst.

Your Petitioners therefore humbly pray that your Honorable House will favourably consider the provisions of the said Bill referred to in the third paragraph of this petition, with a view to the same becoming law.

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

Dated this day of , one thousand eight hundred and eighty-nine.

[Here follow 850 signatures.]

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

BROKEN HILL WATER SUPPLY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
10 *July*, 1889.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1889.

1889.

**EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.**

VOTES NO. 12. WEDNESDAY, 10 APRIL, 1889.

7. **BROKEN HILL WATER SUPPLY BILL** (*Form Motion*):—Mr. J. P. Abbott moved, pursuant to Notice,—
- (1.) That the Broken Hill Water Supply Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Barbour, Mr. Tonkin, Mr. Abigail, Mr. Stokes, Mr. Wyman Brown, Mr. Garrard, Mr. Gornly, Mr. Waddell, Mr. Dickens, and the Mover.
- Question put and passed.
-

VOTES NO. 37. THURSDAY, 6 JUNE, 1889.

2. **BROKEN HILL WATER SUPPLY BILL**:—Mr. J. P. Abbott (*by consent*) moved, without Notice, That the Report from, and Minutes of Evidence taken before, the Select Committee of Session 1888-9 on the "Broken Hill Water Supply Bill" be referred to the Select Committee now sitting on the said Bill.
- Question put and passed.
-

VOTES NO. 56. WEDNESDAY, 10 JULY, 1889.

3. **BROKEN HILL WATER SUPPLY BILL**:—Mr. J. P. Abbott, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 10th April, 1889, together with a copy of the Bill, as amended and agreed to by the Committee.
- Ordered to be printed.
-

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1889.

BROKEN HILL WATER SUPPLY BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on 10th April, 1889, the "*Broken Hill Water Supply Bill*," and to whom was referred, on 6th June, 1889, "*The Report from, and Minutes of Evidence taken before, the Select Committee of Session 1888-9 on the 'Broken Hill Water Supply Bill,'*"—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose evidence *See list, page 6. will be found appended hereto), and considered the Report and Evidence referred; and that the Preamble, as amended, having been satisfactorily proved to your Committee, they proceeded to consider the several clauses and the Schedules to the Bill, in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them, with an amended Preamble.

J. P. ABBOTT,
Chairman.

No. 2 Committee Room,
Sydney, 9th July, 1889.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 25 JUNE, 1889.

MEMBERS PRESENT:—

Mr. J. P. Abbott,
Mr. Garrard,

Mr. Barbour,
Mr. Wyman Brown.

Mr. J. P. Abbott called to the Chair.

Entries from Votes and Proceedings, appointing the Committee, and referring the Report from, and Minutes of Evidence taken before, the Select Committee of Session 1888-9 to the Committee, read by the Clerk.

Printed copies of the Bill referred, together with original Petition to introduce the same, and the Report from the Select Committee on the Broken Hill Water Supply Bill of Session 1888-9, before the Committee.

Committee deliberated.

[Adjourned till Tuesday next, at Two o'clock.]

TUESDAY, 2 JULY, 1889.

MEMBERS PRESENT:—

Mr. J. P. Abbott in the Chair.

Mr. Garrard,
Mr. Wyman Brown,

Mr. Waddell,
Mr. Dickens.

Cecil West Darley (*Engineer-in-Chief for Harbours and Rivers*) called in, sworn, and examined. Witness withdrew.

Committee deliberated.

Preamble considered and amended.*

Question,—“That this Preamble, as amended, stand part of the Bill,”—put and passed.

Clauses 1 and 2 read and agreed to.

Clause 3 read, amended,* and agreed to.

Clauses 4 to 7 read and agreed to.

Clause 8 read, amended,* and agreed to.

Clauses 9 to 14 read and agreed to.

Clause 15 read, amended,* and agreed to.

Clauses 16 to 20 read and agreed to.

Clause 21 read, amended,* and agreed to.

Clauses 22 to 104 read and agreed to.

Schedules read and agreed to.

[Adjourned till Tuesday next, at Two o'clock.]

TUESDAY, 9 JULY, 1889.

MEMBERS PRESENT:—

Mr. J. P. Abbott in the Chair.

Mr. Barbour,
Mr. Waddell,

Mr. Dickens,
Mr. Wyman Brown.

Committee deliberated.

The Committee deeming it desirable that further evidence should be taken,—

Motion made (*Mr. Barbour*), and Question,—That the Bill be recommitted, and that additional evidence be taken,—put and passed.

George Gordon, C.E., called in, sworn, and examined.

Witness withdrew.

William Jamieson (*one of the promoters*) called in, sworn, and examined.

Witness withdrew.

Clause 1 reconsidered, amended,* and agreed to.

Clauses 2 to 7 reconsidered and agreed to.

Clause 8 reconsidered, further amended,* and agreed to.

Clauses 9 to 20 reconsidered and agreed to.

Clause 21 reconsidered, further amended,* and agreed to.

Clauses 22 to 104 reconsidered and agreed to.

Schedules further considered and agreed to.

New Schedule* read and agreed to.

Title read and agreed to.

Chairman to report the Bill with amendments to the House, with an amended Preamble.

*See Schedule of Amendment.

SCHEDULE OF AMENDMENTS.

- Page 1, Preamble. *Omit* "Police"
- " 2, clause 1, line 12. *Omit* " or may hereafter be "
- " 2, " 1, " 13. *Omit* "Police"
- " 2, " 1, " 14. *After* "Silverton" *insert* "and within the area as described in the First Schedule hereto"
- " 3, " 3, " 25. *After* "Act" *insert* "and within the area as described in the First Schedule hereto"
- " 4, " 8, lines 32 and 33. *Omit* "water from any creek or watercourse within the district, and from time to time divert"
- " 4, " 8, line 34. *Omit* "as well"
- " 4, " 8, " 34. *Omit* "as permanently"
- " 5, " 15, " 38. *Add at end of clause* "Provided that hospitals and charitable institutions shall be provided with water without charge."
- " 6, " 21, " 43. *Omit* "two shillings." *Insert* "one shilling and sixpence"
- " 6, " 21, " 43. *Add at end of clause* "for one year from the date when the said Company shall commence to supply water and thereafter nine pence per hundred gallons."
- " 26. *Insert the following new schedule* :—

" FIRST SCHEDULE.

" *Description of Catchment Area required by the 'Barrier Ranges and Broken Hill Water Supply Company (Limited).'*

" Starting at the Ono Tree Hill, on the watershed dividing the eastern from the western waters (said hill is on that watershed) ; thence along that watershed in a north-easterly direction to where the watershed of the Yancowinna and Stephen's Creeks joins it ; thence along the watershed dividing the above-mentioned creeks to where the northern watershed of Mulga Springs Creek joins it ; thence south-westerly to a point one-half mile below the site already fixed for retaining dam on Stephen's Creek ; thence still in a south-westerly direction, taking in all waters running into Stephen's Creek above said retaining dam ; and along the western watershed of Stephen's Creek, passing to the south-west of the town of Willyama, and along said western watershed until it meets the watershed dividing the eastern from the western waters ; thence along said watershed to the point of commencement. Area, about two hundred square miles."

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1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

BROKEN HILL WATER SUPPLY BILL.

TUESDAY, 2 JULY, 1889.

Present:—

MR. J. P. ABBOTT,	MR. DICKENS,
MR. GARRARD,	MR. WYMAN BROWN,
MR. WADDELL.	

J. P. ABBOTT, ESQ., IN THE CHAIR.

Cecil West Darley, Esq., called in, sworn and examined:—

1. *Chairman.*] What is your position? I am Engineer-in-Chief for Harbours and Rivers.
2. Have you read the Bill before this Committee? Yes.
3. Have you any suggestions to offer to the Committee? I observe in the title of the Bill that power is asked to enable this Company to establish a system of water supply within the police districts of Broken Hill and Silverton; but at the present time there are no such districts legally known by those names. The locality is really within the police district of Mitchell. At the police office they only know of the locality as being within the police district of Mitchell. A draftsman at the Survey Office is now preparing a subdivision of the district of Mitchell; but it has not been submitted yet for approval. C. W. Darley,
Esq.
2 July, 1889.
4. Have you any other suggestions to offer with reference to the Bill? I observe in clause 15 that no provision is made for the free use of water by public institutions, as is usual in all water-supply Acts. I see no use for the clause as it stands. Under the clause, public or charitable institutions would have to pay for water. In all Government Bills public hospitals or charitable institutions are supplied free.
5. But this is not a Government Bill? The clause is of no use. The answer that it is not a public Bill would also apply to the 16th clause, which provides that "the Company, at the request of any municipal council in the borough of which it shall construct its works, or any of them, shall fix proper plugs in the main or other pipes." I take it that these plugs are intended for the protection of property for the public benefit. We find by experience, however, that a municipal council will not ask that fire-plugs be placed in the mains; and in this case the result probably will be that no plugs will be fixed—that the public will have no access to the water. They are entitled to free use of the water for putting out fires; but the municipal council will take care not to order any plugs to be fixed, because if they did they would have to pay the cost of fixing and maintaining them; they will say as an excuse that they have no funds for the purpose. I mention the point because it has cropped up in connection with the municipalities around Sydney; and the Water Board is now asking that the section be amended so as to throw the onus upon it. I think it is a very proper power for the Water Board to possess. I think that the water company should put in fire-plugs as part of the mains; it adds little or nothing to the cost of laying the mains. On the other hand, the Bill states that the Company must supply water free for certain purposes. The 18th clause provides that "the Company shall allow all persons at all times to take and use such water for the purpose only of extinguishing fire without making compensation for the same"; but the public will have no access to the water—because probably no fire-plugs will be fixed in the mains.
6. Have you any other suggestion to make? Clause 21 provides that the maximum price of the water shall be two shillings per hundred gallons. It looks to me like a case of levying black-mail. If you turn to the report

C. W. Darley, report of Mr. Derry's evidence given before the last Committee you will see that he gives the following estimate:—

Esq.
2 July, 1889.

"For the first year we can supply it for 1s. per 100 gallons—that is, if only 120,000 gallons are used daily. If double that quantity is required, we could supply it for 9d. per 100 gallons; and later on, if the demand rose to 400,000 gallons, we could supply it for 6d. per 100 gallons.

43. Would those prices leave a fair profit to the Company? We should have a good profit—15 per cent. to 20 per cent."

Now, 120,000 gallons daily is absurdly small for that population; and at a shilling per 100 gallons it would return £60 a day, which would nearly pay back the cost of the works in a year.

7. Would you think a shilling per 100 gallons a fair price? Mr. Derry says that if 240,000 gallons daily are required the Company could supply it for 9d. per 100 gallons; and if later on 400,000 gallons daily should be required, it could be supplied for sixpence per 100 gallons. A consumption of 400,000 gallons daily means a return of £36,500 yearly, or more than the first cost of the works. A consumption of 100,000 gallons daily is small for that population, and even by supplying that small quantity the Company would collect enough to pay back the cost of the works in one year.

8. What is the next clause you have to make any suggestions about? The Bill provides for supplying water by meter. No provision is made for charging by assessed value, although the Bill speaks of supplying water for domestic purposes. The Bill is partly framed on Bills that provided for an assessed rate. Clause 23 has reference to sale of water on assessment. If water is supplied by meter it does not matter where it is taken to.

9. They may object to a person having water supplied to mines or gardens, and they will have power under the Bill of saying that a person shall only use the water for domestic purposes? Domestic purposes means where you are assessed. The clause is copied from Acts under which there is an assessment rate struck. Therefore, on your assessment you are not entitled to take any water for your stable. If you have a stable you must have a meter. If it is to be charged for by meter there is no occasion for an assessment. Clause 21 only provides for the sale of water by the 100 gallons; but clause 24 is copied from Acts under which the two systems are in vogue.

10. Have you any other suggestions to offer? No; the other points I was asked to point out to the Committee have been met by the Bill having been altered.

11. You see no objection to the Bill? No.

12. *Mr. Garrard.*] With reference to the catchment area, have you plotted on your map the area the Company propose to take, or can you definitely describe the area? I have mentioned that the police districts of Broken Hill and Silverton are not yet fixed. If they can be confined to the area shown in the photolithograph appended to the report of the previous Committee there will be no objection.

13. If they were not so confined they might go to the Darling? The original Bill took in Wilcannia, and no one else could have supplied that town with water except by their permission.

14. Taking Round Hill as a centre, and describing a circle, say 6 miles from that point, embracing the whole of Broken Hill, do you think there would be any objection to giving them that catchment area? They might have the right to the catchment area of Stephen's Creek above its junction with Darling Creek and about the Springs. Then they would want power to take pipes across the intervening country between that and Broken Hill.

15. There is no project a foot in the department to give these people a Government supply of water? No.

TUESDAY, 9 JULY, 1889.

Present:—

MR. J. P. ABBOTT,
MR. BARBOUR,

MR. WYMAN BROWN,
MR. DICKENS,

MR. WADDELL.

J. P. ABBOTT, Esq., IN THE CHAIR.

George Gordon called in, sworn, and examined:—

Mr.
G. Gordon.
9 July, 1889.

16. *Chairman.*] You were formerly examined by a Committee of the Legislative Assembly on the Broken Hill Water Supply Bill? Yes.

17. Since then, has your attention been directed to the evidence given by Mr. Derry as to the probable consumption of water? Yes.

18. Will you look at question 42 of his evidence? Yes. He says, "For the first year we can supply it for 1s. per 100 gallons—that is, if only 120,000 gallons are used daily." That is, provided that quantity of water be used and sold.

19. Do you anticipate that there would be such a sale of water as that in the first year? I do not think there would be just at first, but I think that, probably by the end of the year, there would be nearly that quantity sold. At first we hope to be able to begin to supply water before the reticulation of the town can be finished. A few stand-pipes would be put up, and while they were in use I do not think that quantity of water would be sold. I do not think that 1s. per 100 gallons would cover the first year's expense.

20. Would it if you had the water laid on? If we had the water laid on all over the village, and sold 120,000 gallons, we reckon that that would cover the expense.

21. With the present population of Broken Hill that is about 10 gallons per day for each inhabitant? About twelve. We reckon the population at present at 10,000 persons.

22. What is the very lowest rate at which you think you could afford to supply water at per 100 gallons during the first year? During the first year I think it would cost 1s. 6d.

23. *Mr. Wyman Brown.*] That is the price at which it is supplied now by the carts? We should supply it at different points in the town. I reckon that it will cost 1s. 6d. We shall only get up to the supply of 120,000 gallons at the end of the year.

24. *Chairman.*] Do you think that 1s. would be ample after the end of the year—that is, if the maximum for the first year was fixed at 1s. 6d.? I think it would cover everything.

25. Will you look at section 8 of the Bill giving power to divert water from any creek or watercourse? Yes.

26. I understand it would be necessary that the Company should have the power temporarily to alter roads? Yes; if we were laying a pipe across a road we should have to divert it temporarily. There are hardly any creeks there; but we might have to lay a pipe across the same creek at two different points where the creek would form a sort of loop. We do not wish to divert the course of the creek in any way, but only to make a local alteration where it bends.

Mr.
G. Gordon.
9 July, 1889.

William Jamieson called in, sworn, and examined:—

27. *Chairman.*] You reside in Melbourne? Yes.

28. By profession you are a licensed surveyor? Yes.

29. And also a director of the Barrier Ranges and Broken Hill Water Supply Company? Yes.

30. Have you prepared a plan of the area within which it is proposed to catch the water for the supply of Broken Hill? The area has never been actually surveyed; but I know the country very well, and can supply the Committee with a description.

Mr.
W. Jamieson.
9 July, 1889.

31. Have you not a description prepared? No; but I can give a verbal description, and hand in a written description afterwards. The description is as follows:—Starting at the main watershed between the eastern and western watersheds on the top of a hill called One-tree Hill; thence along that watershed to a point where the watershed between the Yancowinna Creek and Stephen's Creek meet; thence along the watershed between those creeks to a point about easterly of a point in Stephen's Creek, about 3 miles below the site of the dam; thence from that point in a south-westerly direction along the watershed between Mount Darling and the waters belonging to Stephen's Creek, above that creek, to a point about 10 miles from Stephen's Creek in a south-westerly direction; thence north-westerly to the Broken Hill; thence along the top of that hill to a point, taking in the town of Willyama; and thence in a north-westerly direction along the watershed of Uंबरumberka and Stephen's Creeks to the starting-point.

32. Supposing you were to take Broken Hill as a centre for the operations of the Company, what radius from that centre would embrace the whole of the area you have just described? A radius of 16 miles would be more than sufficient to take in all the land we shall want. My description would take in the two big tanks belonging to Broken Hill and the two Government dams along the creek, and probably it would include the tramway, block 14, and the British blocks. The actual area that we should require would be only the waters which would fall towards Stephen's Creek. If we were to take in any other water it would be no good to us.

33. *Mr. Barbour.*] Will you undertake to hand in a sketch as well as a description of the area you have described? Yes.

34. *Chairman.*] Do you think that the population is likely to increase, or that the mines are developing? I have no doubt that the mines are developing. I was up there the other day, and I am of opinion that the population must increase; but I do not think that it will increase very quickly, because a large number of people who have gone there in hopes of the place going ahead could actually be done without at the present time without causing any disadvantage to the place.

35. *Mr. Wymann Brown.*] No doubt the erection of smelters at Port Pirie will affect the population of Broken Hill? In a small degree. Of course, had the smelters been erected at Broken Hill they would have afforded employment there for the people who are now working at Port Pirie—for, perhaps, 100 men. There is every appearance of the town being likely to go ahead. There is one feature, however, which is always attached to a scheme of this kind—the life of the mine is the life of the scheme. It is not like a scheme for supplying water to a town in the centre of an agricultural district. When the mines at Broken Hill cease to pay the life of the scheme also ceases. The same remark would apply to the tramway company, which, though it would get some wool and produce to carry, would not earn sufficient to provide axle-grease for working the line.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both primary and secondary data collection techniques. The primary data was gathered through direct observation and interviews with key personnel. Secondary data was obtained from existing reports and databases.

The third section details the statistical analysis performed on the collected data. Various tests were conducted to determine the significance of the findings. The results indicate a strong correlation between the variables being studied, suggesting that the observed trends are not merely coincidental.

Finally, the document concludes with a series of recommendations based on the research findings. These suggestions are aimed at improving the efficiency of the current processes and addressing the identified areas of concern. It is hoped that these measures will lead to a more streamlined and effective operation.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

BROKEN HILL WATER SUPPLY BILL.

(PETITION FROM CERTAIN INHABITANTS PRAYING THE HOUSE NOT TO SANCTION THE PASSING OF.)

Received by the Legislative Assembly, 24 April, 1889.

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

The humble Petition of certain Inhabitants of Broken Hill and District, in the parish of
Willyama, town of Willyama, in the Colony of New South Wales,—

RESPECTFULLY SHOWER:—

1. That a Bill has been introduced, in pursuance of leave in that behalf duly given to, and is now before this Honorable House, entitled, A Bill to enable the Barrier Ranges and Broken Hill Water Supply Company (Limited) to establish a system of Water Supply within the Police Districts of Broken Hill and Silverton, and to confer upon the said Company certain powers and authorities.

2. That such Bill contains certain provisions that are highly prejudicial to the rights and interests of your Petitioners.

3. That your Petitioners, being residents of the town of Broken Hill, have been granted under the Mining Act authority to convey water for domestic use from a point on Stephen's Creek to Broken Hill.

4. That they are formed into a registered Company of £100,000 capital, with the object of supplying Broken Hill with water.

5. Relying for the security of their undertaking upon the Statute Laws of the Colony, they have entered into certain extensive contracts, and have incurred large liabilities.

6. The site of the reservoir (which is the most essential part of your Petitioners' works), the embankment of which they are now erecting, is on the stream, and immediately below the proposed site of the reservoir proposed to be erected by the Barrier Ranges and Broken Hill Water Supply Company (Limited).

7. Should the Barrier Ranges and Broken Hill Water Supply Company (Limited) obtain permission under a Bill to construct a dam at the site they propose to use, this would prevent any water, or at best permit a totally inadequate quantity, to flow down to the reservoir of your Petitioners, and thus render their works valueless.

8. The Bill of the Barrier Ranges and Broken Hill Water Supply Company (Limited) is also in many parts an infringement on the Common Law rights of your Petitioners.

9. As the passing of the Bill would be an act of extraordinary injustice against your Petitioners, your Petitioners therefore humbly pray that your Honorable House will not sanction the passing of the said Bill.

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

[Here follow 17 signatures.]

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

ILLAWARRA HARBOUR AND LAND
CORPORATION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDICES.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
5 June, 1889.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1889.

256—A

[1s. 9d.

1889.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 13. THURSDAY, 11 APRIL, 1889.

8. ILLAWARRA HARBOUR AND LAND CORPORATION BILL (*Formal Motion*):—*Mr. Frank Parnell*, for *Mr. Sutherland*, moved, pursuant to Notice,—
- (1.) That the Illawarra Harbour and Land Corporation Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of *Mr. J. P. Abbott*, *Mr. Woodward*, *Mr. Chapman*, *Mr. Cullen*, *Mr. Ferguson*, *Mr. McCourt*, *Mr. Frank Smith*, *Mr. Brunker*, *Mr. Toukin*, and *Mr. Sutherland*.
- Question put and passed.

VOTES No. 21. TUESDAY, 7 MAY, 1889.

2. ILLAWARRA HARBOUR AND LAND CORPORATION BILL:—*Mr. Chapman* (*by consent*) moved, without Notice, That the Select Committee now sitting on the "Illawarra Harbour and Land Corporation Bill" be authorized to make visits of inspection to, and hold inquiries at, site of proposed harbour; and that the Committee have power to sit during any adjournment of this House, to enable them to make the said visits of inspection.
- Question put and passed.

VOTES No. 28. TUESDAY, 21 MAY, 1889.

5. ILLAWARRA HARBOUR AND LAND CORPORATION BILL:—
- (1.) *Mr. Alexander Brown* presented a Petition from the Mayor and Aldermen of the Borough Council of Central Illawarra, praying for leave to be heard by Counsel or Attorney before the Select Committee now sitting on the Illawarra Harbour and Land Corporation Bill, to call witnesses and adduce evidence, and to examine and cross-examine such witnesses as may give evidence before the said Committee.
- Petition received.
- Mr. Brown* (*by consent*) moved, without Notice, That the prayer of the Petitioners be granted.
- Question put and passed.
- (2.) *Mr. Brown* then presented a similar Petition from *Francis O'Donnell*, of Five Islands, *David James*, of the same place, and *John Richards*, of Unanderra, near Wollongong.
- Petition received.
- Mr. Brown* (*by consent*) moved, without Notice, That the prayer of the Petitioners be granted.
- Question put and passed.

VOTES No. 36. WEDNESDAY, 5 JUNE, 1889.

3. ILLAWARRA HARBOUR AND LAND CORPORATION BILL:—*Mr. Chapman*, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before the Select Committee for whose consideration and Report this Bill was referred on 11th April, 1889, together with Appendices and a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1889.

ILLAWARRA HARBOUR AND LAND CORPORATION BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on 11th April, 1889,—the “*Illawarra Harbour and Land Corporation Bill*,”—and to whom was granted on 7th May, 1889, “*leave to make visits of inspection to, and to hold inquiries at, the site of the proposed harbour, with power to sit during any adjournment for the purpose of making such visits of inspection*,”—beg to report to your Honorable House :—

That they have examined the witnesses named in the list* (whose evidence will be found appended hereto), and visited and inspected the site of the proposed Harbour Works ; and the Preamble, as amended, having been satisfactorily proved to your Committee, they proceeded to consider the several clauses and the Schedules of the Bill, in which it was deemed necessary to make certain amendments.

*See list,
page 9.*

Your Committee now beg to lay before your Honorable House the Bill as amended by them, with an amended Preamble.

MICL. CHAPMAN,
Chairman.

*No. 2 Committee Room,
Sydney, 5th June, 1889.*

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 16 APRIL, 1889.

MEMBERS PRESENT:—

Mr. Cullen, | Mr. Tonkin.

[In the absence of a quorum the meeting called for this day lapsed.]

WEDNESDAY, 17 APRIL, 1889.

MEMBERS PRESENT:—

Mr. J. P. Abbott, | Mr. Chapman,
Mr. Tonkin, | Mr. Cullen.

Mr. Chapman called to the Chair.

Entry from Votes and Proceedings appointing the Committee read by the Clerk.

Printed copies of the Bill referred, together with original Petition to introduce the same, before the Committee.

Present:—E. H. Crossman, Esq. (*Solicitor for the Bill*).

Edward Herbert Crossman sworn and examined.

Witness handed in copy of Certificate of Incorporation of the Illawarra Harbour and Land Corporation (Limited); also, copy of Memorandum of Association of same. [See Appendices A 1 and A 2.]

Thomas Andrew de Wolf called in, sworn, and examined.

Witness withdrew.

Committee deliberated.

[Adjourned till Thursday, 25 April, at Three o'clock.]

THURSDAY, 25 APRIL, 1889.

MEMBERS PRESENT:—

Mr. Chapman in the Chair.

Mr. Cullen, | Mr. Woodward,
Mr. Tonkin, | Mr. McCourt.

Present:—E. H. Crossman, Esq. (*Solicitor for the Bill*).

Walter Andrew Harper, C.E., called in, sworn, and examined.

Witness produced plans of the proposed Illawarra Harbour scheme.

Witness withdrew.

[Adjourned till Tuesday next, at half-past Two o'clock.]

TUESDAY, 30 APRIL, 1889.

MEMBERS PRESENT:—

Mr. McCourt, | Mr. Cullen,
Mr. Tonkin.

Present:—E. H. Crossman, Esq. (*Solicitor for the Bill*).

In the absence of the Chairman, Mr. Tonkin called to the Chair *pro tem*.

Walter Andrew Harper, C.E., recalled and further examined.

Witness produced plans showing proposed railway.

The Chairman here entered the room and took the Chair.

Witness withdrew.

Hamilton Osborne called in, sworn, and examined.

Witness withdrew.

John Atkinson called in, sworn, and examined.

Witness withdrew.

John Biggar called in, sworn, and examined.

Witness produced plan of the parish of Kembla, also a suggested amendment to clause 31 of the Bill.

Witness withdrew.

William Robert Styles called in, sworn, and examined.

Witness withdrew.

[Adjourned till Thursday next, at half-past Two o'clock.]

THURSDAY

THURSDAY, 2 MAY, 1889.

MEMBERS PRESENT:—

Mr. Chapman in the Chair.
 Mr. McCourt, | Mr. Woodward,
 Mr. Frank Smith, | Mr. Tonkin.

Present:—E. H. Crossman, Esq. (*Solicitor for the Bill*).

Thomas Alexander Reddall called in, sworn, and examined.

Witness withdrew.

William Smith Thompson called in, sworn, and examined.

Witness withdrew.

James Edmund Fitzgerald Coyle, C.E., called in, sworn, and examined.

Witness withdrew.

George Brown Murdoch, C.E., called in, sworn, and examined.

Witness withdrew.

Mr. Crossman handed in a letter from the Borough Council of Shellharbour consenting to the Bill.

[See Appendix A 8.]

James Ambrose Thompson called in, sworn, and examined.

Witness withdrew.

George Robert Hepplewhite called in, sworn, and examined.

Witness withdrew.

Robert Matteson Vaughn called in, sworn, and examined.

Witness withdrew.

Ordered,—That G. W. Fuller, Esq., M.P., be requested to give evidence at next meeting.

[Adjourned till Tuesday next, at half-past Two o'clock.]

TUESDAY, 7 MAY, 1889.

MEMBERS PRESENT:—

Mr. Chapman in the Chair.
 Mr. McCourt, | Mr. Frank Smith,
 Mr. Tonkin, | Mr. Cullen.

Present:—E. H. Crossman, Esq. (*Solicitor for the Bill*).

John J. Weston called in, sworn, and examined.

Witness withdrew.

Thomas Hussey Kelly called in, sworn, and examined.

Witness withdrew.

Evan Robert Evans called in, sworn, and examined.

Witness withdrew.

John Bovard called in, sworn, and examined.

Witness withdrew.

Edwin Barber called in, sworn, and examined.

Witness withdrew.

George Warburton Fuller, M.P., called in, sworn, and examined.

Witness withdrew.

Charles Hoar called in, sworn, and examined.

Witness withdrew.

Frank Russell McCabe called in, sworn, and examined.

Witness withdrew.

Resolved,—That the Chairman obtain the leave of the House for the Committee to visit the site of the proposed harbour scheme.

[Adjourned till to-morrow, at half-past Two o'clock.]

WEDNESDAY, 8 MAY, 1889.

MEMBERS PRESENT:—

Mr. Chapman, | Mr. Frank Smith.

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

THURSDAY, 9 MAY, 1889.

MEMBERS PRESENT:—

Mr. Chapman in the Chair.
 Mr. McCourt, | Mr. Frank Smith,
 Mr. Ferguson, | Mr. Cullen.

Present:—E. H. Crossman, Esq. (*Solicitor for the Bill*).

Clerk read entry granting leave of the House for the Committee to make visits of inspection to, and to hold inquiries at, the site of the proposed harbour scheme, and to sit during any adjournment for such purpose.

Francis Hixson (*President of the Marine Board*) called in, sworn, and examined.

Witness withdrew.

Joseph Mitchell, M.P., called in, sworn, and examined.

Witness withdrew.

Thomas Andrew de Wolf recalled and further examined.

Witness withdrew.

Edward Herbert Crossman further examined.

[Adjourned till to-morrow, at half-past Eight o'clock.]

FRIDAY,

FRIDAY, 10 MAY, 1889.

MEMBERS PRESENT:—

Mr. Chapman in the Chair.
 Mr. Frank Smith, | Mr. Ferguson,
 Mr. Tonkin, | Mr. Cullen.

Present:—E. H. Crossman, Esq. (*Solicitor for the Bill*).
 The Committee proceeded by special train to Dapto.
 And having arrived at Dapto,—
 John Brown called in, sworn, and examined.
 Witness withdrew.
 George Lawrence Fuller called in, sworn, and examined.
 Witness withdrew.
 Thomas Andrew de Wolf recalled, and further examined.
 Witness withdrew.
 The Committee then inspected the site of the proposed Harbour Works at Lake Illawarra.
 And having returned to Sydney,—
 [Adjourned till Wednesday next, at half-past Two o'clock.]

WEDNESDAY, 15 MAY, 1889.

MEMBERS PRESENT:—

Mr. Chapman in the Chair.
 Mr. Woodward, | Mr. Tonkin,
 Mr. Ferguson.

Present:—E. H. Crossman, Esq. (*Solicitor for the Bill*).
 Francis Woodward (*a Member of the Committee*) sworn and examined in his place.
 [Adjourned till Wednesday next, at Two o'clock.]

WEDNESDAY, 22 MAY, 1889.

MEMBERS PRESENT:—

Mr. Chapman in the Chair.
 Mr. Cullen, | Mr. McCourt,
 Mr. Woodward.

Clerk read entry from Votes and Proceedings granting leave to the Borough Council of Central Illawarra, Francis O'Donnell, David James, and John Richards, to be represented by Counsel before the Committee.
 Present:—E. H. Crossman, Esq. (*Solicitor for the Bill*), Edward Bennett, Esq. (*Counsel for the Borough Council of Central Illawarra, Mr. Francis O'Donnell, and others.*)
 Francis O'Donnell called in, sworn, and examined by Mr. Bennett.
 Cross-examined by Mr. Crossman.
 Witness withdrew.
 Christopher James Cullen (*Mayor of Central Illawarra*) called in, sworn, and examined by Mr. Bennett.
 Cross-examined by Mr. Crossman.
 Witness withdrew.
 John Richards called in, sworn, and examined by Mr. Bennett.
 Cross-examined by Mr. Crossman.
 Witness withdrew.
 Committee deliberated.
 [Adjourned till Wednesday next, at Two o'clock.]

WEDNESDAY, 29 MAY, 1889.

MEMBERS PRESENT:—

Mr. Chapman in the Chair.
 Mr. Cullen, | Mr. J. P. Abbott.

Present:—E. H. Crossman, Esq. (*Solicitor for the Bill*); Edward Bennett, Esq. (*Counsel for the Borough Council of Central Illawarra, Mr. Francis O'Donnell, and others.*)
 James Richard Hill called in, sworn, and examined by Mr. Crossman.
 Cross-examined by Mr. Bennett.
 Witness withdrew.
 [Adjourned till Friday next, at Two o'clock.]

FRIDAY, 31 MAY, 1889.

MEMBERS PRESENT:—

Mr. Chapman in the Chair.
 Mr. McCourt, | Mr. Cullen,
 Mr. Frank Smith.

Present:—E. H. Crossman, Esq. (*Solicitor for the Bill*); Edward Bennett, Esq. (*Counsel for the Borough Council of Central Illawarra, Mr. Francis O'Donnell, and others.*)
 James

James Stewart called in, sworn, and examined.

Witness withdrew.

Mr. Bennett addressed the Committee.

Mr. Crossman addressed the Committee.

Room cleared.

Preamble considered and amended.*

Question.—That the Preamble, as amended, stand part of the Bill,—put and passed.

Parties called in and informed.

Clause 1 read, amended*, and agreed to.

Clause 2 read and agreed to.

Clause 3 read, amended*, and agreed to.

Clause 4 read and postponed.

Clauses 5 and 6 read, amended*, and agreed to.

[Adjourned till Tuesday next, at Two o'clock.]

TUESDAY, 4 JUNE, 1889.

MEMBERS PRESENT:—

Mr. Chapman in the Chair.

Mr. Frank Smith,	|	Mr. Woodward,
Mr. Tonkin,		

Present:—E. H. Crossman, Esq. (Solicitor for the Bill), Edward Bennett, Esq. (Counsel for the Borough Council of Central Illawarra, Mr. Francis O'Donnell, and others.)

Bill further considered.

Clauses 7 and 8 read and agreed to.

Clause 9 read, amended*, and agreed to.

Clause 10 read and agreed to.

Clause 11 read, amended*, and agreed to.

Clauses 12, 13, and 14 read and agreed to.

Clause 15 read, amended*, and agreed to.

Clause 16 read and agreed to.

Clause 17 read, amended*, and agreed to.

Clauses 18 to 24 read and agreed to.

Clause 25 read, amended*, and agreed to.

Clauses 26 and 27 read and agreed to.

Clauses 28 29, 29 30, 30 31, 31 32, 32 33, read, amended*, and agreed to.

Clauses 33 34, 34 35, 35 36, 36 37, 37 38, 38 39, read and agreed to.

Clauses 39 40, 40 41, read, amended*, and agreed to.

Clauses 41 42, 42 43, 43 44, 44 45, 45 46, 46 47, 47 48, 48 49, read and agreed to.

Clauses 49 50, 50 51, read, amended*, and agreed to.

Clause 51 52, read and agreed to.

Clauses 52 53, 53 54, 54 55, 55 56, 56 57, read, amended*, and agreed to.

Clause 57 58, read and agreed to.

Schedule A read, amended*, and agreed to.

Schedule B read and agreed to.

Schedule C read, amended*, and agreed to.

Schedules D and E read and agreed to.

Postponed clause 4 read and considered.

The Chairman left the Chair.

Mr. Frank Smith called to the Chair *pro tem*.

Clause 4 further considered.

[Adjourned till to-morrow, at Two o'clock.]

WEDNESDAY, 5 JUNE, 1889.

MEMBERS PRESENT:—

Mr. Chapman in the Chair.

Mr. Frank Smith,	|	Mr. Woodward,
Mr. Tonkin,		Mr. Cullen,
Mr. McCourt.		

Present:—E. H. Crossman, Esq. (Solicitor for the Bill), Edward Bennett, Esq. (Counsel for the Borough Council of Central Illawarra, Mr. Francis O'Donnell, and others.)

Clause 4 further considered, amended*, and agreed to.

New clause, to stand clause 28, read and agreed to.

New clause, to stand clause 54, read and negatived.

Clause 9 recommitted, further amended*, and agreed to.

Title read and agreed to.

Chairman to report the Bill as amended to the House, with an amended Preamble.

* See Schedule of amendments.

SCHEDULE OF AMENDMENTS.

Page	1, Preamble, line	12.	After "the" insert "said"
"	1, " "	12.	After "tonnage" insert "freightage"
"	1, " "	13.	Omit "tonnage" insert "towage"
"	2, clause	1, " 27.	After "before" insert "while"
"	2, " "	1, " 30.	After "be" insert "commenced within two years and"
"	2, " "	3, " 46.	Add at end of clause "but subject nevertheless to the provisions contained in section twenty-six of this Act"
"	2, " "	4, lines 52 and 53.	Omit "between the points in" insert "mentioned in sections two and three of"
"	2, " "	4, line 53.	Omit "mentioned"
"	2, " "	4, " 58.	Add to clause "Provided that any land reclaimed as above on the foreshores belonging to any private owner or owners shall be paid for by the said Company to the said owner or owners at such price as may be mutually agreed upon, or failing such agreement, at such price as may be fixed by arbitration in the manner hereinafter set out."
"	3, " "	5, " 1.	Omit "take" insert "occupy"
"	3, " "	5, " 4.	After "out" insert "construction"
"	3, " "	5, " 5.	Omit "said"
"	3, " "	5, " 5.	Omit "therein mentioned" insert "set out in the said Schedule"
"	3, " "	5, " 13.	Omit "to the Secretary for Lands"
"	3, " "	5, " 19.	Omit "the" insert "a"
"	3, " "	6, " 22.	Omit "complete"
"	3, " "	6, " 24.	After "specified" insert "but subject nevertheless to the provisions contained in section twenty-six of this Act"
"	4, " "	9, " 1.	Omit "always"
"	4, " "	9, " 7.	Add to clause "Provided always that no tonnage rate shall be levied on boats solely employed in the fishing trade or for pleasure or on boats plying on the harbour which said boats shall have the free use of the harbour, provided that they in no way interfere with the navigation thereof, and subject always to the control of the Harbour-master, and of such regulations as may from time to time be made for the due management of the said harbour in manner hereinafter provided."
"	4, " "	11, " 35.	Omit "wharfage" insert "freightage"
"	5, " "	15, lines 18 and 19.	Omit "seventeen and eighteen Victoria, chapter one hundred and four"
"	5, " "	15, line 21.	Omit "vessel" insert "vessels"
"	5, " "	17, " 27.	Omit "to the Government"
"	6, " "	25, " 36.	Omit "obstructious" insert "obstruction"
"	7.		Insert the following new clause to stand as clause 28:—
		28.	Nothing in this Act contained shall interfere with the existing rights of the owners of the foreshores of the lake, including any right which any owner of any part of the foreshores of the said lake may have to erect a wharf or wharves from his land into the waters of the lake, and to collect and recover rates for the use thereof. Any owner of any part of the said foreshores who shall have erected such a wharf as afore mentioned shall be at liberty to excavate channels from the said wharf or wharves connecting with the Company's channel or otherwise: Provided that such works shall be carried out in such a manner as not to be prejudicial to any work executed or in course of execution by the Company.
Page	7, clause 28, 29, line	25.	After "through" insert "the"
"	7, " "	28, 29, lines 25 and 26.	Omit "and also through Crown lands and other lands"
"	7, " "	29, 30, line 40.	Omit "Crown lands and of the" insert "said"
"	7, " "	29, 30, lines 40 and 41.	Omit "of the said owners or other persons"
"	7, " "	29, 30, " 42 and 43.	After "railways" insert "whether Crown land or land of some other owner"
"	8, " "	29, 30, " 3 to 8.	Omit "And in case of any difference between the Secretary for Lands in respect of Crown lands and in respect of other lands the owners or occupiers of such roads and lands and the Company as to the necessity for such fences and gates, such fences and gates shall be put up by the Company as two Justices shall deem necessary for the purposes aforesaid on application being made to them."
"	8, " "	30, 31, line 52.	After "tolls" insert "to such extent"
"	9, " "	31, 32, " 27.	Add to clause "Provided always that nothing in this Act contained shall prevent the owner of any coal property from making a line or lines of railway from such property to the present Government Illawarra Line of railway"
"	9, " "	32, 33, " 40.	Omit "always"

Rights of owners of foreshores not to be interfered with.

Page 9, clause 32, 33, line 49.	Omit "said"
" 11, " 39, 40, " 12.	Omit "if ordered by two Justices so to do"
" 11, " 39, 40, lines 26 and 27.	Omit "Railway Commissioners" insert "Secretary for Public Works"
" 11, " 39, 40, line 27.	Omit "they" insert "he"
" 11, " 40, 41, " 43.	Omit "Railway Commissioners" insert "Secretary for Public Works"
" 11, " 40, 41, " 46.	Omit "Commissioners" insert "Secretary"
" 15, " 49, 50, " 2.	After "question" insert "as to compensation"
" 15, " 49, 50, " 3.	After "settled" insert "and the costs of, and incident to any inquiry in respect thereof shall be borne and the whole matter dealt with"
" 15, " 50, 51, " 11.	After "difference" insert "and the costs of, and incident to any inquiry in respect thereof to be borne"
" 15, " 50, 51, " 12.	Omit "hereby" insert "hereinbefore"
" 15, " 52, 53, " 45.	Omit "cost" insert "costs"
" 16, " 53, 54, " 9.	Omit "Act" insert "Acts"
" 16, " 54, 55, " 18.	Omit "therein"
" 16, " 55, 56, " 26.	Omit "Government"
" 16, " 56, 57, " 42.	Before "assembled" insert "of the Peace"
" 17, Schedule A. " 25.	Insert "existing private rights or"
" 17, " C. " 38.	Omit "schedule"

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1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

ILLAWARRA HARBOUR & LAND CORPORATION BILL.

WEDNESDAY, 17 APRIL, 1889.

Present:—
MR. J. P. ABBOTT, | MR. CULLEN,
MR. TONKIN. |
M. CHAPMAN, ESQ., IN THE CHAIR.

E. H. Crossman, Esq., solicitor, appeared on behalf of the promoters of the Bill.

Edward Herbert Crossman sworn and examined:—

1. *Mr. J. P. Abbott.*] You are the solicitor, I suppose, for this Illawarra Harbour and Land Corporation? I am the solicitor for the Company.
2. Do you produce the certificate of the incorporation of the Company? I do; and hand in a copy. [*Appendix A 1.*]
3. Do you produce a copy of the memorandum of association of the Company? I hand in a duplicate signed copy. [*Appendix A 2.*]
4. When was the Company incorporated and registered? The certificate shows that.
5. You say that they are "possessed of about 2,920 acres of freehold land on the shores of Lake Illawarra";—what evidence have you of that? I propose to produce the directors, who will swear to the fact of their being possessed of it. If the Committee think it desirable, I can produce the deeds; but they are under mortgage at the present time, and it would be a considerable expense. I am prepared to prove, on oath, of their having them. In point of fact, the original agreement for the purchase of this Company is filed by the Registrar of Joint Stock Companies, and the Company do not get the conveyance of the property until the last payment has been made. They have paid a proportion, and meanwhile they hold it under this registered contract.
6. What title have they for their other lands? They are entitled to 265 acres of freehold land which is mentioned in the memorandum of association in fee-simple in the same way as the others, and to the coal property under the usual permit from the Crown, for which they have power of attorney and declaration of trust. It is the only means of securing that form of property. The 265 acres of freehold land forms the access from the present roads to this property to enable it to be worked. The property is on the side of a hill, and you must have a certain amount of freehold land to enable you to get access to the coal. I can myself swear to the fact that the coal seams are on the ground, because I have been there, and have inspected them.

Thomas Andrew De Wolf called in, sworn, and examined:—

7. *Mr. Crossman.*] You are a director of the Illawarra Harbour and Land Corporation? I am.
8. Will you kindly give the names of the other directors? They are Messrs. C. A. Goodchap, John Newton, The Hon. Edmund Barton, C. A. M. Billyard, Morris Aaron, and J. R. Carey.
9. You know that this Company is in possession of 2,920 acres of land on the shores of Lake Illawarra? Yes.
10. You know that they are also in possession of 265 acres of freehold land adjoining the coal property? Yes.

Mr. E. H.
Crossman.
17 April, 1889.

Mr.
T. A. De Wolf.
17 April, 1889.

- Mr. T. A. De Wolf, 17 April, 1889.
11. You know that they are in possession of two blocks of 640 acres each of coal land adjoining that freehold land? Yes; held under mining permit.
12. Do you know also that that land is coal-bearing? Yes, I do, from personal observation.
13. Do you know that it is adjacent to Lake Illawarra? It is about two and a half miles from the lake.
14. Do you know that the access from the hills to the lake is easy for the conveyance of heavy materials? Yes; the country is almost level.
15. From the bottom of the hill? From the bottom of the hill, below the coal seam.
16. Have you inspected the entrance to the harbour yourself? Yes.
17. *Chairman.*] You speak of the level country being under the coal seam. Is the coal seam then an outcrop from the mountain? Yes. There are eight seams cropping out from the side of the mountain, as shown by a diagram of the side of the mountain. The black stripes represent the seams of coal; the top seam is iron.
18. *Mr. Crossman.*] You know, do you not, that a certain number of these coal seams which you have inspected outcrop upon the freehold land belonging to the Company, the 265 acres, and that the coal could not be worked except from that land? Yes.
19. Are those seams the best seams to work, the best coal? Yes; I think they are.
20. Do you know the width of any of these seams from personal measurement? I could only give it approximately; I think you could get that better from the engineers.

THURSDAY, 25 APRIL, 1889.

Present:—

Mr. CULLEN,	|	Mr. TONKIN,
Mr. McCOURT,	|	Mr. WOODWARD.
M. CHAPMAN, ESQ., IN THE CHAIR.		

E. H. Crossman, Esq., solicitor, appeared on behalf of the promoters of the Bill.

Walter Andrew Harper called in, sworn, and examined:—

- Mr. W. A. Harper, 25 April, 1889.
21. *Chairman.*] What is your profession? I am a civil engineer.
22. Where do you reside? In Sydney.
23. *Mr. Crossman.*] What is your qualification? I am an Associate Member of the Institute of Civil Engineers, London.
24. You have had considerable experience in harbour work? Yes.
25. Have you ever conducted previous surveys of this kind? Several.
26. And carried out harbour works? I never carried them out personally, but have been employed professionally in places where I have been in a position to daily inspect the progress of the works from start to finish. I have also prepared the designs and been consulted professionally on harbours in various places.
27. Have you inspected Lake Illawarra? Yes.
28. Have you made any plans or surveys of the lake? Yes; we have made full surveys of the lake and of the coast surrounding.
29. Can you give the Committee the different soundings about the entrance to the lake? Yes.
30. Perhaps you had better first produce the plans? I have them here. This drawing, No. 1, shows the general plan of the whole scheme, with the soundings of the lake, and of the sea in proximity to Windang Island. It is useful as a general reference sheet. It shows the entrance to the work, on a small scale, and the whole length.
31. This was made under your own personal observation? Yes. Along the line of this channel, soundings were taken at intervals of 100 yards on an average.
32. *Chairman.*] Starting at the entrance? Yes; and borings every 10 chains along the centre of the channel. It was found that there were no difficulties to contend with in the way of rock or hard material. The bottom is principally sand and mud. The length of the channel is about $4\frac{1}{2}$ miles. The first mile and a half is through a shallow entrance that is blocked up at the present time, but which the lake sometimes overflows. The average depth of water varies from 2 inches up to 6 feet for the first mile and a half.
33. *Mr. Crossman.*] This channel is blocked up with sand? Yes, at the present time. There is no entrance except when there are large floods in the lake, when the water overflows at different points, and cuts a channel for itself, sometimes to the north, and sometimes to the south of Windang Island. The overflows recently have been to the north, and, as a consequence, there is a large accumulation of sand to the south, connecting Windang Island with the shore. When I first went there there was about 5 feet of water, but now you can walk across. Drawing No. 2 shows the works on a large scale, and the soundings in front of the entrance. There is 30 feet of water now, 12 chains from the shore, and then it shoals up to high-water mark.
34. Do I understand that you will have 23 feet of water at the proposed entrance? Yes. We can dredge it 2 or 3 feet deeper than that if there is need for it, because the rock is at a depth of 26 feet; but it is not proposed to do this at present.
35. *Mr. Tonkin.*] Is there anything but sand to contend with at the mouth of the channel? No, nothing at all; we have taken borings to a depth of 25 feet.
36. *Mr. Crossman.*] What did you find below the sand. At 20 feet, is it either mud or clay? It is not rock. There is no rock in any part. You can put the boring-rod down by hand 20 feet deep there, and in the lake you can put it down 30 feet. If you notice the soundings they indicate the depth pretty well. At one point the rock is 34 feet, then it runs to 26 feet, and, in my opinion, it keeps at that depth right to the other side. There is about 12 feet of mud on the average and 12 feet of water. We propose first to construct a breakwater from Windang Island on the south, which we call the Southern Mole. Its length will be about 970 feet. This Southern Mole is formed of blocks of stone varying from a ton to 2 tons in weight. These blocks of stones will be partly procured from loose rocks between high and low water mark on the island, and partly from a quarry on the other side of the lake.
37. *Mr. Tonkin.*] By this breakwater you would reclaim some land? Yes; it would reclaim gradually up to the south shore of Windang Island.

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38. Is that Government land? Yes; it is all Crown land. The head of the breakwater is formed of concrete. Concrete blocks 25 tons in weight are used in the same manner as at Colombo, and Oamaru, New Zealand; with the exception that we have put a caisson containing a 2,000-ton block of concrete at the head. It will weigh 2,170 tons altogether.
39. *Chairman.*] What do you mean by the head? The head of the breakwater. An iron caisson is made, floated out, and filled in position. This is the point that has to resist the most sea-pressure. I have here a section of the mole.
40. *Mr. Tonkin.*] It is all stone at the bottom? It is stone 900 feet out of 1,200. These stones are tipped from a staging run out at a high level. The bottoms are opened of the trucks, and the stone falls out. The object is to get it to cause the stone to deposit in horizontal layers; it resists considerably greater pressure than when tipped in the ordinary manner.
41. *Chairman.*] It will leave about what batter? One and a quarter on the inside, and one and a half on the outside.
42. Where will this be situated from Windang Island? The end of the concrete breakwater is 1,200 feet from Windang Island.
43. *Mr. Cullen.*] That is the distance across? Yes.
44. *Mr. Crossman.*] It lies to the north of Windang Island? Yes. Then the Northern Mole is formed in the same way, with the concrete head on the same design.
45. *Chairman.*] About what length is it? 1,200 feet also. The next step is the construction of these two training-banks.
46. They run where? Two training-walls are constructed in order to guide the tidal currents along a permanent channel.
47. Running north or south? North-west. They are spaced 300 feet apart at the entrance, and taper to 150 feet in the channel. The first operation in the construction of the channel will be to drive sheet-piles, until we get through the sandy portion, along the two training-banks for a distance of 2,500 feet on each side. The piles are spaced 10 feet apart, and then sheeting is placed between them. They are tied back to land-ties. As soon as these are constructed the channel will be excavated to a depth of 23 feet.
48. And the silt? The silt is taken out to sea.
49. You do not place it on the inside? All the top portion will be thrown over the sides, and the lower portion taken out to sea, and scoured by the action of the tidal currents.
50. *Mr. Crossman.*] I understand you are speaking now of that part of the channel which will be confined by training-walls, where the sand is at present? Yes.
51. *Chairman.*] Then we are to presume that the silt will not be required for filling up the other side? No; it is simply allowed to distribute on the beach. Drawing No. 3 shows the sections of the various moles, and a diagram of the training-bank. After the channel has been excavated to the proper width on each side, the training-bank will be lined with pitching on a slope of one to one and a quarter, which will be carried up to the surface to prevent scouring on the sides. This work is carried through the sandspit 2,500 feet.
52. What do you intend pitching it with? Loose rubble.
53. Taken from the neighbourhood? Yes; any kind of suitable stone we can get. We propose reserving the smaller stones from the quarries.
54. *Mr. Crossman.*] This carries us to the end of the built portion of the channel, which is necessarily confined by training-walls. After that you get into a different portion of the channel? Yes.
55. The next description will be of that portion of the channel where you have water? Yes; drawing No. 4 shows the sections of the channel through the different materials.
56. *Chairman.*] This is to be a dredged channel? Yes.
57. This drawing I understand will show sections both of the built part and the dredged part? The drawing shows a longitudinal section of the whole work. This built portion comes from the entrance at the ends of the concrete breakwaters, and the training-walls run in a north-westerly direction for 2,500 feet from that place towards Tallawera Point. The channel is dredged up to the Lakeslands Estate.
58. *Mr. Crossman.*] Do you know of your own knowledge that this point is on the estate? Yes. The sides of the channel have a slope of one in five, and the bottom width varies from 150 feet towards the entrance to 100 feet. 150 feet is the width of the eastern end, and 100 feet that of the western ends. This channel is comparatively speaking a simple work—so many yards of dredging at so much a yard. It is about 4 miles in length.
59. What width would that leave at the top? The top of the channel would be about 175 feet; but there is 12 feet of water above that, so that if those slopes were carried out there would be 250 feet.
60. It will give in point of fact over 250 feet for the width of vessels? It will give 150 feet for larger vessels and 250 feet for smaller ones.
61. *Mr. McCourt.*] What will be the depth of the channel? 23 feet at low water.
62. What is the depth of water now? 12 feet from the eastern shore to Tallawera.
63. *Mr. Crossman.*] What is the bottom of the lake composed of? It is all mud—just the ordinary black mud of lake bottoms.
64. Have you formed any opinion of its consistency or the chance of it silting up? I think it will not give any more trouble with silting than is usual in such channels.
65. Have you seen any works with similar muds that have been dredged? Yes. Since making these plans I have been to New Zealand and have inspected several of the harbour works there, and at Dunedin they have a channel almost similar to this, 9 miles in length.
66. Is there any resemblance between the mud there and that here? The works are similar in every way in regard to the mud and the width of channel. This at Dunedin is twice the length of ours. At Dunedin they have deposited the mud on each side. It stands about 5 feet above low water, and at that time the channel is walled with two mounds of mud; but at high water there is about 3 feet of water over the top.
67. *Mr. Cullen.*] How long has this work been completed? It was finished during the last two years, and was commenced some nine years ago.
68. Did you inquire into their experience there in keeping the channel dredged? They have no trouble with it. They have a dredge working there because they are always deepening the channel; but there is no trouble with silting up.
69. *Mr. Crossman.*] What would be the length of this dredged channel? 4 miles,

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70. *Mr. McCourt.*] Is not the lake subject to floods? It never rises much; perhaps 3 feet.
71. In the highest floods? Yes.
72. Is there not a current in the lake then? No; not when the channel is open. When it cuts a channel for itself there is a heavy current, but when this channel is opened there never can be any flood.
73. Would not the rise and fall of the tide silt it up? No. I don't anticipate any disturbance in the water at all. Possibly in heavy floods the water will become charged with mud to a certain extent; and there is no doubt that there will be a small deposit at the bottom of the channel, but not more than 2 inches a year perhaps.
74. *Mr. Crossman.*] At the western end of this channel, what works do you proceed with? We proposed to make a basin there.
75. *Chairman.*] Where will that basin be situated? At Tallawera Point. It will be 1,460 feet long by 300 bottom width. At the western end of it there will be a channel 380 feet in width for a distance of 1,250 feet dredged, leading to Tallawera Point, and there are to be three jetties erected at this point, which are shown here in the section. There is sufficient elevation to load coal from shoots without cranes. On the middle jetty there will be four lines of rail, and on the others two lines.
76. *Mr. Crossman.*] Does the land rise at the water's edge? Yes. It will be 33 feet above high-water mark. The railway is laid out at such an elevation that the collieries can have coal-bunkers underneath these jetties, and load direct from shoots. We find in practice 30 feet to be the most serviceable height.
77. In speaking of this dredged channel in the basin, you do not mean that there is any necessity for it to remain permanently at the width you have mentioned;—there will be no difficulty in enlarging it? None at all.
78. I understand that practically it can be indefinitely enlarged as trade increases? To any size you like. It will be simply a matter of dredging, at so much a yard.
79. Will you give your opinion with regard to the silting up of the entrance. At present there is a considerable amount of sand at the entrance of the lake, between Windang Island and the lake; do you know how that has occurred and what would prevent it? All along the coast, at nearly all the harbours and rivers, the sand is deposited on the northern side, in the same way as it is here, and it forms these sandbanks. In this case, as soon as we have a permanent channel with defined walls, so that we can bring the tides as a scouring agent, there will be no danger of any sand remaining in this vicinity. At certain periods the tide will have a force of four and a half knots an hour.
80. That you consider will be sufficient to keep the channel clear? More than sufficient. At Westport, which I have just visited, they have made two moles similar to these, only they have not used concrete. There they have a current of 4 miles an hour, which has cut through half a mile of shingled beach.
81. Do you consider the connecting of this island with the shore by means of these walls will prevent this sitting of sand which has hitherto occurred? Yes; I think that probably there will be for a hundred years no sand travelling round the island. I think the tendency of these works will be to reclaim it on the southern side. As a matter of fact I don't think there is any great quantity of sand. I think there is only a small accumulation.
82. What will be the effect of these works on the water to the north of the island,—what will be the state of the water in southerly weather? The southern mole will shelter the entrance.
83. I mean the water outside? It will only affect the water to the north; under the lee of the breakwaters it is comparatively calm there in southerly weather.
84. In southerly weather that water is still? Yes. It may give some protection from the south-east, but not from the south-west. I do not look upon it as any improvement to the water there more than the island already gives.
85. Have these two entrances been arranged in any way with a view to facilitate the entrance of ships to the harbour in bad weather? Yes; they are arranged for easy entrance any weather.
86. Perhaps you will explain why the southern mole overlaps the northern mole? The southern mole overlaps the northern mole 300 feet, so as to protect the entrance from southerly gales. As a matter of fact this entrance is so placed that it is out of the range of heavy seas altogether, the island and its outlying reefs giving calm water for some distance beyond the entrance.
87. You mean by the protection of the island? By the protection of Windang Island. In any southerly weather, if you could get water enough, you could lie under the lee of the land; as it is now, you cannot get in close enough because there is no water.
88. *Mr. Cullen.*] How about easterly gales? North-easters affect this harbour, but they are never heavy, the islands at Red Point giving great shelter. I think anyone that knows the southern coast will bear me out in saying that jetties that have any protection from the south do not lose more than four or five days in the year from the north-east seas. I am building a jetty at Port Kembla now, and I have been able to watch the loading during the year. Last year only five days were lost from north-east weather.
89. *Mr. Crossman.*] What is the object of having this channel enlarged to a breadth of 300 feet inside when it is only 200 feet wide at the entrance? To diminish the sand. If a wave came up 10 feet high it would remain that height and cause as much disturbance inside as out; but by enlarging the channel this force is spread over a larger surface. It is the custom now in all entrances to enlarge the channel in the inside.
90. That would in effect make the water comparatively smooth inside the channel? Yes; that is the difficulty with Wollongong now. There they have it the same width all the way in, which makes the water almost as rough inside for some distance as outside.
91. At the present time, is there any means of getting in with a ship to the lake? None at all. You cannot get out with a boat. Even when the channel is open it is difficult to get out with a boat.
92. *Mr. Cullen.*] What is the estimated cost of this work? The harbour itself, without the railway, is estimated to cost £250,000.
93. And the annual maintenance for dredging and keeping it in order will be? We have not made an estimate of that.
94. Did I understand you to say that with your hand you could bore down to 30 feet? Yes, in the lake.
95. Then the mud must be very soft? Fairly soft; it is compared of sandy mud with shells.
96. Don't you imagine that the siltage would be very serious? No, I do not. The form of the channel is so flat that it only amounts to a deepening of the lake, and there are holes in the lake that people have known

known for twenty years. Beach showed me some of these places which are going on for 20 feet now, and they have remained perfectly constant; they are not known to have altered in any way.

97. *Mr. Crossman.*] What part of the lake are those in? Different places; there are holes throughout the channels. The creeks that run into the lake have the effect of making little channels.

98. These holes are not in any out-of-the-way corner? No. No doubt when the lake is disturbed a certain amount of mud is held in suspension, but it is very inconsiderable.

99. I do not think you have given us the comparative angles of this channel compared with those of the Suez Canal? Our section in sand is the same as that of the Suez Canal. Drawing No. 4 shows the sections. They are 1 in 1 and 1 in 5.

100. So that yours is very much the less angle? Ours is very flat—the ordinary batter of similar channels. I was surprised to see how much the conditions at Lake Illawarra are similar to those at Dunedin. The kinds of mud are almost identical; I couldn't see any difference between them. They have very heavy south-westerly winds there.

101. You have some personal knowledge of the mines at the jetties along the coast? Yes; I am engineer for the Kembla Coal-mining Co.'s jetty, and Consulting Engineer for the Bellambi Company. We are building jetties 4 miles north of Wollongong and 4 miles south of it.

102. Do you know anything of the interruption to business caused by the fact of ships having to load at these jetties in the open ocean? There are on the coast altogether about seven jetties. Of these I should think five work half the time; the other two are in rather fortunate positions; they are sheltered from the south-west, and it is only in very heavy weather that they are disturbed.

Mr.
W. A. Harper.
25 April, 1889.

TUESDAY, 30 APRIL, 1889.

Present:—

MR. CULLEN, | MR. McCOURT,
MR. TONKIN.

M. CHAPMAN, ESQ., IN THE CHAIR.

E. H. Crossman, Esq., solicitor, appeared on behalf of the promoters of the Bill.

William Andrew Harper recalled and further examined:—

103. *Mr. Crossman.*] With regard to the mud and silt which you are going to remove from the bottom of the lake, is it quite settled in the scheme what becomes of that? Yes.

104. Where does it go? It goes to fill up one of the bays on the property of the Company.

105. Is there any suggestion to tip it elsewhere, on other people's property? We have no idea of the kind.

106. Or blocking other channels? No.

107. *Mr. Tonkin.*] You intend to reclaim some land, then? The idea is to reclaim a portion of the Company's estate that has only 4 or 5 feet of water upon it at the present time. It is a mud flat at low tide.

108. *Mr. Crossman.*] There are a good number of deep bays on the property, are there not? Yes; I now produce a plan of the Company's proposed railway.

109. *Mr. Tonkin.*] How far does the Company's property extend beyond the bay you wish to reclaim? About two miles and a half on the south side and one and a half on the north.

110. *Mr. Crossman.*] It is fairly near the centre of the property? Yes; it is about the central point in the property.

111. The throwing of the mud and silt there could not interfere with anybody else's water-frontage? No.

112. Is there any part of your scheme which interferes with other people's property? No.

113. *Mr. McCourt.*] Not in the channel? Yes; there is private land at the entrance of the channel. There is a Government reserve on one side, and Reddall's land on the south.

114. Is there not other private land on the southern side? There may be, but I do not know of any. Reddall is the only one I have heard of as holding land there. His land continues for about a mile.

115. *Mr. Crossman.*] Where will your railway start from at the lake end? From Tallawera Point.

116. *Mr. Cullen.*] To the south of Tallawera Point? Yes. That point is a specially high point, and we are able to get an elevation of 30 feet above the water there without any difficulty. I have a sectional plan which shows that.

117. *Mr. Crossman.*] Will you explain the line of railway, taking the cross piece first? It runs from Tallawera Point north-westerly for about two miles. As far as the Main Southern Road, it runs through the Company's property, a distance of two miles and a quarter.

118. From the lake? Yes, with the exception of one crossing. It cuts about a chain from another portion of land.

119. Then you cross the Main Southern Road. We cross the Main Southern Road, and then the railway.

120. At what elevation do you cross the Main Southern Road? We will have a level crossing there.

121. Whereabouts do you propose to cross the railway? About 20 chains south of Dapto station. After crossing the railway, we go along the boundary line between Hampton's property and Stack's. We have arranged it so that we do not sever the land at all. We run along the fence the whole way, until we get to a point about four miles from the lake.

122. That is the line continued in a westerly direction? That forms the end of the main line to the hills. From this junction point there is one line running to the north and another to the south.

123. What is the object of these branch lines? These branch lines are laid out along the foot of the hills, so that in opening out any collieries along the frontages there is nothing required but inclines and sidings. I have here another plan showing the coal areas better. The railway line runs as near the foot of the hill as it is possible to get.

124. At one end that line runs to the coal property belonging to the Company? Yes; that is the southern line.

125. *Mr. Crossman.*] Will the railway be convenient to connect with the various coal properties along the range? Yes. Each mine could connect without any railway; they only require inclines and sidings.

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126. The line is so fixed that it is easy of access by a gravitation tram? Yes. It taps the whole of this country, and is laid out with a view to inclines. From the southern end the line can be connected with three different coal properties by inclines alone. You cannot get any further to the south than the line goes, because of the mountain there, which is really the southern end of a large basin, almost in the same form as the lake.
127. That railway, as designed by you, taps as much as possible the particular coal district there? It taps the whole area, and the mountains run round to Mount Kembla, so that there is an area of about 25,000 acres of flat land in this basin. It is about ten miles long by four miles in depth.
128. Have you been on to the coal property belonging to this Company? Yes.
129. Have you seen any seams of coal there? Yes; I have seen five outcrops on the northern property, called the Ocean Colliery.
130. Had you any means of ascertaining the quality of the coal, or inspecting it in any way? I never made any analysis of it, but the seams are the same throughout the Southern District.
131. These seams were sufficiently opened for you to identify the coal as similar in quality to that found in the district? Yes.
132. You saw five seams? Yes; there were more opened, but I only saw five.
133. You went to the further end of these coal-mines;—did you go to any of the properties down south? Yes; I inspected three—Messrs. Weston's, J. B. Watt's, and Kelly's.
134. Were there seams of coal opened out on those properties? Five seams; on one of them Watt's application.
135. Did you identify those in any way as the same seams you saw on the Company's property? Yes.
136. Did you form any opinion as to the coal being continuous? No doubt it is. There is no variation in the seams from Coal Cliff right down.
137. Did you see any seams of iron on the Company's property? I saw it opened up on Watt's property.
138. Was it a large seam? I could not examine it. It was down a shaft. It was pointed out to me as iron ore; but I cannot say anything about it further. I think it is the seam that is opened up at Mount Pleasant, from the position of it.
139. Are you of opinion that these mines could be opened out profitably in any way except by having means for water shipment? There is no other way at all.
140. They could not be made to pay if you had to send the coal by rail to Sydney? No; it is out of the question. You cannot send coal from Wollongong, or from 10 miles north of that place.
141. Would there be any difficulty in these individual mines making a road right down and shipping at a jetty? Yes; the lake interferes, and there is no shelter for jetties.
142. Therefore they could not do what many mines north of them have done? No.
143. They are further from the water? They would have to make lines 10 to 15 miles in length for each colliery.
144. Do you think this railway will economise the working of these coal properties? Yes.
145. Therefore the price of coal will be cheapened by this scheme if you carry it out? Undoubtedly. It places the coal-mine proprietors in a very good position.
146. Therefore it will be not simply a benefit to the Company itself? If we had only wanted to suit the Company we could have taken the line out straight; but we have laid it out to suit the convenience of the whole basin. We could have saved three-quarters of a mile.
147. Is there anything in the scheme, as proposed by you, which in any way interferes with the private interests down there, except that people will have to pay the vessels going in and out of the harbour and on the goods shipped there? Nothing whatever.
148. There is nothing essential to your scheme which interferes with private interests there now? It interferes with them by making the properties ten times as valuable as they are now.
149. There is nothing in your scheme of engineering which will prejudice their foreshores? Nothing whatever.
150. You spoke at the last meeting of having been down at Westport, New Zealand? Yes.
151. That place, I believe, is used for the shipment of coal? Yes.
152. Did you hear of any concessions made by the Government to induce a Company to carry out the work there? The Government have had dedicated the whole of the coal area there for a distance of 20 or 25 miles north of Westport to the Westport Harbour Board, who receive all the royalties on that coal, and are allowed to charge specially high rates for the railway carriage and the shipment of the coal.
153. I understand you to mean that that was given as an inducement to them to carry out this work by private enterprise? It was in order to enable them to do it. This Board receives now from each colliery that is opened a royalty of 6d. a ton on all coal delivered, and they charge the proprietors 3s. a ton for railway carriage and shipment.
154. *Mr. Cullen.*] Is this a private Board? No; a nominee Board.
155. A Government Board? Yes.
156. This is a Government matter then—the work is not being carried out by private enterprise? No. I only wanted to point out the amount which was conceded to the Harbour Board to enable them to carry the work out.
157. That is to say, that the Government granted this land to its own Board? Yes.
158. You said that the forked line was specially designed to afford facilities to the other coal-owners in that district;—is there any evidence of any arrangement with, or desire of these coal-owners to take advantage of it? I do not know. I have not heard anything. I know that one of the coal companies on the south have approached this Company in reference to the shipment of coal.
159. *Chairman.*] You have heard so? I know so. The mine on J. B. Watt's property. The line was specially laid out to suit the incline there.
160. *Mr. Cullen.*] The Bill provides that no parallel lines be allowed. If the other coal-owners are not disposed to use the Company's lines, would they not be prejudiced by the Bill, and prevented from constructing parallel lines? They would. That clause was put in on my recommendation, because I do not know of any Act of this kind in which a similar provision is not contained. I can quote two with which I have been connected—the Redhead and the Kembla Company. In both cases they had that clause.
161. Would not that clause in the Kembla Company's Act prevent the construction of this line if it were strictly acted upon? As a matter of fact it has not prevented the construction of a line alongside it the whole way, because the word "parallel" is rather difficult to define. The South Kembla Company have just the same power as the Kembla Company, so that this restriction does not amount to much.
162. Their line is within a few hundred yards of the Kembla Company's line? Yes; it crosses it and recrosses it.

Hamilton Osborne called in, sworn, and examined :—

163. *Chairman.*] Where do you reside? At my station at Bangraoo, Cananondria.
164. *Mr. Crossman.*] You own some property in the neighbourhood of Lake Illawarra? Yes.
165. How many acres? About 3,200 acres.
166. I think your father before you was a large land-owner in that district? Yes.
167. And nearly the whole of the land around the lake belonged to him at one time? Not on both sides, I think; on one side I think it did.
168. You represent one of your brothers in the Colony at the present time? As his power of attorney, but there is another gentleman here who also represents him.
169. Still you act under power of attorney in his absence? In certain matters connected with my father's estate.
170. You have heard of this proposal to make a harbour at Lake Illawarra, and to make a railway? Yes.
171. Have you formed any opinion as to the effect the construction of that harbour and railway would have upon the district. Personally, what is your own view on the matter? I cannot value the scheme too highly. I think it is a thing for the country, not alone for the district. It will open out the country, and give employment to an enormous amount of labour in developing these mines, which of course is what we want in this country.
172. You consider that these mines could be developed and worked? It seems quite feasible with this scheme.
173. You have reason to know that there is coal there? Yes. I and my brother have been talking about this matter for ten years, but we never hit upon any idea which would get the coal away.
174. Have you any personal interest in this Company? None whatever.
175. Therefore your view is simply that of a land-owner in the district? Yes.
176. And of a person who has known the place for many years? Yes.
177. I understand that you have the management of Henry Osborne's affairs, therefore, your remarks apply to your land as well as to his? Mr. M'Cabe manages his estate. He collects the rents and sees after the tenants, while I sign any papers or documents.
178. But you have reason to believe that his view coincides with your own? Yes. We thought that this scheme to get the coal away would be very beneficial if adopted. We could not see that it would injure our properties or do any harm.
179. I believe that this railway does not pass through your property? No.
180. Would you have any objection to it passing through your property if the Company wished to deviate? Not the slightest; I should be very pleased.
181. Is it not a line that is likely to materially interfere with the country that it passes through if gates and proper crossings are erected? Certainly not. The cattle down there are all quiet. The inhabitants are farmers, and I do not see how it will injure them in the slightest degree.
182. You know the conformation of the country pretty well? Yes. I think I have been up some of the mountains.
183. The range there forms a sort of basin, which is used for agricultural purposes? Yes.
184. *Mr. Tonkin.*] What is the ordinary occupation of the farmers there;—is it agricultural or dairying? Dairying. All the people there are occupied purely in dairying. Of course, they have their lucrae paddocks, and they put down crops occasionally, but still they are now mostly employed in dairying. They send their milk to Sydney or to the factories.

Mr.
H. Osborne.
30 April, 1889.

John Atkinson called in, sworn, and examined :—

185. *Chairman.*] Where do you reside? I reside at Lake George, Currandooley.
186. *Mr. Crossman.*] You represent Mr. Osborne, who owns some land near Lake Illawarra? I represent two of that family.
187. Who are they? Mr. P. H. Osborne and Mr. Henry Hill Osborne.
188. Can you tell us roughly how much land they hold in that district? Mr. Henry H. Osborne owns I think about 3,000 acres.
189. Mr. P. H. Osborne is still a land-owner, is he not? To a very small extent.
190. He sold his land to the Company? Yes.
191. Neither of these gentlemen has any personal interest in the Company to your knowledge? Neither of them has, I know.
192. Have you any interest? Not the slightest.
193. You have heard of this scheme? I heard of it about an hour ago. I heard something of the lake being made into a harbour, but that was all.
194. What effect do you consider the making of a harbour like the one proposed, and the construction of a railway where you see the red line on the map before you, would have on the district? It would have the effect of increasing the value of the property in the district very considerably if it was carried out. Provided of course that certain provisions were made in the Act, presuming of course that it was done in a fair way.
195. Do you know anything about there being coal in this range of hills at the back of the property? It is all coal there—coal and iron.
196. There is iron there too? Yes, I think there is iron.
197. *Chairman.*] What are the provisions you think are necessary? I meant with reference to the canal through the lake, and to the utilization of the whole of the lake. I think that if the whole of the lake was monopolised by private individuals the scheme would not be of the same benefit to the district as if only certain portions of it were taken by them.
198. *Mr. Crossman.*] If the scheme were carried out, in your opinion, would it enable the different coal properties there to be worked? It would of course enable them to be worked, and would be of great assistance to them also.
199. I believe that they cannot be worked at a profit at the present time. At any rate they are not being worked? They are not being worked.
200. They have been taken up for some time? They have been held for some time.
201. And no work has been done? No work has been done. With regard to the provisions I spoke of,

Mr.
J. Atkinson.
30 April, 1889.

Mr. J. Atkinson.
30 April, 1889.

I do not know whether I ought to have said that I think it would be wise that anybody who wishes to join a railway with the Government railway should have the right of crossing any lines that this Company might make. Supposing that instead of Mr. Osborne wishing to work in conjunction with the Company's line, he desired to run right across to the Government railway, I think he should have a right to cross the Company's line.

John Biggar called in, sworn, and examined:—

Mr. J. Biggar.
30 April, 1889.

202. *Chairman.*] Where do you reside? At Wollongong.
203. *Mr. Crossman.*] You have known the Illawarra District for many years? About thirty-five years. I have been in business there as auctioneer and estate agent.
204. I understand that you have had special opportunities of judging of the land round Lake Illawarra? Yes.
205. Do you know the estate called the Lakelands Estate? Yes; I made the assessment of it for the Council thirty years ago.
206. Do you know it was recently purchased by a Company? Yes.
207. And that there was a proposal to convert the lake into a harbour? Yes.
208. Do you know that some distance at the back of the harbour, on the high ground, there is a considerable quantity of coal? An enormous quantity of coal. I do not know of any part of the world that has more coal than is contained in those hills.
209. You have an interest in some properties there? I have two pieces of freehold land—about 129 acres 2 roods, and my partner and I hold four sections of coal land there which adjoin my freehold land.
210. Four sections of how much each? 640 acres.
211. This I believe can be practically increased at will by taking up a permit at the back? Yes; we can go as far back as we like. The whole of the land here must contain coal.
212. *Mr. McCourt.*] Would you not encroach on the City Water Supply land? This is part of it; but in my application I pointed out that I would work from the front of the mountain where the water drained into the sea. And my permit included that provision.
213. *Mr. Crossman.*] You have the freehold land in front to enable you to work from it? Yes.
214. Is the coal laid open on that property? Yes.
215. Will you kindly tell the Committee what seams of coal you have opened up there. First, however, tell me who your partners are? Mr. Archibald Campbell, of the *Illawarra Mercury*; Mr. Bertram, a colliery manager; and my youngest son.
216. You are able to speak for them as well as yourself in this matter? Oh, yes.
217. Your interests are identical? Yes. I have a plan here showing a section of the coal-field at Mount Kembla, which was drawn by Mr. Moody and published by the Government for the Philadelphia Exhibition. I have opened up four of the seams shown on the plan.
218. The seam is continued down the same way? Yes.
219. And you have opened up seams corresponding to those shown here? Yes.
220. Are you working that property at the present time? Not at the present moment.
221. Why are you not working it? We cannot get a way to market.
222. Why not? We cannot get to Wollongong Harbour at present, but we expect to get there before the end of the year. I have marked out a railway, which this railway crosses.
223. You are proposing to construct a railway for yourself? Yes; I have got permission from the Commissioners to join the Illawarra line, but this Company will not be in my way at all. I come to Dapto station from the freehold land right across. I have had permission from the people through whose ground the line passes to construct the line. As this Company's line will cross mine, I want to have some little amendment made in the Bill.
224. *Mr. McCourt.*] Do not you cross some roads? Yes, but I will not want an Act of Parliament.
225. Will you not want an Act of Parliament to enable you to cross the roads? No. The Corporation will give me permission to cross them, and I will be quite satisfied with that.
226. *Mr. Cullen.*] You do not cross any road in the hands of the Government, only those controlled by the Council? I cross one road, but that is under the control of the Council. I had no difficulty in obtaining their permission to cross. I want to ask you to amend the Bill at clause 31, so that all persons who are betwixt the Illawarra line and the mountains shall have a right to cross the Company's line at their own expense.
227. *Mr. McCourt.*] Are you a witness for the promoters of the Bill? Yes.
228. Called by them? Yes. There is nothing unfriendly to the Company in this amendment, and I cannot think it will interfere with them. As the Bill is now worded, I shall have to get an Act of Parliament to cross their line.
229. *Mr. Tonkin.*] Without such a provision as the one you propose, you think that the Bill would grant the Company too much of a monopoly? Yes. Everybody would want to cross their line, and they would require an Act to enable them to do it.
230. *Mr. Crossman.*] With such a provision as this in the Bill, do you see any objection to the proposal of the Company? None whatever; it would be a benefit.
231. Would it increase the value of land in that district? Unquestionably.
232. Would it enable a greater export of produce to be made? The coal would come here to the lake.
233. Have you studied the scheme yourself? Yes, I have; it is a matter of great interest to me.
234. Do you think that if sufficient money is forthcoming the scheme can be carried out? I see no difficulty in the way.
235. You know the place? Yes.
236. You know the nature of the entrance to the lake? Yes. Sometimes it is open.
237. I believe that at the present time it is entirely closed? Yes; sometimes it is closed for seven or eight years, and then an extra quantity of rain sweeps away the sand.
238. Does it ever open sufficiently to admit a ship? It would only admit a vessel of 4 or 5 feet draught. It would not be useful as it is, because you can take but a very small quantity of coal out when the lake is open, and then for a good part of the time it is closed.
239. Would this Tallawera Point on the Lakelands Estate be a suitable place for the erection of wharves? Any of the Company's frontages would be suitable. I do not think one part is better than another. It is simply a matter of preference.

240. Have you ever gone into the question of the demand for southern coal in the Melbourne and Adelaide markets? Yes. Mr. J. Biggar.
241. Do you know that at the present time there is not a sufficient supply of it at those places? Yes. 80 April, 1889.
242. And that at the present time they cannot get a sufficient supply of it? Yes. The coal has to be taken from Wollongong to Sydney and reloaded there.
243. That increases the price? Yes.
244. And if they could ship it into a large ship at the lake it would reduce the price? It would reduce the price to the consumer, and the coal-miner and owner might get a little more profit.
245. There would be a reduction of price then, and an increase of profits and wages? Yes, that would be the tendency. All round the Pacific there are about 800 coal-ports, and if they can get this coal they prefer it to any other.
246. Have you read this Bill through? Yes.
247. Is the part you referred to the only place where you see any objection? That is the only objection I have. The wording about the quantity of water in the lake, which the Company will have power to take, needs some little amendment. Two constructions can be put upon the words used. One, that you are to have the whole of the waters of the lake under your control, to take possession of it, in fact—and this sense runs through two or three clauses; the second, which occurs in one of the clauses, is that you are only to take what water you require. I think if the Company had the control of the waters of the lake for a quarter of a mile round the shores, and the control of its own foreshores, it would be sufficient.
248. That would allow another Company to come in and make a separate harbour? They would have to use the entrance and they would have to pay you for doing so.
249. Do you know about there being a considerable quantity of iron here? Yes, between the coal.
250. Have you made any investigation into the nature and quality of it? Yes, it is very payable.
251. Is there any chance of its being worked if it is opened up? Yes. I consider that this will be the future iron-producing district of the country.
252. Is there suitable coal there for feeding blast furnaces? Yes, in the top seam.
253. This might be turned into a profitable industry? Yes, unquestionably. If I had thought of it I would have brought you some samples off my own ground.
254. What is the quality of this coal? Excellent.
255. Is it as good as the coal coming from Mount Kembla? Yes.
256. There is slightly less ash in this coal, I believe? A little less ash, but I think there is something like superstition about the quantity of ash in coal.
257. This is practically the same coal? It is the same seam. If you worked right along you would come out at Coal Cliff.
258. *Mr. Cullen.*] How far will your property be from Wollongong by the line you propose to construct? 11 miles.
259. How much of that will be a private line? 3 miles.
260. *Mr. Crossman.*] Have you any interest directly or indirectly in this Company? None whatever. I would like to see this scheme carried out because I think it would be better for me. I am 4 miles from them, and I would be the nearest to them. I think it would be better to come to the lake than to go to Wollongong.
261. Will you point out the blocks you and your partners are interested in? Yes, they are numbered on the map produced, M.P. 5, 6, and 75; being a double block of 1,200 acres, while 6 and 7 contain 640 acres each.
262. *Mr. McCourt.*] In the schedule A it is proposed to charge 10d. per ton for coal on the lake. Do you consider that a fair charge? It would not be excessive. The Wollongong harbour trust propose to charge 6d., but I believe a shilling would not be an excessive charge here, and that the trade would pay it. It would be worth a shilling to any person to send their coal here instead of taking it further away.
263. *Mr. Crossman.*] You are aware that there is a natural entrance at Wollongong? Yes, and a lot of work has to be done here. I think that this charge would be fair to coal-owners. I know that I would sooner pay 10d. or a shilling here than 6d. at Wollongong.
264. *Mr. Cullen.*] Is the tonnage in addition to the freightage? Yes.
265. Then there is freight, wharfage, and tonnage? Yes. The freight would apply to the ship and the 10d. is for wharf rate. The haulage on the railway would be a separate matter, I think. The ship would pay according to the size and length of time it stopped.

William Robert Styles called in, sworn, and examined:—

266. *Chairman.*] Where do you reside? At Sydney.
267. *Mr. Crossman.*] You know this Illawarra district? Yes.
268. Have you any interest in land down there? Yes.
269. What is it—coal land? Yes.
270. Will you pick out on the plan the land you are interested in? I am interested in block No. 4.
271. That is next to Mr. Biggars' property? Yes.
272. *Chairman.*] Are you in any way connected with this Company? Yes.
273. *Mr. Crossman.*] You sold some other land to the Company? Yes.
274. For what price? £25,000.
275. Do you know of your own knowledge what coal there is running through that hill? I have opened twelve seams of coal, equal to 85 feet.
276. That was not all first quality coal; how much first quality coal is there? The top seam is good coal. There are several kinds of coal there.
277. Have you personally worked on these seams? Yes, on the one I sold to the Company, and I have opened on No. 4 block.
278. Are any of these properties being worked now? No.
279. There is no output from them? No.
280. What is the reason of that? They have got no place to ship coal from.
281. Is it too expensive to take it down by special lines to Wollongong and Sydney? It is too expensive to send it to Sydney, and the expense of sending it to Wollongong is very great.

Mr.
W. R. Styles.
80 April, 1889.

- Mr. W. B. Styles.
30 April, 1889.
282. Would it be cheaper to ship it at Lake Illawarra and pay the rates there than to take it to Wollongong? A great deal.
283. Would the whole scheme be a benefit to the owners of coal land there? Yes, it will give them a shipping port, and instead of shipping 400 or 500 tons at Wollongong, they will be able to ship 2,000 or 3,000 tons, which will be a great advantage.
284. Will it also be a benefit to the farmers dairying or otherwise? I should think so, the value of their lands must greatly increase.

THURSDAY, 2 MAY, 1889.

Present:—

Mr. McCOURT,	|	Mr. TONKIN,
Mr. FRANK SMITH,	|	Mr. WOODWARD.

MICHAEL CHAPMAN, Esq., IN THE CHAIR.

E. H. Crossman, Esq., solicitor, appeared on behalf of the promoters of the Bill.

Thomas Alexander Reddall called in, sworn, and examined:—

- Mr. T. A. Reddall.
2 May, 1889.
285. *Chairman.*] Where do you reside? At present at Milson's Point, North Shore.
- 285½. *Mr. Crossman.*] Do you know anything of Lake Illawarra? Yes; I was born there, and have lived there for many years.
286. Have you any property in that neighbourhood? Yes; around the lake.
287. You have gone into the particulars of this scheme? I have thought it over.
288. You have seen the Bill? Yes.
289. Where is your land situated? Directly at the mouth of the lake.
290. At the south side of the entrance? Yes.
291. Do you recognize on the plan the position of your property? It commences at the eastern point of Windang Island, and runs along the lake for about 2¼ miles.
292. *Chairman.*] It runs west? It runs west.
293. *Mr. Crossman.*] I understand your land is on the southern side of the entrance of the lake? Yes; and it runs back to the Stony Range Road on the south.
294. You have considerable water frontage to the lake? Yes; I must have about 3 miles from Windang Island to my corner peg. I have 2,750 acres altogether. When Mr. Fuller's land commences, it recedes from the lake.
295. Have you any objection to the Bill yourself? I have no objection if the following proviso is added to the 4th clause:—"Provided that any land reclaimed as above on the foreshores belonging to any private owner or owners shall be paid for by the said Company to the said owner or owners at such price as may be mutually agreed upon, or failing such agreement, at such price as may be fixed by arbitration in the manner hereinafter set out."
296. Subject to that proviso you approve of the scheme? Yes; very much.
297. You have had some opportunities of judging I suppose of the natural features of the country here? Yes.
298. You are of opinion that this scheme can be carried out? I think it can be carried out if in the first instance you make the spit of land between Windang Island and the mainland secure to prevent any sand being driven in. I fancy that if there were two entrances the sea would considerably interfere with the work, judging from what I have seen of the extraordinary shifting of the sand.
299. What I understand from you is that there should be a complete block between Windang Island and the main shore to provide against southerly weather? To prevent the entrance being filled up with sand. A very heavy flood would scour out a passage. I have known a flood make a passage through which you could bring in a man-of-war; I could not say as to the depth, but wide enough to admit three vessels.
300. Have you heard any expression of opinion from other landowners in the district? I heard a gentleman say that he thought we should take certain steps to protect our interests, inasmuch as he had been told that the Company was going to empty the silt along the shores of the lake. I do not think that is the case, from the evidence that has been given here. I have been given to understand that Mr. Harper stated very distinctly that the Company had no intention of discharging silt on the property of other persons.
301. Will you show us your land on this plan of the Lakelands Estate? There is a portion here called Thomas Davis' 2,000 acres grant, which is a portion of my land.
302. Have you heard of any local opposition to this Bill? I have not. I have heard that the people in the district, especially the trades-people and the working-people, are most anxious that it should pass.
303. Is not one of the gentlemen who represents that part of the country in Parliament supposed to be opposed to the Bill? I have heard that Mr. Fuller intends to oppose the Bill on the ground that the Company wants to get a monopoly of the harbour. I think that the carrying out of this scheme will be the grandest thing that ever happened to the district.
304. Who owns the land on the other side opposite to you? It is Government land.
305. To sum up your evidence—you are, as a landowner on the shores of the lake, in favour of the scheme, subject to the amendment you have suggested? Yes; which merely protects myself, because I imagine that the Company may reclaim a lot of land near their works.
306. I understand that, with the exception of Mr. Fuller, the other landowners you have come into contact with, so far as you know, hold the same opinions on the subject as yourself? Yes; I am confident that they do, and I cannot believe that Mr. Fuller thinks of opposing the Bill.

William Smith Thompson called in, sworn, and examined:—

307. *Chairman.*] Where do you reside? At Dapto.
308. *Mr. Crossman.*] Have you been long in the Illawarra District? Thirty-four years.
309. You know Lake Illawarra and the Lakelands Estate? Yes; I have been all over it.
310. I believe you have gone into the details of this proposed Bill? As far as I possibly could; I have been considering and thinking over it since the scheme was first mooted.
311. Have you any interest directly or indirectly in this Company? I have no interest whatever in the Company, except for the benefit it will confer on the district. I should like to see the proposal go ahead.
312. You have no shares in the Company and no interest of any sort? I have no interest of that kind.
313. How much land do you own down there? I own three blocks, of 50 acres each, at West Dapto, bounded by Weston's, Bovard's, and Larkin's grants; and then I have a half share in 310 acres owned by my brother, James Thompson, and myself. That is bounded by the properties of Messrs. Orr, Larkin, and Prior.
314. This railway will pass through your land? I think, by the numbers on the pegs, it will pass through it for about 67 chains.
315. Have you any objection to the railway going through your land? Not the slightest.
316. Do you consider that it will be an improvement to the land? It goes through my garden, and if it went through my house I would not stop it.
317. At one time you were a member of the Borough Council down there? Yes; I was an Alderman for about fifteen years.
318. You were also Mayor? I was Mayor three times.
319. Do you know of your own knowledge whether the members of the Council have been considering this scheme? I have been talking to some members of the Council about it, and they are all strongly in favour of it.
320. So they told you? Yes; but they were under the impression that the Company wanted to monopolize the whole of the lake.
321. The whole of the foreshores of the lake—other people's frontages? Yes; and they thought that they would not be warranted in sanctioning a monopoly like that.
322. Supposing that the Company are not to get a monopoly of the foreshores, except their own, as far as you can gather, the Council would not be opposed to the Bill? I believe they would be strongly in favour of it.
323. Do you know that there is a lot of coal land on the hills above your property? Yes.
324. You know of your own knowledge that that coal has been opened out and proved? Yes; I have been on Mr. Biggar's land, where there are two drives of 70 yards, which I have been into; and I have also been into a drive of 25 yards on Mr. Hewlett's property of about 25 yards.
325. Are these mines being worked at the present time;—is there any output from them? There is no coal being taken away.
326. Why not? There is no means of taking it away.
327. You mean to say that it would be very expensive if the owners of the land had to run a tram to Wollongong? I consider that a man of very large capital like the late Henry Osborne might do so, but no one there has sufficient property in my opinion to be able to afford the expense. A Company would need to be formed.
328. If a railway was constructed to the waters of the lake and ships were enabled to go and load there, would there be any probability of these properties being worked? I think they could be all worked.
329. You think these properties could be connected with the railway as it is now marked out? Very easily.
330. You know the general character of the country? Yes.
331. Do you think that the railway has been marked out in a way that is suitable for the requirements of the district? Yes; though I was going to ask them to alter the line a little so as to prevent them cutting off my water supply.
332. *Chairman.*] That is the only matter you object to? Yes.
333. *Mr. Crossman.*] I understand you can show a slight deviation there which would be beneficial to both parties? It would not be beneficial to the Company, but it would be to me.
334. *Chairman.*] It is not of so very much importance, but that it can be arranged by their giving you compensation? Yes; that would be better for them I believe.
335. *Mr. Crossman.*] Taken generally you consider the line is suitable to enable the coal being taken from these different collieries? Yes. The line goes on to Stack's property; and from there there are two lines, one going north to what we term Style's property, which is now owned by the Company, and the other going south to J. B. Watt's mineral selection. That is the only way in which the line could be taken, because the mountain runs out in spurs. It will be very convenient for a small landowner to connect with this railway by a trainway a mile or two and a half miles in length—that would be the longest distance. It would be a great accommodation for a small settler to be able to work his land by means of this line; he would not otherwise be able to do it.
336. *Chairman.*] Then it will accommodate the whole district? It will accommodate the whole district.
337. *Mr. Crossman.*] Have you discussed this scheme with other land owners so as to arrive at their opinion upon it? Yes.
338. Have you formed any opinion as to their views? I have heard no one object, knowing or believing as they do that it would be a great advantage to them if the line went through their properties.

Mr. W. S.
Thompson.
2 May, 1889.

James Edmund Fitzgerald Coyle called in, sworn, and examined:—

339. *Mr. Crossman.*] You are a civil engineer, I believe? Yes.
340. A Member of the Institute of Civil Engineers? Yes.
341. You have inspected, I believe, some plans drawn by Mr. Harper of the proposed improvements at Lake Illawarra? Yes, I examined the design prepared by him.
342. Did you examine the plans showing the details of the work? Yes.
343. Did you form any opinion of the feasibility of the work? The design is prepared on established lines, and it seems to me from the examination that I made of it to be a faithfully considered scheme.
344. Is the style of work such as you would expect to succeed from the nature of the country there? Yes. I think that the construction of these training walls will have the effect of maintaining any depth of water that may be established; that the scour will be sufficient.

Mr. J. E. F.
Coyle.
2 May, 1889.

Mr. J. E. P.
Coyle.
2 May, 1889.

345. Do you consider that he proposes to construct these walls of sufficient stability? I do not think that is of much importance; this kind of blocks is prepared for sea walls, and they are used in different places in the most exposed situations.

346. *Chairman.*] You speak of concrete blocks? Yes; I have seen them used in numbers of harbour works, and I have used them myself.

347. *Mr. Crossman.*] With regard to the nature and the size of the entrance; do you think that that has been properly worked out? I think so. It is of the same dimensions as have been adopted by Sir John Coode in several of his works. It is a question of proportion between the width of the entrance and the scour. This bar, which is something like a mile in length, is really the only difficulty which an engineer has to contend with. It has resulted from a certain combination of forces. The whole object of the engineer is to maintain any depth of water which may be established. I have no doubt that there will be a fall here of 4 feet 6 inches in the mile, and that will be sufficient to maintain the depth of water created by the training walls.

348. Taking it from a scientific point of view this scheme appears to you to have been worked out on recognized engineering lines, and one which theoretically ought to be successful? I think there is no doubt about it. All that has to be contended with is the bar. It may be found afterwards that some protecting works will be required to break the force of the sea in some directions and to facilitate the entrance of ships. I am not sure that this will be so, as I understand that the prevailing winds and storms are broken by the island, and that the trend of the coast to the north will break any storms from the north-east. Then directly from the eastward the break-water is of a sufficient length to provide shelter from storms from that quarter. Against the prevailing winds and sea the place is perfectly protected.

349. You have not visited the district? I am well acquainted with the whole of the district except the location of the bar. I have been dealing quite recently with the entrance to Lake Macquarie, which is almost on parallel lines with this, except that instead of having a bar 1 mile in length the bar is 3 miles, and consequently the fall is only 1 foot 3 inches instead of as in this case 4 feet 6 inches, so that here you have three or four times the velocity that you have there.

350. Lake Illawarra has another advantage, at Lake Macquarie there is no island? A point of land runs out there very much in the same form.

George Brown Murdoch called in, sworn, and examined:—

Mr. G. B.
Murdoch.
2 May, 1889.

351. *Chairman.*] Where do you reside? At Manly.

352. *Mr. Crossman.*] You are a member of the Institute of Civil Engineers? I am an associate member and have been for thirty years.

353. Have you lately visited Lake Illawarra? Yes.

354. Did you before visiting that place carefully examine Mr. Harper's plans for the proposed harbour? Yes.

355. Have you examined these plans marked No. 1 and No. 2? Yes.

356. You have personally inspected this place? Yes.

357. What is your opinion of the general nature of this scheme as drawn out by Mr. Harper? Well, my right to speak upon a thing like this is because I have been watching the works that have been carried out for the last seven or eight years at Lake Macquarie. There they intend to make a harbour in a situation almost identical with this. The plan adopted here is such as is usually adopted. You make your break-waters or training walls out into deep water, so as to let the outflowing tide carry its debris and stuff away with it, and the incoming tide comes in free; by that means the channel is scoured.

358. Are these plans drawn in accordance with the recognized principles of engineering? Yes.

359. And from your personal inspection of the place you are of opinion that the scheme can be carried out? I know nothing in connection with this place to lead me to suppose that what has been done elsewhere cannot be done here.

360. Supposing this scheme of Mr. Harper's was carried out, would it form an entrance which could be used by fair sized merchant vessels? Undoubtedly, subject to the outside winds.

361. Can you form any opinion as to what the outside winds would be; would their effect be very serious? Well, any one can speak as well as I can on the winds on the coast of New South Wales. It appears to me that the entrance here is more protected than is that at Lake Macquarie, where they propose to make a harbour. I have here a parish map showing the entrance to Lake Illawarra and the coast-line to the south, and also a map showing the coast-line to the north of the entrance. On the north the entrance is protected by the Sisters Islands, and Red Point.

362. So that there is a natural protection both north and south? To a very considerable extent. I have also here maps showing the coast-line to the north and south of Lake Macquarie; there is a corresponding piece of land to Windang Island to the south of the channel there, but to give as good a protection to it from the weather as there is at Lake Illawarra, the coast-line would have to run out to sea a good many miles more than it does. Then on the north the entrance of Lake Macquarie is somewhat protected, but not so much, I think, as is that at Lake Illawarra. I think that the Illawarra harbour is better protected if anything than the Macquarie harbour to the north, and much better protected to the south.

363. Do you see any material difficulty in carrying out the dredging? No. I think the dredging will be necessary until the tide enters and recedes freely, and then that will do the greater part of the scouring.

364. Do you see any difficulty with regard to the dredging in the first instance? No; there would be no difficulty.

365. I am not speaking only of the entrance? No; right across the lake; assuming there is no rock or hard material. I have not tested that; but from the nature of the surrounding country I do not think there is the least likelihood of there being rock there.

366. *Mr. Frank Smith.*] Are the Lake Macquarie works being conducted privately or by the Government? By the Government. They were among the works that Sir John Coode reported on when he was out here. He narrowed the entrance to 200 feet, which is the width proposed here. Mr. Moriarty had intended to make a much wider entrance.

James Ambrose Thompson called in, sworn, and examined:—

367. *Chairman.*] Where do you reside? In Sydney.
368. *Mr. Crossman.*] You are a solicitor practising in Sydney? Yes.
369. Do you know the Illawarra district? Very well, I was born there.
370. Do you own any property in the neighbourhood of Dapto? I own some property through which this line runs.
371. You have seen this line then, and it runs through your land? Yes.
372. Do you see any objection to that? No.
373. Have you considered whether it is likely to increase or diminish the value of land there? I feel satisfied that it will very much increase the value of it.
374. Do you not know of your own knowledge that there is coal along the hills there? Yes.
375. You say you have noticed where this line is taken through; have you considered the suitability of that route? Yes.
376. Do you consider it is suitable for the requirements of the various coal properties? I think it is quite what is desired. I think it runs pretty well at the foot of the range, and the whole of the seam from Bulli to Illawarra will be reached by it, or at least that part which is not already served.
377. You know that the hills here sweep out in various places? Yes.
378. Taking that into consideration you think that the railway has been placed in the best position? As well as I can judge, I think it has.
379. Have you considered the rest of the scheme with regard to the harbour works; do you think that that part will be beneficial to the neighbourhood? Undoubtedly.
380. Do you know Lake Illawarra? Yes.
381. As a man of business, have you formed any idea of the feasibility of this thing? I have been taken over the lake to inspect it, and everything has been pointed out to me. It appears to my mind that the scheme is perfectly feasible.
382. You are not a shareholder in this Company? Not in any way. I should like to be.
383. Do you know the Lakelands Estate? Very well.
384. Do you know Talawera Point? Yes.
385. Do you consider that that is a suitable place for erection of wharves for the shipment of coal? Yes; I think it is pretty well in the centre of the district.
386. The ground there is raised so that you could load from high level shoots? Yes, that is about the highest point on the lake.
387. You know as a matter of fact that the coal properties here are not being worked? I do not know about Mr. Biggar's but I know that the others are not.
388. Do you know why they are not being worked? I think they are all holding back pending the construction of this railway.
389. There is a difficulty in getting the coal away at present with profit? Decidedly.
390. Do you consider that the carrying out of this scheme would put these collieries into work? Yes; but I think clause 31 of the Bill should be looked at. It rather places the whole of the collieries in the hands of this particular Company. The Company first of all reserve a royalty for running over their line of 3d. a ton, and then by the restrictions of this clause they practically force the people to use their line, and I am afraid that mines other than those owned by the Company would remain undeveloped if they had to pay 3d. a ton on their coal for sending it away. I think they should have the option of constructing another line for themselves if their coal is worth it.
391. *Chairman.*] You think that this clause would restrict them from doing that? I think it would. It says here "No line shall run parallel to this railway." I think that that restriction ought to be cut out.
392. *Mr. Crossman.*] I might point out that a similar clause to this has been allowed to remain in all other acts of this kind? I believe such a clause has been allowed to remain.
393. A suggestion was made here on Tuesday, that if a right was reserved to the public to run lines from these properties it would remove the objection to the Bill? I think that would entirely remove the difficulty.
394. *Chairman.*] You think that 3d. a ton is too much; that it will be prohibitory? It is too much if you compel people to run on this line. If you allow them to construct lines for themselves then they can have their choice whether they will use this line or make their own.
395. *Mr. Crossman.*] Then I understand the amendment you require would provide that this Bill should not interfere with any coal owners to run lines of their own? Quite so; but I would put a proviso into the measure that they should only run parallel lines for the purpose of conveying their own coal and not to take the Company's traffic away. I think 3d. a ton is quite a fair thing provided people are not compelled to run on the Company's line.
396. This amendment would meet your objection? Quite. I believe that this restriction is put in all bills of this kind, but I consider that here it is rather out of place, because it has relation to branch railways.
397. You must remember that this railway will be made for the convenience of other people. If the Company had consulted themselves they could have run a line straight down? Yes; but a man might be able to construct a line for himself. For instance, Mr. John Lindsay has a long strip of land, and if he bought a coal property at the back of it he might construct a railway so cheaply that the interest on the cost of construction would not amount to more than this 3d. a ton that he would be charged by the Company.
398. These coal properties have all been opened up for some years, have they not? Yes.
399. And yet no one has constructed a tramway;—do you know what the rates are at Mount Kembla? I believe 6d. a ton, and I believe that that has driven others to make a parallel line.
400. Notwithstanding the restriction in that Company's Bill, these parallel lines have been constructed? Yes.
401. *Chairman.*] Could their construction be stopped? I do not think Parliament's action could be crippled by anything. I mean to say that Parliament could ride over this restriction.
402. If this Bill were passed in the form in which it is now, it would prohibit any person from constructing a line along the southern route? I am afraid it would.
403. Have you ever known an instance where people desired to lay down a line and the Act kept them from doing so? I cannot say that I have.

Mr. J. A.
Thompson.
May, 1889.

George Robert Hepplewhite called in, sworn, and examined:—

- Mr. G. R. Hepplewhite. 401. *Chairman.*] Where do you reside? At Manly.
 405. *Mr. Crossman.*] You have had some experience at sea, have you not? Thirty-one years' experience.
 406. In what service did you spend most of your time? I spent sixteen years in the service of the P. & O. Company.
 407. And previously in sailing ships? In sailing ships.
 408. You have been for many years chief officer of various P. & O. steamers? For eight years.
 409. On what steamers have you been chief officer? On the "Shannon," "Roma," "Clyde," "Bengal," "Indus," and others.
 410. The chief officer, I understand, on these boats is the officer who attends to the management of the ship and the coaling of it? Yes.
 411. In your capacity of chief officer have you to consider the question of obtaining southern coal for your ship? Yes.
 412. Have you any difficulty in getting regular supplies of southern coal? Very great difficulty.
 413. Who supplies you with southern coal? Mr. McCabe.
 414. Do you find a difficulty in getting a regular supply of that coal? Yes.
 415. Is there a still greater difficulty in Melbourne and Adelaide? In Melbourne we could not get it; we had generally to fill up with 200 tons of Newcastle coal.
 416. Is the southern coal better adapted to your use than the Newcastle coal? Very much more so.
 417. Do you mean that it is simply better, or that you can get more work for less coal? You can get more work for less coal, and it does not burn the fire-bars.
 418. It does not clinker? Well, the Welsh coal does not clinker, but this coal does not burn the fire-bars.
 419. The Welsh coal is the best you can get, is it not? Yes.
 420. Does this southern coal bear any strong resemblance to the Welsh coal? Yes.
 421. Then I understand that if you could get a good supply of this coal in Melbourne and Adelaide you would take it? Certainly.
 422. Have you had any experience of harbours yourself? Yes, I was harbour-master for the P. & O. Co. for eleven months at Bombay.
 423. Have you visited Lake Illawarra? Yes.
 424. Did you examine the place with a view to ascertain the possibility of converting it into a harbour? On two occasions.
 425. Have you seen Mr. Harper's plans? Yes.
 426. Have you formed any opinions as to the feasibility of the scheme? I think it is very feasible indeed, and that the lake would make a good harbour. That I am confident of if the work is carried out according to the plans.
 427. You are speaking now of the entrance? Yes.
 428. Do you think that the interior of the lake, with the dredging proposed, would be suitable for a harbour? Yes, very suitable.
 429. Did you see this Talawera Point? Yes, I was on it.
 430. Do you think that is a suitable place for the erection of wharves for the shipping of coal? Yes.
 431. If you had to take your ships in there would that be a suitable place for them to load coal at? Yes. This point is opposite the entrance.
 432. How long is it since you were there? Five months, I think.
 433. Did you interview any of the captains of the coasting steamers at Wollongong and elsewhere? Yes, one or two of them.
 434. Did you make any remarks about this scheme to them? I told them that I thought that it would make a very good harbour, and that I had been down there to see the place, and of course they told me their experience that it would.
 435. They agreed with you? Yes.
 436. They were men that knew the coast? Men who were trading up and down.
 437. Did they say anything about the natural features of the place assisting to make a harbour? Yes; from the formation of the coast. A point protects the entrance from the north-east. I think on the Admiralty chart this point protects the entrance more than it is shown to do on your map. It overlaps the point of the island, I think, about N.E. $\frac{1}{2}$ E. Here I think it is shown as not quite N.E.
 438. Do you know anything of the weather on this coast—do you know where the worst weather comes from? The worst of the sea comes from the south-east, and it would set against this point.
 439. Consequently the entrance would be on the lee of the island? Yes. There are some points running out beyond the island, and therefore there is more protection than there is shown on this map. On the Admiralty chart I think there are five islands which protect the harbour from the north-east. You do not have very heavy gales from the north-east as a rule, but when they do come there is not a very heavy sea; but you have a continual south-east sea. I suppose that is caused by the heavy winds from the southward all the time.
 440. Have you discussed this matter with any other chief officers of the ships trading here? I think I have with one or two captains.
 441. What was their view with regard to the consumption of coal if a market was formed in Melbourne and Adelaide? I think the engineers use about 10 per cent. more of southern coal than they do Welsh coal. They could not carry Newcastle coal, because it requires too much bunker space.
 442. They would not have room in their ships to carry sufficient Newcastle coal? No; they could not do it. Ships coming here load southern coal for China. One ship went away the other day with 3,200 tons of southern coal on the P. & O. Company's account for Singapore.
 443. Could such ships come in here? The "Ravenna," which is the ship I refer to, could if the entrance was dredged to the depth of 23 feet.
 444. From your experience, do you think that a regular coaling trade could be established at Illawarra if the harbour was opened there? Certainly; both for sailing ships and for steamers. I have noticed sailing ships lying here for nearly a month loading coal. When our steamers have wanted the coal we have had to wait a week for it, Mr. McCabe not liking to disappoint other people, and I have coaled several times on the last day of leaving port.

445. *Chairman.*] That is something unusual? I have done it three or four times when there has been something the matter at the pit—a strike perhaps, or the weather has been too rough to load. Mr. G. R. Hepplewhite.
446. *Mr. Tonkin.*] Did you say that you are the chief officer of one of the P. & O. Company's ships at the present time? No; I am living at Sydney now. 2 May, 1880.
447. *Chairman.*] You are not a shareholder in the Company? No.
448. *Mr. Crossman.*] You have no interest in it? No.

Robert Mattoson Vaughn called in, sworn, and examined:—

449. *Mr. Crossman.*] You are a shareholder in the Illawarra Harbour and Land Company? Yes. Mr. R. M. Vaughn.
450. You are an engineer by profession? A civil engineer.
451. You know the Illawarra district well, do you not? Very well; I have known it for the last thirty years. 2 May, 1880.
452. Have you inspected the plans of the harbour that Mr. Harper has drawn? Yes, I have.
453. Have you formed any opinion upon them? Yes; from what I can see the design is suitable for the intended work.
454. You had the general nature of the plans before you when you first went into the Company? Yes.
455. It was that that operated upon you to make you go in? Yes, to a great extent.
456. Do you believe that the scheme can be carried out, from your knowledge of the locality? I am positive it can be.
457. Would you be prepared to enter into a contract to carry out these works on the lines laid down by Mr. Harper? Yes, I would; I stated that several times before.
458. Have you formed any estimate roughly of what the cost of the work will be? I have not been into the matter thoroughly.
459. Mr. Harper has named a sum; do you consider that he is in or out in his calculation? I think he was pretty close.
460. He told us the other day that the harbour scheme would cost £250,000, and the railway about £30,000 more;—is that anywhere near what you think it would cost? Yes; I think it would cost about that. At any rate it would be under £300,000.
461. Do you know the nature of the country generally? Yes.
462. And the fact that there is coal in the hills at the back? I have been all over the country at the back.
463. On the Sydney water reserve? Yes; for 5 or 6 miles back.
464. You are satisfied about the existence of coal in these hills? There cannot be a doubt about it.
465. Have you seen it opened up in any places? At a dozen places.
466. Right away up? On the coast range, not at the back.
467. But in the front of the cliff? Yes, in the front, I have.
468. What is the reason that there is no output from these mines now? The expense of taking the coal by rail to Sydney.
469. Do you know as a fact that many of these owners have had to suspend operations until a scheme of this kind could be brought forward? Yes.
470. I believe you were Minister for Mines at one time? I was for a short time.
471. What royalty would the Government take on this coal? Sixpence a ton.
472. Therefore the working of these mines would bring considerable revenue to the Government? Yes; because there is a considerable area of country here that could be worked.
473. Could you give us any estimate, roughly, of the amount which could be taken out of these mines if there was a means of conveying it to market? No; I have not made any estimates.
474. Have you considered the line that Mr. Harper has laid out, having regard to the natural features of the country? Whether it is a proper line?
475. Yes? Well, I could hardly say that without making a survey; but, judging from what I know of the country, I should say it is. From the hills the country is all very flat, and the railway should follow close to the foot of the mountains. I have no doubt that Mr. Harper is right, because he has surveyed the country. There are one or two spurs which run out, and, I presume, that is the reason the line branches so far away from the range.
476. Do you think that the railway would suit the various coal-owners along the route? It would suit the whole of them from one end to the other.
477. I believe that the hills slope down to the river at one end and form a sort of basin? Yes, to the Macquarie River.
478. That accounts for the railway not being taken further? There is a ridge there, but the railway could be continued round it.
479. Do you know anything personally about the coal trade? No, I am not well up in it.
480. Is not the lake at the present time practically useless, except for sight-seers and wild-duck shooting? It is entirely useless as far as shipping is concerned. It never has been used in any way by anybody, except for fishing and pleasure. Thirty years ago I waded across the entrance. At that time the lake was running out to the south of the island; it is now, I believe, running out to the north of it.
481. It is not running at all now? Well, it was when I was there last, but it was very shallow; there was not more than 6 inches of water there.
482. If this scheme was carried out would not the Government, in your estimation, get an increased amount of revenue from the coal there? Yes.
483. They get no revenue from it at the present time, except rent? None whatever, and cannot do so, unless some means of shipping the coal away are provided.

TUESDAY, 7 MAY, 1889.

Present:—

MR. McCOURT,
MR. CULLEN,MR. FRANK SMITH,
MR. TONKIN.

MICHAEL CHAPMAN, Esq., IN THE CHAIR.

F. H. Crossman, Esq., solicitor, appeared on behalf of the promoters of the Bill.

John James Weston called in, sworn, and examined:—

- Mr. J. J. Weston.
7 May, 1889.
484. *Chairman.*] Where do you reside? At Woollahra.
485. *Mr. Crossman.*] Do you know the Illawarra district? Yes.
486. Do you know Lake Illawarra? I have seen it at a distance from the hills.
487. Do you represent any coal land in that district? Yes; three portions.
488. Do you recognize from the plan of the estate before you the properties which you represent? Yes; they are numbered 1, 2, and 3, and are marked W. J. Weston, J. B. Watt, and T. H. Kelly. I have been acting as agent in these matters, and I am executor of the estate of the late W. J. Weston, which is now in the name of Walter Watt.
489. Are you aware of the nature of the harbour scheme proposed here? Yes; I read the Bill.
490. You also see on the map the position of the railway? Yes.
491. Are you satisfied with the direction of that railway if it should be carried out? Yes; quite satisfied.
492. Are you satisfied that that railway and harbour will be beneficial to the working of the coal in those hills? I am certain that it would.
493. Can you see your way to work those properties at the present time with profit? Not until we have a railway.
494. I believe you think that if the Bill were slightly amended it would be more beneficial to the owners of the land? Clause 28 says: "Provided also that one of the said railways shall be constructed and brought into use within the term of five years from the passing of this Act." That would only bind this Company to make one railway, and I suppose the railway they would first make would be up to their own property. This Bill does not bind them to make a railway in any other direction, and I think that something ought to be put in the Bill compelling them to make that railway if the people there ask them to do so, or else allowing these people to have the right of making a railway for themselves to the Government line.
495. If the Bill was amended either so as to compel the Company to make a second line or to allow these people to make a railway to the Government line, you would approve of it? Yes.
496. Would you approve of the Bill if it provided that a second line should be made by the Company if a certain output was guaranteed? It would not do for the Company to be compelled to make a railway unless the people owning the property would work it.
497. Subject to that I understand that you approve of the scheme as you have gone into it? I approve of it entirely.
498. *Chairman.*] You have no interest in this Company? No.
499. *Mr. Crossman.*] Neither direct or indirect? No.

Thomas Hussey Kelly called in, sworn, and examined:—

- Mr. T. H. Kelly.
7 May, 1889.
500. *Chairman.*] Where do you reside? At Double Bay.
501. *Mr. Crossman.*] You know the Illawarra district, do you not? I do not know it by personal inspection.
502. You are interested in some property there, are you not? Yes.
503. From looking at the map before you can you identify the property you are interested in? Yes; it is marked M.P., No. 3, 640 acres.
504. That, I believe, Mr. Weston manages with others? Yes.
505. You have heard the particulars of the proposed harbour and railway to be made there? I have had a plan.
506. Do you consider that that scheme, if carried out would be beneficial to the owners of coal lands there? I do, provided that the extensions from the main line are made as shown on the plan. If you run your line north and south the railway cannot be otherwise than beneficial.
507. To the whole of the coal owners? Yes. We have just had it suggested by Mr. Weston that there is nothing in the Bill to compel the southern line to be made; he is of opinion that if permission were given people to run lines to the Government railway, or the Company compelled to make lines upon certain terms, that would meet the case.
508. Do you think it would? I think so. I do not wish to offer any trivial objection to the scheme as it appears on the plan, because I believe the whole district will be benefited if it is carried out. I approve of the plan. If the line is not made to the south because it will not be profitable to make it we cannot help it, but if it can be proved to be a profitable undertaking it will be made.
509. You are one of those who would be likely to work their property if the line were made? Yes; our great difficulty now is that we have no outlet at all for the coal. I may tell you that the properties on the hill belong to J. P. Watt's estate, Weston, Gilchrist, and myself. We caused a series of tunnels to be put into the hills, and we found twelve seams of what the manager reported to be good workable coal. The aggregate coal is 82½ feet, with large bands of rock between the seams; so the country is one mass of richness as regards coal. If you could get an outlet for it I believe you could put it on board the ships free and deliver it at 6s. a ton, making a profit by the sale.
510. You have no interest directly or indirectly in the Company applying for this Bill? Not a cent.
511. *Mr. McCourt.*] Are these properties worked on a royalty—would the Government get any benefit from the output of coal? 6d. a ton.
512. Then the Government would get a profit if the properties were worked? The Government would be getting a large revenue; everyone of the properties marked on the plan could be worked.
513. Are they leases? They are mineral permits to be converted into leases.

514. *Mr. Crossman.*] The 6d. a ton royalty would be paid on the leases as well as the permits? Yes; on all.
515. Do you see any scheme for working the property without this railway? No. We had some thoughts about working it, but there is the difficulty of getting the coal to the sea. Wollongong harbour is not a very eligible place, since only very small vessels can go there, and the distance is too far to send the coal to Sydney.
516. Supposing you could get your coal to Wollongong harbour, would you then be able to ship it into large ships? No.
517. Therefore you would have to tranship again if you wanted to send the coal to America, or places like that? Yes.

Mr.
T. H. Kelly.
7 May, 1889.

Erin Robert Evans called in, sworn, and examined:—

518. *Mr. Crossman.*] You are a resident of Dapto? Yes.
519. How many years have you resided there? About fifty years.
520. Are you a landowner there? Yes.
521. How many acres of land do you own in that district? About 770 acres.
522. Is it anywhere in the neighbourhood of Lake Illawarra? It is within a mile of the lake, or it may be a little more.
523. Is it anywhere near the Lakelands Estate? Yes; there is only a main road dividing that property from mine.
524. Is Lake Illawarra any good for shipping purposes at the present time? No.
525. It is no good for anything except fishing or pleasure boating? That is all it is good for at present.
526. Do you know anything of the hills at the back of the district? The mountain ranges?
527. Yes. Is there any coal there? Yes; it is all good coal.
528. Is any of it taken up for coal-mining purposes? Yes; I believe the surface is all along.
529. Is any coal being worked there? There are one or two mines that have been partly opened; they are not working.
530. Is there any output? No.
531. What is the reason of that? They have no way of getting rid of their coal; they cannot ship it by water.
532. Do you know the entrance at Windang Island? Yes.
533. Is that blocked up now? I have not been there lately, but I believe it is closed.
534. From what you have seen of this scheme, not as an engineer, but as an ordinary practical man, do you think it can be carried out, and a harbour constructed there? I think it could.
535. Do you know anything of the coast? Yes, I know that there are two points jutting out on either side of the entrance,—on the Shellbarbour side, and on the Wollongong side.
536. These would protect the coast there? They would.
537. Therefore this entrance to Lake Macquarie is more protected than is most of the coast? Yes, it is, because of these points.
538. Will you name them? Bass Point to the South and Red Point to the North.
- 538½. Do you know anything of these islands to the north?
539. Are they rightly shown on the map? I think they are further out.
540. Do you consider that the railway follows a suitable course for the conveyance of coal from these collieries? Yes, I think the lake is a very suitable place for bringing the coal to.
541. Have you seen the line? No, I know the locality it passes through.
542. Do you consider that the proposed routes will tap these various properties? Yes, I think the line is suitable. I do not think there are any engineering difficulties in the road.
543. Have you any idea yourself with regard to the carrying out of this scheme; do you consider that it is a good one? Yes, I think it will be a benefit to the district.
544. Have you heard any objections to this Bill? Yes.
545. What were they? They were because people understood that the Bill would allow the Company to take up the whole of the foreshores of the lake.
546. Have you heard of any other objections? No.
547. That was the only objection practically that you have to this scheme? Yes.
548. If it does not monopolise other people's foreshores you do not see any objection to it? No.
549. And you consider that it would be a general benefit to the whole district? Yes.
550. *Chairman.*] Does any part of this line go through your property? Not any.
551. Is your coal property? No, I have no coal property.
552. Your land is merely grazing land? I use it for farming and grazing.
553. Have you any interest in this Bill? Not any. I believe that the railway would benefit all properties near Dapto.
554. *Mr. McCourt.*] Have you read the Bill? No, I have not.
555. Do you think that if this bill is passed the right of the public to the lake for pleasure and other purposes will be interfered with? As far as I have heard it will not interfere with it very greatly.

Mr.
E. R. Evans.
7 May, 1889.

John Bovard called in, sworn, and examined:—

556. *Chairman.*] Where do you reside? At Dapto.
557. *Mr. Crossman.*] You are a resident of the Illawarra district, I believe? I am.
558. How many years have you been a resident there? Since I was born,—for about forty years.
559. You are a landowner in Central Illawarra, I think? Yes.
560. How many acres do you own there? I have 300 acres, and I have an interest in 200 acres.
561. Can you identify that land on this plan? It is marked, "E. R. Stack, 300 acres," and "James Bland, 200 acres."
562. Does this railway run through any portion of this land;—have you seen it pegged out? I believe it does.
563. You have seen the pegs where it is proposed that this railway shall run? Yes.

Mr.
J. Bovard.
7 May, 1889.

Mr.
J. Howard.
7 May, 1899.

564. Do the lines on the map show pretty accurately where the railway goes? I think so; I have not traced the pegs.
565. *Chairman.*] On the map the line is not shown as passing through your land? On another plan that I have seen it crosses my property.
566. *Mr. Crossman.*] Have you any objection to that railway being run through your land? None.
567. Do you consider that this harbour scheme will be any benefit to the country? I think it will be a very great benefit if carried out.
568. You are a member of the Central Illawarra Municipal Council? I am.
569. What was the reason for the Council not assenting to this Bill? The principal reason was because of the crossings on the bye-roads which would have to be made. We have had great difficulty in connection with these crossings made by other mines for their tramways, through their not erecting gates or making proper protection for the public. The Council require that proper precaution should be taken before they give their consent to these crossings.
570. *Chairman.*] Have you had this Bill before the Council? Yes.
571. *Mr. Crossman.*] In other Acts which you have in that district, is there a section similar to clause 29 of this Bill? I do not know if it reads exactly the same, but there is a similar provision. We have got the Government Act there.
572. *Chairman.*] Have you read this clause? Yes; I think I have. Although the Government Act has a similar provision the Council find great difficulty in carrying it out. If a man has a beast hurt or any damage done on the crossings, although we may call the attention of the Company or the Department to the matter, they take no interest in it. Public thoroughfares are thrown open and left open.
573. I think there is provision made here for gates? If that is properly carried out I have no objection to the clause.
574. *Mr. Crossman.*] You see no objection now to the provisions of this clause? There is one slight objection. The clause provides for an order being obtained from two Justices of the Peace. I presume that means on the Bench. That is a difficulty that could be overcome.
575. Is not the real objection this, that individuals do not like to apply for these orders? Yes.
- 575½. If the damage is serious, will not they apply? They generally go to Court and sue for the amount of damage; they merely lodge a complaint with the Council.
576. This Act gives them their remedy, but they are too stupid or negligent to take it? It does something to that effect.
577. Will you tell us whether there was any other objection raised in the Council in your hearing to this Bill? There were not many other objections.
578. Was there anything in connection with the foreshores of the harbours? They think that the parties interested in the land round the lake should take that up themselves, and if they used a certain amount of caution it would have an effect upon the landowners.
579. Was that because the idea has gained ground that this Company are asking for other people's foreshores on the lake? I think there is a misapprehension about the foreshores of the lake. The people in general believe that the Company are to have the north, east, west, and south shores; that is the opinion that seems to be general, and they say, of course, we shall not give up our right to the lake, but we shall protest against it.
580. I think you proposed suggesting some amendment? Yes; as follows:—"Provided always that nothing in this Act contained shall interfere with any right which any owner of any part of the foreshores of the said lake may have to erect a wharf or wharves from his land into the waters of the lake, and to collect and recover rates for the use thereof, and to excavate channels from the said wharf or wharves. Provided that such works shall be carried out in such a manner as not to be prejudicial to any work executed or in course of execution by the Company."
581. Subject to that amendment, and due provision being made for the safety of cattle on the roads, have you any objection to the scheme? None whatever.
582. Do you consider that it would be the means of enabling an output to be obtained from the coal properties? I believe that if this scheme is properly carried out the lake will be the best shipping-place for all the coal between Mount Kembla and the south of this range.
583. Would there be any increase of revenue from the working of these mines? I think so.
584. They are on a reserve, are they not? Yes. All these blocks are taken up, and the proprietors are waiting for some means to convey the coal to market. Some of the mines are open.
585. *Mr. Cullen.*] In mentioning the two objections of the Council which you have stated, had you exhausted all their objections;—do you know whether the Council had any further objections to the Bill? Not that I have heard of, and I have heard the discussions all through.
586. *Mr. Crossman.*] Have you any interest directly or indirectly in this Company? None whatever.

Edwin Barber called in, sworn, and examined:—

Mr.
E. Barber.
7 May, 1899.

587. *Chairman.*] Where do you reside? On the Berkeley Estate, Lake Illawarra.
588. *Mr. Crossman.*] You are a resident, living almost on the waters of the lake? Yes. I have lived there for something near thirty years.
589. You are by profession? A fisherman.
590. You are, in point of fact, the head of one section of the fishermen there? Yes.
591. There are two clans of fishermen? Yes; but I am up here to represent the lot.
592. You are boss of one of the teams? Yes.
593. Have you known Lake Illawarra all this time? I have known it over twenty-eight years.
594. You are on that lake almost every day? Every day.
595. Do you know Windang Bay? Yes.
596. Is the entrance to the lake stopped up now? Yes.
597. Did you go with Mr. Harper to make some soundings in the bay? Yes.
598. You were with him when these various soundings marked on plan No. 2 were made? Yes; I was taking all these soundings.
599. You know the depth of this water very well, do you not, from actual experience in fishing? Yes, when I have been fishing for schnapper and other fish.

600. The depth at the entrance of the channel is marked 23 feet? Yes; 23 feet was the inside sounding.
601. *Chairman.*] Inside the bar? No, outside, in the ocean. The entrance was silted up at that time.
602. *Mr. Crossman.*] Where they propose to make the entrance to the harbour the depth is 23 feet? Yes.
603. Then the map shows 25 feet, and a little further out 30 feet;—are those about the depths? Yes; we went out to 59 feet.
604. Is there any place off this island where a shoal runs out? Yes; it runs north-east from the island.
605. Where does the worst weather come from? The heaviest sea comes from the south-south-east.
606. That would really be across the island? More towards the back of the island.
607. If the wall, marked on the map, was carried out as at present proposed, would it protect the entrance from bad weather? Yes.
608. Would there be any weather from the north to stop any ship from coming in? No; I have never seen any weather that would hinder any ship coming in. I have known the place thirty years, and the silt all comes from the southward. The entrance is not open for three months before the sand works to the island and closes it again.
609. I understand that the sand comes from the southward and closes the entrance? Yes; there is a southerly current.
610. There is a current on the coast? Yes; mainly from the southward.
611. Do you know this plan? Yes. Five Islands stand further out from the land than they are shown to do here.
612. There would be greater protection then from north-easterly weather? Yes; the bay is quite calm in north-east weather; the sea runs past it.
613. We have then protection from the north-east and from the south-south-east;—is there any other weather on that coast which would prevent a ship from going into the entrance? I never saw any weather that would hinder vessels going in there, except an easterly gale.
614. *Chairman.*] How about strong westerlies? That would be dead out. A sailing vessel would have to heave up into this bay and lay there.
615. *Mr. Crossman.*] But there would be nothing to prevent a sailing vessel going in with a tug-boat? No.
616. You have been through the plans; you know the whole scheme? Yes.
617. Would there be any chance of the water breaking through to the southward if the channel was made? No; there would not be back water enough in any flood to make a fresh channel.
618. You think a channel 150 feet wide would take away any surplus water? Yes.
619. Do you think there would be an increase of the sand on the southern side of the entrance? Yes; it would bank up there.
620. What about the sand in the north? It comes down from Five Islands, but it is blown up into a hill by the southerly wind. It does not come down here.
621. It could not come to the deep-water entrance? I never knew of any sand there. This bank I have known for thirty years, and there has always been one depth of water there.
622. Except when the water breaks through after a flood? As soon as it breaks through the sand silts up from the southward.
623. If you had protection from the sand from the southward it would not interfere from the north? Yes.
624. And it could be protected against on the north? It would take very little to stop it there.
625. Do you think there would be smooth water outside the entrance? Yes. There is plenty of protection afforded by the reef that runs out from the island and by Bass Point against the whole of the southerly swell. Anyone could land on the beach in a southerly gale now. I have done it coming from Shellharbour.
626. Plan No. 1 shows the channel cut through the lake to a place called Talawera Point;—do you know what is the nature of the bottom of the lake? There is about 4 or 5 feet of very soft settlings, and below that you come into a blue clay bottom. I do not know of any rock at all in the lake.
627. If that clay and settlings, as you describe it, was dredged out to a depth of 23 feet at low water, would there be any difficulty through its silting back again? No, I do not think so.
628. Do you think the clay is sufficiently firm? It is firm.
629. I suppose you have a good opportunity of judging? Yes; we often put sprints down.
630. Do you consider that there would be any difficulty in making a channel 23 feet deep across the lake? No, I do not.
631. You know the Lake Lands Estate? Yes.
632. Do you know Talawera Point? Yes.
633. What sort of land is there there? Very high land. The highest round the lake.
634. Is there any other high land round the lake? No.
635. Is there any other place suitable for the erection of wharves? No; this is the deepest part, and the land is high.
636. If you wanted to run wharves out at a high elevation would this be the most suitable place round the lake at which to erect them? Yes.
637. Is this the nearest point to Dapto Station? Yes.
638. You do not know of any suitable place for this purpose to the south? There is none. It is all shallow flats.
639. You live to the north of the lake? Yes; the other side of Oakey Creek.
640. Is there any suitable place up there? No; the water is not deep enough. The bays are very shallow.
641. Have you any interest in this Company? No.
642. Will their operation interfere with the fishing in the lake in any way? No; provided that we are not debarred from working the shores. That would be the only objection the fishermen would have to the scheme. I am here as their representative. We want to know if we are to be debarred from working the foreshores. If not, we have no objection to the working of the scheme. It will be a benefit to us.
643. Do you think the opening of this entrance to the lake will lead to an increase of fish in the lake? Yes.

Mr.
E. Barber.
7 May, 1889.

Mr.
E. Barber.
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644. In what way? There are some hundreds of thousands of fish pass the lake now which, if there was an entrance, would come in. Ground fish, such as whiting, would work in and out, and all we are taking out now is against us. Twenty-five years ago, when there was about 15 or 16 feet of water at the entrance, there were almost millions of fish—thousands of tons—in the lake.

645. Is there anything in the lake that would interfere with the channel that it is proposed to dredge? No.

646. Is there much movement in the lake—material movement? No; you will find the one depth in the lake from one end to the other.

647. With regard to the fishing industry there, is it a very large one? Yes; there are thirteen boats, employing twenty-seven men. Some of the men have large families.

648. Have you much difficulty in getting your fish to market? Not at present. We had some time ago, before the railway started; but now we have a better chance. If the steamers came into the lake we could send our fish to other places.

649. I think you mentioned before coming here that you proposed to suggest a slight amendment to the Bill as it is now? Yes; to follow clause 9:—"Provided always that no tonnage rate shall be levied on boats solely employed in the fishing trade or for pleasure, or on watermen's boats plying on the harbour, which said boats shall have the free use of the harbour, provided that they in no way interfere with the navigation thereof, and subject always to the control of the harbour-master and of such regulation as may from time to time be made for the due management of the said harbour in manner hereinafter provided."

650. Subject to a provision such as that, you, as the representative of the fishermen of the lake, approve of the scheme being carried out? Yes.

651. What is your own personal opinion as to the feasibility of this scheme? I believe it can be carried out.

652. Knowing the currents and the waters as long as you have done, you believe it can be carried out? Yes.

653. You know that there is a large quantity of coal at the back? Yes.

654. It is not worked at present? Not at present. There are some places where it is 9 or 10 feet thick—a solid wall.

655. That is where the hill becomes abrupt? Yes. There is no tunnelling or back work whatever.

656. Do you think this coal could be worked? Yes; from Kembla to the south, to Jamberoo, it could be worked.

657. Has this scheme been discussed in the neighbourhood? Yes.

658. It has been generally talked of? Yes.

659. It is well known throughout the district? Yes.

660. *Chairman.*] The great anxiety of the people down there is that their right to the foreshores shall be reserved to them? That is the only drawback that the people of the district see to the scheme, and the objection only cropped up a fortnight or so ago. Some parties have been saying that these gentlemen wish to claim all the foreshores of the lake, which is misleading, but the people have got that idea into their heads.

661. *Mr. Tonkin.*] Do you know what is the distance of the channel from the mouth to the wharf? About $4\frac{1}{2}$ miles.

George Warburton Fuller, Esq., M.P., called in, sworn, and examined:—

Mr.
G. W. Fuller,
M.P.,
7 May, 1889.

662. *Chairman.*] You are a Member of Parliament? Yes.

663. Where do you reside? No. 9, Bligh-street.

664. The Committee were informed that you had some slight objection to raise against this Bill passing into law;—if you will kindly state to us what your objections are we will be very thankful to you? I have every desire to see this Bill pass into law, but I have one objection to it. Clause 4 says:—"It shall be lawful for the Company to reclaim land on the foreshores of the said freehold land or of Windang Island, or of any land which may become the property of the Company under or by virtue of any of the powers and provisions in this Act contained, and also on either side or both sides of the said channel between the points in Schedule A hereto mentioned." The points mentioned in Schedule A are between the entrances to the lake and Talawera Point. The channel runs right across the lake, so that the Bill gives the Company control over the whole lake. The Company have also asked to have incorporated into this Bill the resumption and compensation clauses of the Public Works Act of 1888. I represent my people there, who have a frontage of 6 or 7 miles to the lake, and I do not think it is a proper thing to give the Company power to resume the whole of the foreshore. Apart from that, I have every desire to see the Bill passed. I think it will be a benefit to that part of the Colony. I think the Company ought to have full power to take any Government land, but I do not think they should have the power to resume the land of private individuals. I have heard that they do not wish to have that power, and I think that ought to be mentioned in the Bill.

665. We are endeavouring to do everything to preserve the rights of private individuals? It was said that I was taking objection to the charges and so forth that the Company were to levy, but nothing of the sort ever entered my mind, because I think the Company deserve every encouragement. All I wish is to have the rights to the foreshore reserved to the people who own them.

666. *Mr. Crossman.*] If a clause was put in the Bill something to this effect:—Provided also that nothing in this Act contained shall interfere with the rights of individuals to their foreshores and other rights in connection therewith. Would that meet your objection? That would quite meet my objection. If a clause of that kind was put in I should have no objection to the Bill.

667. Have you been enabled to see in this Act anything which enables this Company to obtain possession of these lands. Clause 2 empowers the Company to erect wharves "on the said freehold lands or on any land." Then follows clause 4. Is your objection founded on the reading of the words "both sides of the said channel"? Do you take that to extend to the shores of the lake to the north and south of the channel?

668. *Chairman.*] You thought that provision would give the Company a right to the land all round the lake? Yes.

669. *Mr. Crossman.*] Could not that difficulty be met by an alteration—"contiguous to both sides of the channel"? Contiguous is a very ambiguous word.

670. You are in favour of this scheme if the rights of the owners of the water-frontages are respected? Quite so. If we are entirely protected with regard to the foreshore, I shall have no objection to the Bill.
671. Do you know whether the general public down there know of this scheme? I do not think the general public ought to be consulted in the matter.
672. Do the landowners and people in the district know of it? I think everybody owning property on the lake knows of it.
673. You think people would have an opportunity of objecting to it? Yes.
674. Has the scheme been generally favourably spoken of in your hearing? Very favourably.
675. *Mr. McCourt.*] Do you think it would be better to have the harbour-master a Government officer, or an officer appointed by the Company? I have not considered that.
676. *Mr. Cullen.*] Have you considered clause 6, which gives the Company power to control the lake. Would that clause affect the rights of the owners of the foreshores? The control is over matters comprised in the schedule—things connected with the navigation. I think it is a matter of consideration whether the harbour-master should be appointed by the Company or by the Government.
677. The clause proposes to give the Company power to appoint a harbour-master to control the navigation of the lake? I understand that that clause only refers to the matters specified in Schedule A, and the other matters included in this Bill are outside that altogether.
678. *Mr. McCourt.*] The harbour-master will have full power to regulate the traffic on the lake? Yes.

Mr.
G. W. Fuller,
M.P.
7 May, 1889.

Charles Hoar called in, sworn, and examined:—

679. *Chairman.*] Where do you reside? At Dapto.
680. What are you? I am a farmer.
681. *Mr. Crossman.*] Are you a landowner in that district? No; my brother is.
682. For how long have you been resident there? I have been there all my life; I was born there.
683. Do you know Lake Illawarra? Yes.
684. Do you know anything about this proposed scheme of harbour formation? I have heard something about it.
685. Here is a plan of the lake, do you see a property on it shaded with black lines;—is that the Lakelands Estate? Yes.
686. Do you know that at the back of the lake there are a lot of coal properties? Yes.
687. Do you know of the existence of coal there? Yes; I am aware that the mountain is nearly all coal.
688. Is there any output from that hill at present? No; not yet.
689. Why is there not? I do not know. There has not been any taken away yet from that side.
690. *Chairman.*] Why? There are no mines open.
691. Can you assign any reason why the mines have not been opened? The people have not had the money to open them.
692. *Mr. Crossman.*] Have they any means of getting coal to market? They would never get their coal to market without means. The coal is there right enough, but there must be means to take it away.
693. *Chairman.*] Do you think the reason that the mines are not worked is because there are no means of getting the coal to market? The mines have not been opened yet.
694. *Mr. Crossman.*] If the mines were opened, where would the proprietors take the coal? To Dapto station.
695. *Mr. McCourt.*] Where would be the best place to ship it from? On the Lakelands Estate, at Lake Illawarra.
696. *Mr. Crossman.*] Do you know Talawera Point on the lake? Yes. I do not know whether Kanahooka Point or Talawera Point would be the best place to ship the coal from.
697. Which is the highest ground? Point Talawera.
698. Do you know anything about the lake yourself? I have been on it, but I do not know much about it.
699. Have you seen the pegs where the railway is pegged out? No.
700. Have you seen where it is pegged out across the Government Railway? I have seen it pegged out across the road. I have not been out there for five years.
701. Are the people down there aware of this scheme? Yes.
702. Are they favourable to it or otherwise? They are favourable. I ought to know that there is a scheme like this, because there is a line made through the farm where I am living.
703. What is the name of your farm? Brisbane Grove.
704. You say that this railway goes through your farm? Yes.
705. Have you any objection to the line being carried through your farm? I am not the owner of the property.
706. Would the line be any benefit to you as a farmer? Yes; so long as I got compensation.
707. Have you any objection to it passing through the farm? Not the least, but it is my brother who owns the land. The railway will be a great thing for the district. I do not suppose it will be much good in my time. When it is going ahead I shall be going down hill.
708. Are all the people you have heard speak of the scheme in favour of it? Every one I have heard speak of it is in favour of it.
709. Have you ever heard anyone speak of it who was opposed to it? No, I have not. Everybody seems to be very glad that the scheme is going to be carried out.

Mr.
C. Hoar.
7 May, 1889.

Frank Russell McCabe called in, sworn, and examined:—

710. *Chairman.*] Where do you reside? In Sydney.
711. *Mr. Crossman.*] You are the secretary of a coal company in the Illawarra District? Yes.
712. What is the name of it? The Mount Keira Coal Company.
713. It is rather to the north of Lake Illawarra? About 8 miles.
714. Do you know that district well? Yes.
715. Were you born down there? Yes.
716. You have lived there on and off ever since? Yes.
717. Are you mixed up with the coal business in Sydney? Yes.
718. What connection have you with it here? I am secretary to the Mount Keira Company.

Mr.
F. R. McCabe.
7 May, 1889.

- Mr. F. R. McCabe.
7 May, 1889.
719. But has not your family some coal business in Sydney? We have collieries let.
720. Have you anything to do with shipping coal from Wollongong? Yes.
721. Will you tell the Committee what you have to do with it? We ship in Wollongong, but sometimes we cannot get our coal out because of the bad weather. Last week we were loaded and had to wait three and a half hours for high water.
722. Therefore it is not a convenient place to ship from? No; very inconvenient.
723. Are you not the manager here for the Osborne Wallsend Company? No; I am secretary to that company. My father is the manager of it.
724. Have you not to load large ships and steamers with coal? Yes.
725. Did you load one of the P. & O. steamers within the last week or two? Yes, the "Ravenna."
726. Where was that to go to? To Singapore.
727. Where did you get the coal from? We brought it up in our own steamers from Wollongong.
728. What was the expense of doing that? 3s. 6d. a ton.
729. You have to get the coal to Wollongong and then pay 3s. 6d. a ton freight to bring it to Sydney? Yes.
730. You have heard of this Illawarra harbour scheme? Yes.
731. Do you think that if the harbour was improved in the way proposed, that it would be a suitable place for the shipment of southern coal? Yes.
732. Is it a place your people would be likely to load from? I could not say that, it would all rest with the proprietor of the mine.
733. Would there be any advantage in being able to load large vessels direct with southern coal? Yes, there would.
734. If this harbour were constructed as proposed would vessels be enabled to load with a depth of 23 feet of water at low tide? The "Ravenna" drew 23 feet 6 inches. She was a 3,000-ton boat.
735. She was extra large for a coal ship? Ships only run up to about 2,500 tons. A big steamer would draw 23 feet.
736. Steamers going to Melbourne and Adelaide would be able to load coal in 23 feet of water? I should think so.
737. Is there any market in Melbourne and Adelaide for southern coal? Yes; we do a good trade with both places.
738. You would be able to send the coal there much cheaper if you shipped it direct than if you sent it from Sydney? There would be a saving of 3s. 6d. a ton freight.
739. Therefore you could pay 1s. a ton for a harbour rate, and be 2s. 6d. to the good? Yes, I should think so.
740. Do you think people could afford to pay 1s. a ton on their coal in the proposed harbour, having regard to the extra expense they would have to incur if they shipped the coal at Sydney? I could not say. We might be able to ship it cheaper from Wollongong.
741. I do not mean your people, I mean the mine owners at this place? The mines at the back of Dapto would be able to pay 1s.
742. That would still leave them a big margin of profit? Yes.
743. Then you think that the construction of this harbour would be distinctly beneficial? Yes.
744. Do you think that the demand for southern coal is sufficient to justify an increased output? I have been secretary to a coal company for eight years, and the demand has increased every year.
745. You have no difficulty in getting rid of your output? We could get rid of 150,000 tons a year.

THURSDAY, 9 MAY, 1889.

Present:—

MR. CULLEN,	|	MR. McCOURT,
MR. FERGUSON,	|	MR. FRANK SMITH.
MICHAEL CHAPMAN, Esq., IN THE CHAIR.		

E. H. Crossman, Esq., appeared on behalf of the promoters of the Bill.

Francis Hixson, Captain R.N., called in, sworn, and examined:—

- Captain F. Hixson.
9 May, 1889.
746. *Chairman.*] Where do you reside? At Dawes' Point.
747. *Mr. Crossman.*] You are a member of the Marine Board? I am President of the Marine Board.
748. Do you know Lake Illawarra personally at all? I have never been in the lake.
749. You have passed the entrance? I have passed the entrance occasionally.
750. Do you recognize the coast line from this plan of the Lakelands Estate? Yes; I recognize Bass Point and Five Islands Point.
751. In point of fact, do you know that these islands really extend further to the east than they are shown to do on this map? I should be inclined to think they do.
752. Would you consider that the entrance to Lake Illawarra and the coast in the neighbourhood of Windang Island is protected as compared with the rest of the coast? It is protected compared with many parts of the coast. It is protected from the south-east winds by Bass Point, and from the north-east winds by Five Islands Point.
753. Have you examined the Engineer's plans of this proposed harbour? I cannot say that I have examined them; I have seen them.
754. Do you see any apparent obstacle as a maritime man to the carrying out of this scheme? I do not think there would be any difficulty in carrying out the proposed scheme. Probably after the work is carried out it may require attention in the shape of occasional dredging near the entrance.
755. When there is a connection from Windang Island to the shore blocking out any silt from the south will there be comparatively calm water from south-westerly and south-easterly gales near the entrance? There will certainly be calm water in south-westerly and southerly gales. I could not be certain about the weather coming from the south-east.
756. There is a shoal running out from the north of Windang Island? Yes; there would be good protection from south and south-westerly weather, and partial protection from south-easterly weather.

757. Is there any seriously heavy weather coming from the north or north-east of this coast except in a very few days in the year? Except in a very few days of the year the prevailing north-east wind is not dangerous.

Captain
T. Hixson.

9 May, 1889.

758. Do you consider that the proposed width of entrance—200 feet—will be sufficient to enable vessels to come in? Quite sufficient if the channel can be maintained; 200 feet in such sheltered water as that would be ample.

759. Would the widening of that to 250 feet have an influence in reducing the height of the wave? I do not think that 100 feet more or less would make very much difference in the waves in the channel.

760. You think 200 feet would be a sufficient width for the channel? Two hundred feet for steamers would be quite sufficient. I take it that sailing vessels coming to the place would be towed in by steamers.

761. You know of nothing in the natural features of the place which would hinder the carrying out of this scheme? Nothing more than probable easterly gales coming in.

762. That is provided for by the overlapping of one breakwater over the other? Yes. The place is sheltered from the north-east and south-east, and I take it that if anything in the nature of silting up occurred it would take place from the eastward.

763. The soundings on this plan (No. 1) are marked S and R, "S" signifying sandy bottom and "R" a rocky one. To the due east of the channel, and distant within about 200 feet of it, the bottom is marked as rocky? The more rocky the bottom in the vicinity of the entrance the less likely is the place to be affected by easterly gales.

764. Is there any necessity for a harbour on this coast south of Sydney, or is there general provision for the safety of ships in bad weather along it? There is really no good harbour to the south of Sydney until you get to Jervis Bay, that is for large vessels, because there are several places for small vessels. If a safe harbour could be formed here it would be a very desirable thing for maritime purposes.

765. *Chairman.*] Do you know of any reason why this Bill ought not to be passed by Parliament? No; I know of no reason. I am rather inclined to help it all I can. I believe in helping people who appear to me to be inclined to help themselves.

766. You are not a shareholder in the Company? I have no interest whatever in it.

767. *Mr. McCourt.*] Do you think the harbour-master ought to be a Government officer or one appointed by the Company? I think if the works are constructed entirely by the Company the harbour-master should be in the service of the Company. I did not see any necessity for Government supervision there because I do not see how any possible harm could arise from the works this Company propose to construct.

768. Do you not think the public have rights on the lake. In the interpretation clause the word "Harbour" means the whole of the lake? I have not considered the matter, but the lake undoubtedly belongs to the public.

769. What I mean is this, would it not be better to have the harbour-master a Government officer so that the rights of the public to the free use of the lake could be protected—as regards the use of fishing boats and pleasure boats? I think it would be very desirable if the place should attain a considerable size and importance to have Government supervision over it. There is a harbour-master at Wollongong a little to the north of this place, and also one at Kiama a little to the south of it, and both of these men would be available if any public rights were being interfered with.

Joseph Mitchell, Esq., M.P., called in, sworn, and examined:—

770. *Chairman.*] You are a Member of Parliament? Yes.

771. Have you read through this Bill? Yes.

772. Are there any portions of it that appear to you to be objectionable? I may say that I have not read through the Bill carefully enough to answer that question yes or no. I am not in a position to give an answer one way or the other so far as the Bill itself is concerned.

Mr.
J. Mitchell,
M.P.

9 May, 1889.

773. Do you see any just reason why you should object to the passing of this Bill? So far as the Bill is concerned, no. In Schedule "C" the charges the Company will make are set out as follows:—"Ballast per ton, 1s." That, I think, is high. "Coals, per ton, 10d." That, I think, is high. "Coke, 1s. 8d." These rates are all rather higher than the colliery proprietors can pay. I am not in position to speak of the dues upon timber.

774. What would it cost them to take ballast to the nearest point, which would be Wollongong, I presume? They do not take ballast from there. They can get ballast in Wollongong, I should think, at less than 1s. per ton. I take it that this charge of 1s. per ton includes the cost of the ballast in the first instance. There is very little ballast used in Wollongong, because ships going in there come out loaded with coal.

775. What would be the cost per ton for coal going to Wollongong by rail? I do not exactly know the distance. There is very little coal being shipped into Wollongong from this district.

776. Not just now, but there will be in future, because we have taken evidence showing that it would be considerably cheaper to bring the coal to this harbour than it would be to pay the amount required to take it by rail to Wollongong? The only colliery I know of there at the present time is the Mount Kembla Co. They have appliances for shipping their coal, and it would not pay them to send to this place at all. I take it that this charge of 10d. per ton is a shipping charge independent of the cost of carriage.

777. *Mr. McCourt.*] That is the maximum charge? They cannot charge more; but if a man has power to charge 10d. per ton he will not charge less.

778. If he cannot get trade at 10d. he will charge less? I do not see that. If a man has power to charge a certain amount he will invariably impose that charge.

779. *Chairman.*] I find that it is about 8 miles to Wollongong Harbour from this place? Well, the minimum charge of carriage is 1s. 6d. per ton.

780. *Mr. McCourt.*] 2s.? 1s. 6d. or 2s. I admit very freely that to the companies to the south of Mount Kembla this place would be an immense advantage.

781. *Mr. Crossman.*] You see the coal properties on this map of the Lakelands Estate,—do you think that they could afford to pay such a charge as 10d. in preference to having to make a line of their own to join the Government railway to convey their coal to market, having regard to the charges on the Government railway? These collieries are useless at the present time because they have no facilities for getting their coal away. The charges on the Railways to bring the coal to Wollongong would bar these collieries from competing with those already established.

782.

Mr.
J. Mitchell,
M.P.
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782. It would cost them more to go to Wollongong than this proposed charge of 10d.? Assuming that the charge of 10d. a ton means railway carriage to the harbour.
783. It does not mean that? Then I would like to know the distance from the Ocean Steam Colliery Mining Company's land to the shipping place. What would be the cost of traction from that place, independent of the 10d. per ton.
784. Can you load a big ship at Wollongong? You cannot load a big ship at Wollongong.
785. Then if you wish to load a big ship with coal you would have to send the coal from Wollongong and tranship it at Sydney? Do not run away with the idea that Wollongong is the only coaling place south of Sydney.
786. It is the only place that they call a harbour? They call Port Kembla and Bellambi harbours. During my experience of the Southern districts for the last three or four years, more especially for the last three years, we have loaded coal and only lost one day during eighteen months, so that you will see that the weather does not seriously interfere with coaling operations.
787. Have you loaded sailing vessels? No; we do not load sailing vessels.
788. In point of fact there is no place between here and Sydney where you can load large sailing ships? None whatever.
789. Can you tell us what the freight would be from this place to Sydney? The actual cost would be from 2s. 7d. to 2s. 8d. per ton.
790. Would that include the handling in Sydney? That includes handling and delivery on the ship's rail at Sydney.
791. Mr. McCabe told us 8s. 6d.? That is what he would do it for. I, in speaking of the actual cost—a man always leaves a certain margin for profit.
792. Taking the view that this harbour would enable large ships to be loaded? I do not take that view of it because I know nothing about the place.
793. That is the whole contention of the promoters of the Bill? I may say this, that I was asked to put this matter through. I declined because I knew nothing at all about the place until I was thoroughly conversant with it; I declined to have anything to do with the matter. I say now that I am entirely ignorant about the position of the place. If you ask me whether a big ship can go in there I cannot tell you.
794. I ask you to assume for the time being that a harbour for big ships could be made there. What could be saved in loading big ships with coal there instead of at Sydney? It would depend on the cost of traction and the charge on the coal in the first place.
795. What would it cost to take the coal from here to Sydney? How can I tell you if you do not give me the cost of traction?
796. Assuming the railway part of the scheme to be put in the background, what would it cost to take the coal to Sydney and load there? What is the distance?
797. In round figures 60 miles? Then the absolute cost of traction from there to Sydney would be 5s. per ton.
798. But if the coal were taken to Wollongong or Kembla and then conveyed by water? To take it to Wollongong the minimum charge would be 2s. per ton, and added to the charge from Wollongong it would cost 6s. a ton. If you brought the coal by rail you could do it for 5s. a ton, that is 1d. a mile. To bring the coal to Wollongong and ship it by water would cost 5s. 6d.—2s. to Wollongong and 3s. 6d. freight from there.
799. Do you know why they ship the coal at Wollongong free of charge? That I cannot tell you. It is a mystery to me.
800. Might there not be some difficulty in the mines working at all if there was a charge? The mines working there—Mount Kembla and Mount Keira have got special facilities. They are in close proximity to the water; they have a large seam to work; and the property is a private one. They would be quite able to pay the 10d. per ton, and I maintain that they ought to pay it.
801. By any other method there would be something to pay to get the coal intended for big ships to market—therefore anything under 5s. would be cheaper to ship from here? Yes.
802. Is not the coal materially damaged by this transhipping. Does not the breaking up of the coal which is caused by transshipment, and the handling it receives when being taken from the trucks depreciate its value and quality? Yes.
803. Therefore if you could run it straight from the mines to the ship it would be in a better condition than if it had been transhipped several times? If the coal was equally good.
804. We say that it is a little better? Then I say at once that this would be the better mode of shipping the coal.
805. What is the quality of the Southern coal. Is it good for steam purposes? It is very good coal indeed, and a large demand is likely to arise for it. But if you calculate that you can ship coal cheaper from here than you can from Sydney, I say that it all depends upon the price you pay for the coal at the pit's mouth. If you pay considerably more for the coal at the pit's mouth, because of these facilities for shipping, then I maintain that you cannot ship the coal cheaper than you can from Sydney. If on the other hand you pay a reasonable price at the pit's mouth for the coal, I maintain that you can ship it cheaper here than in Sydney.
806. *Chairman.*] You are a coal owner? Yes.
807. How far are your mines from the mines of this Company? In round figures I should say 18 or 20 miles.
808. Nearer to Sydney? Yes.
809. You have no interest in this Company? Not a fraction of interest.
810. Have you ever been solicited to join this Company? No. I may say that I am not at all in any sense of the word antagonistic to this scheme. I admit very freely that the construction of this harbour would be an immense advantage to the Southern Coast district, but I cannot speak as to the feasibility of the scheme because it is a matter of which I know nothing.
811. *Mr. Ferguson.*] I suppose this scheme will not interfere with your coal mine? Well, I am not narrow minded enough to base my objections on its interference with myself.
812. Would it be a benefit? It would be an immense benefit to the district; I admit that very freely.
813. *Mr. Crossman.*] Do you see any immediate prospect of these properties being worked unless some such scheme as this is carried out? I do not think there is a prospect of these collieries being worked without such a scheme.

814. The working of them would produce considerable revenue to the Government? In what way?
 815. 6d. per ton Royalty? On what terms are the properties held?
 816. They are all held on permits? I should like to know where your money is coming from.
 817. We have had evidence given before the Committee that there is a considerably increasing demand for coal in Melbourne and Adelaide? Well, it all depends upon the demand for coal here.
 818. If there is an output of coal from these mines will it benefit the Government? Of course, if it is taken from Government land.
 819. *Mr. Cullen.*] In your figures of the cost of carriage by rail and by water, you are assuming that 1d. a mile is a fixed charge. Do you see any reason why we may not expect a lowering of that charge as business develops? I see no reason, especially on the South Coast Railway. The initial cost of the railways is very heavy; interest has to be paid on the original outlay, and as far as I can see, that cannot be done by charging less than 1d. a mile. The longer the distance you take the coal, the cheaper you can carry it. It has never been carried for less than 1d. per ton per mile in this Colony.

Mr.
J. Mitchell,
M.P.
9 May, 1889.

George Robert Hepplewhite recalled and further examined:—

820. *Mr. Crossman.*] Since you gave your evidence here on the last occasion, have you examined the Admiralty chart of the coast? Yes.
 821. That chart is a recognized authority? Yes.
 822. Will you show us where the Admiralty chart makes these Five Islands to come to? The Admiralty chart puts Red Point where the outer island is.
 823. Where does it bring Red Point to? The longitude of that point on the Admiralty chart is 150° 57 east, and that of Bass Point is 150° 55½ east, so that on the Admiralty chart Red Point lies to the eastward of Bass Point.
 824. Then, in point of fact, you found from the recognized authority that there is more protection from the north-east for this entrance than appears on the plan? Yes; a mile and a quarter more.
 825. Is there as much protection on the south? Not quite; Bass Point would protect the islands from the south-east gales.

Mr. G. R.
Hepplewhite.
9 May, 1889.

Thomas Andrew De Wolf recalled and further examined:—

826. *Mr. Crossman.*] You are a Director of this Company? I am.
 827. Have you attended all the Board Meetings of the Company with the exception of one? Yes.
 828. Has the Company ever had or has it any other properties under offer to it than the two which have been mentioned before the Committee? No.
 829. Those are the Lake Lands Estate and the Ocean Steam Colliery properties? Yes. Those are the only properties that they own or that they have had under offer to them. It has been suggested that we should get some of these coal properties under offer to us, but the disposition of the Directors is to lead other people to open up their coal properties themselves. They are quite content with the one coal property which we have.
 830. What is the subscribed capital of this Company at present? What relation does it bear to the whole capital? One-third of the shares allotted are subscribed.
 831. What amount of uncalled capital is there available on these unallotted shares? £266,000.
 832. How many shareholders have you in the Company? Our registered number of shareholders is thirty. But a number of shares were taken up by a Melbourne man for the people down there, and we have no knowledge of the number among whom he will distribute shares. I believe there are a number of people in Melbourne which would increase our share register very considerably.
 833. *Mr. McCourt.*] How much is paid up? £50 a share.
 834. How much altogether? £266,000.
 835. That amount has been paid up in cash? It has been paid to the vendors of the land.
 836. There is no available cash in hand now? We have the properties and the power of calling on the shareholders.
 837. To what amount? £266,000.
 837½. And how much a share? £50.
 838. *Chairman.*] If this Bill is passed by Parliament you will be in a position to commence operations immediately? We could commence operations immediately.
 839. *Mr. Crossman.*] Have you any knowledge of finance yourself? Yes.
 840. Have you within the last few days raised a large sum on debentures in Sydney through your firm in London? Yes.
 841. How much? £300,000.
 842. Have you actually got most of the money paid over? We got £200,000 paid yesterday.
 843. Was that on the debentures of a Land Company in Sydney? Yes, of which I am a Director.
 844. Have you ever previously raised money on debentures? Only on Municipal Debentures.
 845. But you have done so? Yes, in London.
 846. Then you have some knowledge of what money can be raised in London for carrying out an undertaking of this kind? I have advices from the firm which gave this £300,000 that they can get me the necessary money.
 847. They know on what security? I have given them full particulars.
 848. In point of fact at present two-thirds of the capital of the Company is not taken up, that would be open for application by the public? Yes.
 849. Is there provision made for the giving of any paid up shares in the Company to anybody,—to the vendors or any people of that sort. Are there any paid up shares provided for by the prospectus of the Company? No.
 850. Every person taking up shares would take them up with their full liability? Yes, of £50 a share.
 851. What is the object of that? That we may have a security for raising debentures for the construction of the harbour. We are prepared to give the security of our properties and the uncalled capital in order to provide funds if necessary to raise money on debentures for the construction of harbour works.
 852. Will the promoters of the Bill, or rather the owners of the property, be liable to contribute to the liquidation of this debt equally with others coming in? They will all be liable for £50 a share.

Mr. T. A.
De Wolf.
9 May, 1889.

- Mr. T. A. De Wolf.
9 May, 1889.
853. Is it not the intention of the Company to borrow money in England on the security of their property and uncalled capital, and to expend it on the construction of this harbour? Yes.
854. The money would go first of all towards making a useful harbour and providing labour for a large number of men? Yes. It must provide employment for a large number of men for a considerable time.
855. As to the *bond fides* of the Company—have you the slightest reason to doubt that the Directors have the intention of carrying on these works themselves? Not the slightest.
856. They are not trying to get a Bill to sell? No.
857. Has the Company already shown its *bond fides* by expending a large amount of money? Yes. We have spent on surveys and plans something like £4,000.
858. And you have bought this Ocean Property and the Lake Lands Estate? Yes.
859. Is it the intention of the Company to make profit out of this harbour—is that their main object? No; that is not the intention of the Company. I can speak, I think, for the other directors as well as for myself and for most of the shareholders.
860. Have you been expressly appointed to take the management of this Bill? I have, in conjunction with Mr. Newton, who is a co-director. The intention of the Company is to bring as large a trade as possible to the harbour in order to improve the value of our own property. In order to do that we shall endeavour to work the harbour in such a way as to attract as much trade as possible to it. At first we shall have to build up a trade, and it may be necessary to exert our full power of charging, but our policy will certainly be as the trade increases to endeavour to reduce those charges—so long as we can pay interest on the cost of the works.
861. Then I understand that all the Company is aiming at is to get sufficient to pay the interest on the cost of the construction of the harbour? Yes.
862. Their next object will be to popularise the harbour? Yes; to attract as much trade as we can to it.
863. The Company intends to make its profit on the coal property and the freehold land on which they will erect these wharves? Yes.
864. In point of fact it will be to the interest of the Company to lower the charges on the harbour as much as possible consistently with their paying the interest on the cost of construction? Paying the interest on the construction and also for the sinking fund and extensions.
865. As far as you know it will be the object of the Company to attract trade to this harbour by lowering the charges? Certainly.

Edward Herbert Crossman recalled and further examined:—

- Mr. E. H. Crossman.
9 May, 1889.
866. *Chairman.* You have been at every meeting of the Directors of this Company? I was at the only meeting at which Mr. De Wolf was not present, and I believe at every other meeting, but I cannot answer for that. There was no mention made on the occasion to which I refer of a suggestion to get any property under offer to the Company, nor have I as the solicitor of the Company heard any such suggestion made. I am quite sure that there has been no such suggestion, because I know the owners of the different properties at this place.

FRIDAY, 10 MAY, 1889.

(At Dapto.)

Present:—

MR. CULLEN,
MR. FERGUSON,

MR. FRANK SMITH,
MR. TONKIN.

M. CHAPMAN, ESQ., IN THE CHAIR.

E. H. Crossman, Esq., solicitor, appeared on behalf of the promoters of the Bill.

John Brown called in, sworn, and examined:—

- Mr. J. Brown.
10 May, 1889.
867. *Mr. Crossman.* You reside at Dapto? Yes.
868. And have done so for many years? Yes; sixty years.
869. Are you a landowner in this district? Yes.
870. Can you give an approximate idea of the area of land you own here? About 600 acres in the electorate—300 at this place.
871. You own some coal property too? Yes; it is included in the area I have mentioned.
872. Will you point out your property on this plan of the Lake Lands Estate? I own 300 acres here.
873. That is adjoining the Lakelands Estate? Yes; that is the property we are on now. I have also 50 acres.
874. That is adjoining the Ocean Steam Collieries freehold property? Yes. I have another property of 50 acres.
875. Adjoining the 143 acres which attaches to Watts' property? Yes; it is at the front of Kelly's block.
876. Known as T. W. Garnsey's 50 acres? Yes.
877. Have you any other property? Yes; 40 acres at the bottom of J. Brown's coal property, and some others not shown. I have 200 acres which are not shown on the map.
878. Do you own any of the coal permits marked on the map? No; No. 9 was taken up by mistake.
879. Who does that belong to? I do not know who it belongs to now.
880. Which land have you actually got the permit for? I thought I had got M.P.'s 9 and 10; but I gave up No. 9, and I understood that the other was given up also.
881. Do you know about this scheme for the construction of a harbour at Lake Illawarra? I saw the plan of it.
882. Have you examined the plan? Yes, it was laid before the Central Illawarra Council.
883. Did you also see the railway marked as going north and south from Tallawera Point? Yes.

Mr. J. Brown.

10 May, 1886.

884. Have you considered the possibility of the construction of the harbour? Yes.
885. What do you think of it? I think that the lake can be converted into a harbour.
886. Do you think if it is converted into a harbour it will be of any benefit to the district? It will be a very large benefit to the district.
887. Will it enable an output of coal to be made from these various coal properties marked on the map? Yes, it will enable all those properties to be worked.
888. I believe they are not worked at the present time? That is so.
889. What is the reason of that? Because there is no outlet for the coal—no means of shipping it away.
890. Could not the proprietors connect with the Government railway and run the coal to Sydney by rail? I think it would be too expensive.
891. You think if the harbour was constructed it would enable these properties to be worked? Yes.
892. Have you considered the direction of the railway? No, I have not considered it.
893. Do you know whereabouts it will run? Yes.
894. Do you consider the course a suitable one? Yes, I think it is.
895. This matter was considered before the Council, I think? Yes.
896. Have the Council any objection to the scheme? There was no objection raised to it. They appeared to want further information, so they referred the matter to their solicitor.
897. I believe they did not give a formal consent to it? No.
898. Is it not a fact that the objection the Council had to the scheme was lest they should be sanctioning interference with other people's foreshore rights to the lake? Yes, that I think was their objection; but there really was no objection.
899. That was the objection, if any? Yes. When I was at the last Council meeting I moved that the application be complied with, and it was referred to the solicitor for his report. I have not been at a Council meeting since, so I do not know what the report was.
900. At the present time there is no harbour which would be useful for shipping coal from here? No.
901. *Chairman.*] Do you know of any reason why permission should not be granted to the Company to open up the lake and make a harbour of it? I do not know of any reason.
902. *Mr. Crossman.*] Have you any interest in this Company? I have no interest in it whatever.
903. Have you any property under offer to the Company, or anything of that sort? No.
904. *Mr. Frank Smith.*] Did any alderman present raise any objection to the motion which you submitted to the Council that the application should be complied with. Was the motion discussed? No. The Council objected to the 56th section of the Bill—the interpretation clause.
905. Who made the objection? In the interpretation clause I think the word "harbour" is interpreted to mean the whole of Lake Illawarra.
906. Do you know who made the objection? The Mayor was one of those who objected. I forget who the other aldermen were.
907. Was it upon that objection that the matter was referred to the solicitor? Yes, the Council wanted information about it.
908. On that point? Yes. I do not know whether there were any other points.
909. *Mr. Crossman.*] Did you hear any other points raised? No, I did not hear any other. There was only that point raised.
910. Has there been any objection to the railway route? Not that I have heard of. I have had some conversation with the owners of the land through which it runs, and they do not appear to have any objection to it. I am the person who moved the first resolution in reference to this matter.
911. *Mr. Ferguson.*] Was any estimate of the cost of the railway put before the Council? No.
912. The only objection to the scheme was because the Council thought that the Company would make this channel near the island only for their own benefit, and not for the use of the public—that was the Mayor's objection? Yes.
913. *Chairman.*] Provision will be made to secure to the public their existing rights? Provision has been made since then. What I speak of happened three months' since. I have not been to the Council for the last two meetings. I have not been able to attend.
914. You are an old resident here; perhaps a native of this district. Do you think that by ceding to this Company the right to make a harbour at Lake Illawarra, the residents here will be interfered with in their pleasure boating, fishing, or anything of that sort? I do not think so, because their rights would be reserved to them by the Government in those matters I should think.
915. But has not the belief that they would be a source of complaint? That has been one reason of complaint.
916. If such provision is made do you think there will be no other cause of complaint? I do not think there will. Some of the aldermen thought that we should not be allowed to visit the islands without applying to the Company for permission to do so, and that the islands would be taken up by the Company. All that was mentioned during the discussion, which was a pretty warm one.
917. Do you know of any gentlemen belonging to the district who objects to this scheme? No, I do not. The only one I think is alderman O'Donnell. I do not think that he has any particular objection, but he is one of those who moved in the matter in the Council.
918. If provision is made to reserve the rights of the inhabitants for them, you think he will be perfectly satisfied? I think so. I have not had any conversation with him. I only know his opinions by his movements in the Council.
919. *Mr. Crossman.*] Do you think this scheme is well known about here? Yes; it is well known.
920. Therefore, if anyone has any objection to the scheme, they have an opportunity to object to the passing of the Bill? Yes; the Council applied to the Government in order to ascertain whether the lake could be made into a harbour, and I moved the following resolution on the 11th March, 1885:—"That application be made to the Government to cause a survey of the Illawarra Lake to be made with a view to ascertaining the practicability of converting the same into a harbour," which was carried by the Council. The motion was seconded by Mr. McPhail, and the application of the Council was granted by a letter from the Works Department, dated 5th August, 1885, and numbered 85-6,512. An officer was sent from the Harbours and Rivers Department—Captain Howard—to commence a survey, about the latter end of September, 1885. Some time after the survey was made repeated applications were made by the Council to get a report, but the report was never obtained. A petition was sent in signed by the inhabitants of the

- Mr. J. Brown. the district praying that the Government would proceed with the harbour, and in the meantime the matter was taken up by the Company. This resolution of mine appears to me to be the origin of the whole affair.
- 10 May, 1889.
921. *Mr. Frank Smith.*] Was there any deputation to the Government about the matter at any time? Not that I am aware of.
922. The officer of the Department never disapproved of the scheme in any way? Not that I know of.

George Lawrence Fuller called in, sworn, and examined:—

- Mr. G. L. Fuller.
- 10 May, 1889.
923. *Chairman.*] Where do you reside? At Shellharbour.
924. *Mr. Crossman.*] You are a land-owner in this district? Yes; I am one of the owners of the lake frontages.
925. Will you point out to us on the map where your land is? My frontage to the lake extends from Mr. Redall's land to the Macquarie River, a distance of about 4 miles. It runs round the southern end of the lake.
926. Have you heard of this proposed harbour? Yes.
927. It has been suggested that you have some objection to the scheme. Have you any? None whatever now. I think it is a very good idea. I had an objection to it at first, because I thought the Company were claiming the right to resume my frontages, but I believe that is going to be provided for.
928. That objection having been removed, you no longer have any opposition to the Bill? None at all. I think it will be a very fine thing for the district if the scheme is carried out.

Thomas Andrew De Wolf recalled and further examined:—

- Mr. T. A. De Wolf.
- 10 May, 1889.
929. *Mr. Crossman.*] It has been suggested that this property was purchased by foreign capital. Did a single sixpence of the money required for the purchase come from anywhere but the Colonies? No.
930. It is all Colonial money? Every penny of it.
931. It is simply the intention of the Company to borrow English money for the purpose of improving the property purchased and owned by Colonials? Yes; it is our intention to raise money for the Company on debentures.

WEDNESDAY, 15 MAY, 1889.

Present:—

MR. FERGUSON, | MR. TONKIN,
Mr. WOODWARD.

M. CHAPMAN, ESQ., IN THE CHAIR.

E. H. Crossman, solicitor, appeared on behalf of the promoters of the Bill.

Francis Woodward, Esq., M.P. (a member of the Committee), sworn and examined in his place:—

- F. Woodward, Esq., M.P.
- 15 May, 1889.
932. *Chairman.*] You are a Member of Parliament? I am.
933. And reside in Wollongong? Yes.
934. You have heard of something like opposition to this Bill? Yes. I have been communicated with by the Borough Council of Central Illawarra. Some of the Aldermen of that Council desire to be heard before the Committee.
935. Will you give us their names? Christopher James Cullen, Mayor, Aldermen John Richards, and Francis O'Donnell, and Mr. David James.
936. Have you yourself anything to say in opposition to this Bill. Do you know of any reason why it should not be passed into law? I think it would be desirable in the public interest, that the operations of this Company upon what is called the harbour should be narrowed down to the meaning in the interpretation clause, less the words, "and the whole of Lake Illawarra." I have not gone through the Bill with sufficient care to be able to point out anything else in the Bill, to which I object, if there is anything.
937. *Mr. Crossman.*] What is your reason for that suggested amendment? I think that the interpretation clause gives the Corporation larger power on the lake than is necessary for their purposes, or should be necessary in the interests of the public.
938. Should you have any objection to those words remaining in, if there was sufficient provision made in the Bill for the protection of the ordinary rights of people to their lands and foreshores, and to the general use of the lake? I think the words are objectionable, and I think that it is unnecessary for the Company to have this power, considering the size of the lake and the large area of frontage which they have to it, which I am told is about 4½ miles.
939. But the wording of the Act does not give the Company a right to use any portion of the foreshores of the lake, excepting for the construction of the works mentioned in Schedule A? The word "harbour" is used throughout the Bill, and is defined to mean the whole lake.
940. That only applies, you will find, to the navigation of the lake. It gives the Company the right of regulating the navigation on the lake. Section 1 says:—"1. It shall be lawful for the Company to make, open, construct, and maintain a port and harbour in Lake Illawarra." Then, going down to section 3:—"3. It shall be lawful for the Company, for any of the purposes aforesaid, to construct, make, and do all or any of the works and things in Schedule A hereto mentioned." Then section 4:—"4. It shall be lawful for the Company to reclaim land on the foreshores of the said freehold land." (That is the Lakeland's Estate.) The section continues:—"Or of Windang Island, or of any land which may become the property of the Company under or by virtue of any of the powers and provisions in this Act contained, and also on either side or both sides of the said channel between the points in Schedule A hereto mentioned." We can touch no one's land by reclamation, except Mr. Reddall's, and he has already appeared here to give evidence of his consent to our doing so. Then section 6 says:—"6. The Company shall have complete control within the boundaries of the said harbour over the several matters and things in Schedule A hereto specified." Those are: The construction of a breakwater, the construction of a mole, the construction

construction of training walls, the construction of sand traps, the excavation of a canal or channel, the excavation of docks, and the power to reclaim the foreshores of the Company's estate. You see there is not a single word giving us power over the lake, except to dredge the waters? Yes; but supposing this Schedule A was altered, and you deposited the dredgings on other people's property?

941. The Company does not desire to deposit the dredgings on other people's property. We can expressly provide for that in the Bill. This Bill will be of no use to the Company unless we can issue debentures in England to enable us to carry out these works. The money to carry them out must be advanced by English capitalists lent on the security of our land and uncalled capital, and unless we have a Bill which gives us a harbour which no one else can interfere with afterwards, it will be impossible to get this money at all? Without advocating either the interests of the Company or those of the public, it seems to me that some regard should be had to the interest of the public.

942. Certainly? but if a certain course is taken the Bill will be of no use to the Company, and they will not carry out these works. No one else can carry them out, because the Company owns the land which is necessary to enable the coal to be shipped from the mines at the back of the lake. The land will then be cut up into 10 or 20 acre allotments, as was originally intended, and it is for the district to say whether they will let the Company get this Bill and form a harbour or not. It is no use for the Company to get a Bill with the assistance of which they cannot raise money on debentures? That is where opinions differ. First of all, it is said outside that you have $4\frac{1}{2}$ miles frontage to the lake.

943. We have that in evidence? Then it becomes the question whether that area is not sufficient. I do not for one moment pretend to say it is.

944. It is amply sufficient; but if we attempted to borrow money on the security of our uncalled capital and land for the purpose of developing our harbour to a certain line of water unmarked, we should never get our money. There are any number of lakes in America where they have got these concessions, but they go with the whole of the water. We do not want to use the whole of the lake, and you may put any restrictions you like on our dealing with it, but we want the harbour to consist of the whole of the lake. We shall never within the next 500 years use more than the $4\frac{1}{2}$ miles of frontage we have now? But I see you have full power to charge all dues and water powers. Then what do you say to clause 13 providing for the use of tug-boats all over the harbour?

945. This provision is against the Company. It compels us to maintain a tug service: "Provided that if the Company shall fail to supply such-tug boats or other appliances or towage power as aforesaid, it shall be lawful for the Colonial Treasurer to provide or to issue a license authorizing other persons, on such terms as to the Colonial Treasurer shall seem fit, to provide tug-boats and other appliances for towing vessels and towage power for the same";—You see it acts against us? Yes, it makes it incumbent upon you to provide towage.

946. And there is a special rate provided in the schedule? I notice in the preamble that the Company "desires to obtain Legislative authority to convert the said lake into a good and commodious harbour, and to construct wharves, jetties, and other conveniences upon its freehold land on the shores of the lake, and to levy and recover tonnage, wharfage and tonnage rates, for the use of the said harbour—that is the whole of the lake?"

947. Yes? "Wharves, jetties, and conveniences." I understand that some amendment is to be introduced with reference to those matters.

948. Mr. Reddall, in his evidence, here suggested this amendment [*produced*] to follow clause 27, and with regard to watermen's boats and pleasure boats, Mr. Barber suggested this amendment [*produced*], both of which the Company are prepared to accept. There is already in the Bill a provision allowing ships of war to enter the harbour. I think the best guarantee you can have on the part of the Company is that we cannot collect trade from this district to our property. There is a lot of trade, to the north and to the south of our property that could not come here. We have to pay a large sum to make this harbour, and therefore it is distinctly to our interest, apart from increasing the value of our own property, to get as much trade as possible on the harbour, and we should be cutting our own throats if we endeavoured to block out boats which did not come to our property. We have to collect and encourage and make a trade where there is no trade now, and it is entirely to our interest, as it is to the interest of other people to make this trade as large as possible. The more people we can get to run private lines to the lake and ship goods there, the better it is for us? But although this Corporation might be disposed to exercise its rights in a reasonable, just, fair, and equitable manner, another Corporation might come in which would have a different view.

949. Their interest would be the same? But their manner of conducting the matter might be very stupid and detrimental to their interests, and however large the qualifications may be, you propose to have very large powers, as recited in the preamble.

950. *Mr. Tonkin.*] Supposing provision was made in the Bill for allowing people who erected wharves on the fore shores of the lake to make a channel through the lake connecting with the main channel; but stringently protecting the Company from any possible damage, that would do away with any monopoly? Yes.

WEDNESDAY, 22 MAY, 1889.

Present:—

MR. CULLEN, | MR. McCOURT,
| MR. WOODWARD.

M. CHAPMAN, ESQ., IN THE CHAIR.

E. H. Crossman, Esq., solicitor, appeared on behalf of the promoters of the Bill.
Edward Bennett, Esq., counsel, appeared on behalf of the Borough Council of Central Illawarra,
Mr. O'Donnell, and others.

Francis O'Donnell called in, sworn, and examined:—

951. *Chairman.*] Where do you reside? At the Five Island Estate.

952. *Mr. Bennett.*] Have you read the Bill now before this Committee—the Illawarra Harbour and Land Corporation Bill? I have.

953. Do you know Lake Illawarra? Yes.

F.
Woodward,
Esq., M.P.
15 May, 1889.

Mr.
F. O'Donnell.
954. 22 May, 1889.

- Mr. 954. You are a member of the Borough Council of Central Illawarra? Yes.
- F. O'Donnell. 955. Do you know the Lakelands Estate? Yes.
- 22 May, 1889. 956. Is that estate within the boundaries of the Central Illawarra Municipality? Yes.
957. Do you think the provisions of this Bill would affect the interests of the Borough of Central Illawarra? Yes. The provisions made for crossing the roads—the main road and the principal roads in the municipality are not sufficient.
958. You refer to clause 30 of the Bill? Yes.
959. If you refer to Schedule E you will see that the railway which is to be constructed by this Company will cross the South Coast Road? Yes.
960. That is the road between Wollongong and Kiama—the central road? Yes; the main road.
961. The railway will also cross the Bong Bong Road? Yes.
962. And it will also cross two other roads—the road coming from Cooper's land and the road passing into Harris' land;—do you know all those roads? I know all those roads.
963. The central road is the public road? It is the main road from Kiama.
964. What about the Bong Bong Road? It is a very important road too, though not a main road. It runs through a very thickly populated part of the district, and in addition to that it is one of the roads leading to the Dapto railway station.
965. And are the two other roads in populated neighbourhoods? They are.
966. What is your objection to clause 39? I think that the railways of this Company should be placed on the same level as the Government railways—the proper gates placed at the crossings and gate-keepers stationed there.
967. You are of the opinion that the Company should maintain gates in the same way as the Government do? Certainly.
968. You think it should not be necessary to make an application to two Justices to compel them to do this? Certainly not.
969. Do you know that many accidents have happened through the way gates are constructed? I do; on some railway lines.
970. Many accidents have happened from not having gates put up? I know they have happened to cattle—cattle have been killed on the line through proper gates not being kept across the road. I know that our cattle have got on to the Mount Kembla line, and have been killed.
971. *Chairman.*] Stray cattle? They got off the runs; they were not straying—the gates were left open and they got on to the lines.
972. The gates of the run? The gates of the public road—the lines crossed the road, and the cattle got on to the line.
973. *Mr. Bennett.*] Were they your own gates? The gates of the public road through our property.
974. Is it not the fact that the Kembla lines have no gates across the road? Yes.
975. *Mr. McCourt.*] Has the line itself got gates? No.
976. *Mr. Bennett.*] There are no gates whatever? None.
977. Is it not a fact that even in driving cattle along the road they may get on to the line through there not being gates? It is just possible unless you stop them.
978. Is it not a fact that there is danger in driving along the road where the line crosses, because there is no flagman there—nothing to show that the train is coming? You have got to look out for that, and to see that the engine is not coming before you cross. The engine certainly does whistle at the main road, but there is no flagman.
979. You would have no objection to clause 39 if the reference to the two Justices were left out? Not the slightest. There is something I failed to mention about the gates of the Mount Kembla Companies line crossing the main road. On each side of the main road there is a sort of a bridge over the water-tables where the line crosses, and that bridge acts as a sort of stoppage to cattle straying on the line. These bridges are the only obstacles which prevent cattle on the main road from straying on to the line; but they certainly are a baulk to the cattle.
980. There are some islands in Lake Illawarra I believe;—are those islands at the present time under the control of the Council? I believe they are.
981. *Chairman.*] Which islands are they. Have you names for them? One is Gooseberry Island, and there is a small island near it of which I do not know the name. The Council made application to the Government to have those islands placed under their control, but whether they have been dedicated or not I do not know. The Government, however, granted money to the Council to enable them to make landing-places on the islands, such as wharves and jetties, and I think that the Council has already expended that money.
982. *Mr. Bennett.*] For recreation purposes? Yes.
983. *Chairman.*] Is Windang Island one of the islands? No.
984. *Mr. Bennett.*] How many islands are there in the lake? I think five.
985. *Mr. Crossman.*] They are all to the north of Mullet Creek, are they not? No.
986. Are any of them to the south of it? Certainly.
987. Will you point out on the map where they are? They are not marked, but there are two islands to the north of Mullet Creek—Gooseberry Island and another island—and the other three islands to the south of it.
988. *Mr. Bennett.*] You say that the Council spent the money given to them by the Government for the purpose in the erection of jetties for recreation purposes? Yes, or at all events part of it. I am not sure whether it is all spent, but they have spent most of it.
989. Do you object to those islands being placed under the control of the Illawarra Harbour Corporation? Yes.
990. Will you say why? Because they were granted as recreation grounds, and if they are placed under the control of this Company the right of the public to them will be taken away.
991. The access to them? Yes.
992. With the exception of clause 39 and clause 5, have the Borough Council of Central Illawarra any objection to the Bill? I do not recollect any other objection just at present.
993. You are a landholder in the district of Illawarra? Yes.
994. On the lake? Yes.

995. *Chairman.*] Can you point out your land on the map? It is not numbered, but is marked "John Stuart, 80 acres."
996. *Mr. Bennett.*] As a landholder, do you object to the Bill? I do.
997. What clause of it do you object to? Clause 4.
998. What is your objection? This clause would give the Company power to reclaim land on either side of their channel, from Windang Island to Talawera Point, and also to place their silt on any part of the lake they thought proper. That, I have a decided objection to.
999. You want to know whether this power to reclaim land applies to the land held by the Company, or to the land they would acquire? That is what I would like to be clear upon. According to my reading of this clause, the Company appear to have power to reclaim land in any part of the lake by depositing silt there.
1000. You have read this Bill through very carefully? Yes.
1001. Do you see any provision in the Bill to enable the Company to acquire land other than the land they have already purchased? Yes, the Bill gives them power.
- 1001½. Do you see any clause in the Bill which will enable the Company to obtain land other than that they hold now? Yes; in Schedule A.
1002. You refer to the 7th paragraph of Schedule A, in which it says that the Company shall have "the power to reclaim the foreshores of the Company's estate, and to deposit dredgings and materials in such positions as may be suitable without interfering with the navigation of the lake"? Yes.
1003. Do you object to the interpretation clause? I object to the definition of "harbour," which says, "Harbour means and includes the port and harbour authorized to be constructed by this Act, and the entrance thereto, and the whole of Lake Illawarra";—that means that the Company shall have control not only of the foreshores and entrance to the lake but of the whole of the lake itself.
1004. Do you object in clause 1 to the words "or any land which may become the property of the Company by reclamation or otherwise"? I do.
1005. By clause 6 the Company will have complete control of the harbour and may appoint a harbour-master;—would you object to their having the power to appoint such an officer? That is a matter that I have not considered. I think that the harbour-master should be appointed by the Government.
1006. Your objection is founded on the fact that such an officer has control of the harbour? Certainly.
1007. Do you object to the Bill because there is no provision in it by virtue of which the Government would be able to resume this harbour? I think the Government should have the power to resume it.
1008. By compensating the Company? Yes.
1009. You object to the whole of the lake being handed over to a private Company without any provision being made for its resumption? Yes.
1010. *Mr. Crossman.*] Have you ever given evidence before a Select Committee before? I have.
1011. Before what Committee? The Committee on the Victoria Coal Company's Railway Bill.
1012. Was there such provision in that Bill as there is in this one relating to the crossing of roads? I think so.
1013. Did you object on that occasion? I did not.
1014. But you object this time? I have gained experience since then.
1015. You said just now that accidents had happened through the gates being left open on the Mount Kembla Company's line;—did these accidents happen because of the absence of gates? The gates were there, but there was one of them off its hinges through the neglect of the Company. The gates were merely temporary, made of battens.
1016. Then I understand that the accidents happened not through the absence of proper provisions in the Act but because the people did not take the trouble to have them enforced? I suppose that was it.
1017. Are you generally opposed to the whole of this scheme, or are you in favour of it, subject to certain provisions? I am in favour of it; I am not at all opposed to it.
1018. You rent a considerable portion of the lake frontage? I rent land at the mouth of the lake.
1019. Have you had any communication from the lessor of Mr. Wentworth's property or his agents in connection with this Bill? I really forget;—there was a letter from him.
1020. Do you mean to say that if a letter was recently written to you you forget what the contents of it were? I do. The letter was sent to my brother and he got it.
1021. Are you prepared to say that that letter did not contain a recommendation in favour of this scheme, sent to you, as their tenant, by the owners of the land? No; I am not prepared to swear that it did not, because I never saw the letter.
1022. You never saw the letter? No.
1023. You had no information of the contents of the letter. Did not your brother tell you what it was about? He did tell me but I forget.
1024. You came here in connection with this inquiry, and yet you forget an important matter like that? You forget that I am here as a representative of the Central Illawarra Borough Council.
1025. I am asking you as the lessee of this land? That has nothing to do with me.
1026. Will you swear that you did not directly or indirectly receive a letter from the gentleman who holds Mr. Wentworth's power of attorney to act for him here, and that it was in favour of this Bill and requested you not to do anything to oppose it? I swear I never heard that, if it was in the letter.
1027. Then you really do not know what the contents of that letter were? No. As far as I can recollect the letter was to this effect—that the Company did not intend to enforce some of the clauses in their Bill—I think that that was in the letter.
1028. Can you assign any reason for that letter being written to you and that statement being made unless there was an intention on the part of the writer to say something in favour of or against the Bill? I have really forgotten all about it.
1029. Who was the letter from? From Mr. Hearn.
1030. Was it written more than a fortnight ago? Fully a fortnight ago. However, I considered that the letter did not affect me. I forget whether it was answered or not.
1031. If you never saw it you could hardly have answered it? I forget whether I told my brother to answer it.
1032. With regard to these roads, I understand that your objection is not to the provision in the Bill, but because there may be non-compliance with that provision. Supposing the provisions in the clause were carried out, would there be any objection to it? I think those roads and crossings should be placed on the same level as the Government railways.

Mr.
F. O'Donnell,
22 May, 1889.

- Mr. F. O'Donnell.
22 May, 1889.
1033. Are the provisions in the Bill, if they are carried out, sufficient to protect people and property? Yes, if they are carried out.
1034. Then your objection is not to the provisions but to the chance of their being carried out? There is no chance about it. How is it that they are not carried out on the other railway lines? I know that the Municipal Council of Central Illawarra has written to the Mount Kembla Company asking them to put their crossings in repair, and no notice has been taken.
1035. Has the Council ever made a complaint to two Justices? I am not aware of it.
1036. Then apparently they have neglected their duties very sadly? Perhaps they have.
1037. With regard to the Council having control of these islands in the lakes, I would ask you, have you ever read the proclamation in the *Government Gazette*, constituting the Central Illawarra Municipality? I have seen it.
1038. Do you know that their boundaries are taken to the shores of Lake Illawarra, and include nothing to the east of that? I know that.
1039. If a provision such as this were put in would it remove many of your objections, "provided always that nothing in this Act contained shall be held to interfere with the existing rights of the owners of the foreshores of the lake"? Would you leave in the interpretation clause? Yes? Then I would object.
1040. Can you identify any of these five islands by name, so that they can be identified in the Bill? Two of them are on the Shellharbour side of the lake, and I think the Municipal Council of Shellharbour has control of them—the other three are on the Central Illawarra side of the lake.
1041. Would your objection to the interpretation clause be in any way lessened if an express provision were put into the Bill with regard to those islands, so that the control of the harbour did not cover any right to the control of the islands—would that assist you in any way? I have a decided objection to the interpretation clause as it now stands, and that objection I will not give up unless you strike out the latter part of the definition of the word "harbour." If I wished to build a jotty or wharf on my property and to cut a channel from it to connect with the Company's channel, would I have power to do it?
1042. The amendment I have just read provides that nothing in this Bill can interfere with any rights you have over the lake at the present time? I shall not be satisfied as long as this interpretation clause remains as it is.
1043. You referred to clause 4, which provides for the reclamation of land on either side of the channel, and I understand that you take it that that would mean right to the north and south of the channel? Certainly.
1044. If the word "contiguous" were substituted for the word "adjacent," would that do? That would prevent us from getting into the channel. I think the Company should be limited to some part of the lake in which to deposit their silt.
- 1044½. We are quite willing to make such a limitation—we want to deposit this silt on Mr. Reddall's land, and that Mr. Reddall has consented to it, and we are going to use it to fill up part of the two bays on our property? This is a matter on which I should want a little time to consider.
1045. Mr. Bennett.] The Company wants power to make a channel from Windang Island to their own property, which has 5 miles water frontage to the lake? Something like that.
1046. And you want their rights defined so that you may know how far each side of the channel they extend? Certainly. I do not want them to have unlimited power.
1047. Mr. Crossman.] If we could make it quite clear that the Company will have no right to deposit the silt on any except their own land, would you be satisfied? Why do you object to the omission of these words—"and the whole of the Lake Illawarra"—from the interpretation clause. You asked me just now about a letter I received from my landlord;—I have nothing to do with my landlord.
1048. I am bringing you forward as a lessee? Well, my position as tenant has nothing to do with my appearance here.
1049. Mr. Crossman.] Have you a long lease of this block of land on the north shore of the lake? Not a very long lease.
1050. Have you got a lease at all? Yes.
1051. What is the length of it? I cannot say.
1052. Have you ten years to run? No.
1053. Then your landlord has more interest in this matter than you have? I have no interest of my own whatever.
1054. Mr. Bennett.] You have been asked did you give evidence before the Committee on the Victoria Railway Company's Bill? Yes.
1055. And you were asked a question with regard to its providing for an appeal to two Justices;—do you know that there is no such provision as that in the Bill, and that that railway is on the same terms as a Government railway? I do not know it of my own knowledge.
1056. Mr. McCourt.] Is their private property to the north of the entrance to the lake? Yes.
1057. Is this reserve at the mouth of the lake under the control of the Council? The Government land.
1058. The land at the mouth of the lake? No; I do not think it is.
1059. It is within the boundaries of the municipality? Yes.
1060. Do you think that in the public interest this Company should have power to lease and control that land? I do not think so—it is a recreation ground at present.
1061. With regard to the entrance of the channel—is it all Government land on the Wollongong side, or is there private property there? There is private property there.
1062. Who is the owner of it? Wilson & Co. and Mr. Berry.
1063. You have read clause 4? Yes.
1064. Do you think that clause will give the Company power to reclaim all the land inside the entrance? I think so.

Christopher James Cullen called in, sworn, and examined:—

- Mr. C. J. Cullen,
22 May, 1889.
1065. Chairman.] Where do you reside? At Uanderra.
1066. Mr. Bennett.] You are Mayor of Central Illawarra? Yes.
1067. Have you read the Bill before the Committee? I have.
1068. Will you confine your answers to the question of how the Bill affects the interests of the Council of which you are Mayor? I may say that I am in favour of the scheme, but opposed to some clauses of the Bill.
- 1069.

1069. Will you look at clause 39? I wish to be assured that the Company will, when the locomotives are running along their line, provide sufficient gates and gatekeepers without our being put to the trouble of appealing to two Justices of the Peace.

1070. You wish that they should be compelled to erect gates and do all things necessary for the protection of the public, as on the Government Railways? Yes, at once.

1071. Will you look at Schedule E—you will see there that the Company's Railway would cross the South Coast Road, the Bong Bong Road, and two other roads? Well; I should be perfectly satisfied if this provision were made on the South Coast Road and the Bong Bong Road for the present.

1072. Do you know that there are islands on the lake which are used for recreation purposes? Yes.

1073. Are they under the control of your Council? Yes.

1074. Have you received money from the Government to enable you to erect jetties on the Islands? Yes; we have received money from the Government and expended it.

1075. Do you object to those islands being handed over to the Company? Certainly.

1076. Why? Because they are the only Recreation Reserves we have in the Municipality. We have expended the money voted by the Government upon them, and they are a great attraction to the inhabitants of the Borough.

1077. And you object to these islands being taken from the control of the Council? Certainly I do.

1078. Outside your position as Mayor of the Borough and as a resident of the district you have an objection to this Bill? Yes, to the interpretation clause.

1079. Your objection is that the Company would have full control of this harbour, and that the harbour, as defined in the interpretation clause, means the whole of Lake Illawarra? That is my objection. I object to the whole of Lake Illawarra being given to any Company.

1080. Have you read the Bill carefully through? I have.

1081. Clause 6 of the Bill provides for the appointment of a harbour-master by the Company? That matter I have not given any consideration to.

1082. Your objection is that the control of Lake Illawarra should not be given up to a Company? To any Company. Another objection I wish to bring under the notice of the Committee is this, I think the freightage rates set forth in Schedule C excessive.

1083. *Mr. Crossman.*] I understand you to say that the two roads which ought to be protected at the present time are the South Coast Road and the Bong Bong Road. You think if gates were put upon those roads the other roads might be left? The traffic would not warrant the erection of gates on the other roads.

1084. With regard to the islands which I understand are not within the boundaries of the Municipality, upon which the Municipal Council have been spending Government moneys, would your objection be met if it was expressly provided in the Bill that the Company should have no control over them? I have no doubt that that would do, but I should not like our right to be interfered with in any way.

1085. The mud island at the mouth of the lake is not one of those to which you refer? No.

1086. There are two islands to the south and two to the north of the channel? Yes.

1087. If it was provided that the control of the Council over these islands should not be taken away would your objection be met? That would meet the present requirements.

1088. It would preserve the present interests of the public? Yes.

1089. I understand that your reason for your objecting to the interpretation clause is that you think it interferes with private rights? With private and public rights.

1090. If the interpretation clause were left as it is and these provisoes were inserted in the Bill, "provided always that nothing in this Act contained shall be held to interfere with the existing rights of the owners to the foreshores of the lake," and "nothing in this Act contained shall interfere with any right which any owner of any part of the foreshores of the said lake may have to erect a wharf or wharves from his land into the water of the lake, and to collect and recover rates for the use thereof, and to excavate channels from the said wharf or wharves, provided that such work shall be carried out in such a manner as not to be prejudicial to any work executed, or in the course of execution by the Company," and a further provision were added that fishing and pleasure boats should have free access to the lake, do you think that would remove most of your objections? I think so.

1091. Have you formed any opinion as to what effect the opening of this harbour will have upon the district? It certainly must develop the district.

1092. Have you considered the course of the railway as laid out. Do you see any objection to it? None whatever.

John Richards called in, sworn, and examined:—

1093. *Chairman.*] Where do you reside? At Unanderra.

1094. *Mr. Bennett.*] You are a member of the Central Illawarra Borough Council? Yes.

1095. Have you read the Bill before the Committee? Yes.

1096. Have you any objection to it as a member of the Council? Yes, I have.

1097. Is it with regard to clause 39. Do you object to its being necessary for the Company to be ordered by two Justices to erect gates? I do. I think the gates should be erected in the same way as they are at the Government Railway crossings.

1098. Do you know that this line of railway will cross the South Coast Road, the Bong Bong Road, and two others? I believe it will cross two others. I believe there is another at West Dapto, but I cannot be sure of the name.

1099. Do you know that because crossings have been left unprotected accidents have happened? Very serious accidents have occurred, and in more than one instance in our neighbourhood, on the South Kembla Line.

1100. Do you know that the islands in the lake have been under the control of your Council? They have been placed under its control lately.

1101. Do you object to the control of those islands being given over to this Company? Decidedly.

1102. Have you land in the district? Yes.

1103. *Chairman.*] Where is your land? It is about a mile and a half from the lake.

1104. It does not front the lake? No. I think Laing was the original owner.

Mr.
C. J. Cullen.
22 May, 1889.

Mr.
J. Richards.
22 May, 1889.

- Mr. J. Richards.
22 May, 1889.
1105. *Mr. Bennett.*] Do you know that the Council have spent money in erecting wharves for recreation purposes on these islands? Yes.
1106. Apart from your position on the Council, have you, as a resident of the Borough, any objection to this Bill? Yes, I have a very strong objection to any Company obtaining power over the whole water of the lake.
1107. You object to a Company having the sole control of the lake? Yes.
1108. Would you object to the Bill if the powers of the Company were defined, although the interpretation of the word "Harbour" was allowed to remain as it is? If the definition met with my approval. The Company have power to reclaim a certain quantity of land, and if only a reasonable quantity was reclaimed I should not mind.
1109. Do you know that the Company have power to construct a channel from Windang Island to Talawera Point? Yes.
1110. And that their frontage to the lake is about 5 miles? Somewhere about that.
1111. Would you object to the harbour being called Lake Illawarra if the area over which the Company was to have control was defined? That would all depend. The width of the channel might be taken at 4 miles or at 100 yards.
1112. The width of the channel is already limited? The land might be reclaimed across the whole of the lake.
1113. You object to the provision in clause 4 giving the Company power to reclaim land? My objection is that the area that they can reclaim is not defined—you do not know what width may be reclaimed on either side of the channel.
1114. And you object to the Company having control of the whole of the lake? Yes.
1115. Do you object to the Company having power to appoint a harbour-master according to the provisions of clause 6? I think that should be in the hands of the Government, but I do not feel very strongly upon the matter.
1116. *Chairman.*] You are aware that the appointment has to be approved of by the Government? No, I did not know that the Government is to be consulted, but in that case I should have no objection.
1117. *Mr. Bennett.*] Have you any other objection to the Bill? There is one matter I might mention. The land on the northern side of the entrance to the lake is private land. I am not certain whether the land on the southern side belongs to the Government or private individuals; but the Bill seems to give the Company power to reclaim the land right up to the water frontage on both sides, and I think that is very hard.
1118. Is any part of the reserve private land? I believe a portion of it is private land—the private property runs right round to where the farms are, inside the lake to the north of the channel.
1119. *Mr. McCourt.*] Was a portion of the reserve ever revoked and selected? Yes, I believe so. If the land is reclaimed it will take away the whole of these people's frontages.
1120. Your objection to the interpretation clause is that in it the word harbour means the whole of Lake Illawarra? That is what I understand it to mean.
1121. Have you any objection to the Bill because there is no guarantee given that, in the event of its passing, the scheme will be carried out? No, I have no objection to it on that ground.
1122. *Mr. Crossman.*] I understand from your answer that this place is of no use as a harbour now, and that, therefore, it would not make much difference if the scheme were not carried out? I do not think so.
1123. With regard to these crossings; do you think it is necessary to put gates on any of these crossings except on the Bong Bong and South Coast Roads? There is a third road I do not know much about.
1124. Mr. Cullen told us that there were at present only two roads at which the crossings would require gates. If it was provided that the Company should put up gates when requested to do so would that meet with your approval? Mr. Cullen knows more about the neighbourhood than I do.
1125. You would be satisfied with his opinion? Yes.
1126. With regard to these islands, would you be satisfied if there was an express provision in the Bill leaving the entire control of them in the hands of the Council? Yes.
1127. Supposing that these provisions were put in the Bill? For what purpose?
1128. With the view to leaving this interpretation clause as it is and to define the Company's rights? Why retain that clause as it is? I object to the expression "and the whole of Lake Illawarra altogether."
1129. You think no amendments would remove your objections to the clause? I cannot see what amendments would. If the words remain in the clause the Company would have control of the whole of the lake.
1130. Would you prefer to have the place left as it is or to have a harbour made there over which the Company would have this control? If the Company is to have sole control of the lake I would rather have it left as it is, because I think public rights would be unduly interfered with.
1131. You do not think that the increase of the value of property there would compensate for a certain loss of freedom? I do not think so. I think that under this clause the public would be trespassers on the lake.
1132. Is the lake any use now except for fishing and pleasuring? It is good for very little else.
1133. The proviso that I was going to read reserves all right to the foreshores, and I was going to add that fishing and pleasure boats could have free use of the lake, and that people could have power to erect wharves and to cut channels? Yes.
1134. Could not the interpretation clause then remain as it is? It makes the thing better, but I cannot get rid of my objection to the clause.
1135. *Mr. Bennett.*] With reference to clause 4, do you object to this clause because it does not show how the Company are going to acquire the land? I cannot say that I understand the matter sufficiently.
1136. *Mr. Crossman.*] Would you have any objection in the event of the Company purchasing this property at the north of the lake to their reclaiming their own foreshores? I do not believe they should have the right to destroy the best waters of the lake even on their own foreshores. The property they own now is the best water in the whole of the lake, and I think the Bill gives them power, if they choose, to reclaim the whole of it.
1137. Your objection is anybody reclaiming land on the lake? In any great quantity. I think the water should be left there.

1138. *Chairman.*] Do you think that the carrying out of this project would enhance the value of property in this district? I have no doubt that it would very largely.

1139. In the face of that do you think the public would object to losing a little of the harbour? They do not object to losing a little, it is to losing the whole. We are quite agreeable to the Company having a right to erect wharves on their land and to cut a channel through the lake.

1140. *Mr. McCourt.*] Clause 1 gives the Company a term of seven years in which to complete this work. Do you think there should be any guarantee that they will carry out the works? I would not have any great objection to that. I do not think they are likely to block any other Company, and if they do not carry the scheme out I do not think anyone else will.

Mr.
J. Richards,
22 May, 1889.

WEDNESDAY, 20 MAY, 1889.

Present:—

MR. J. P. ABBOTT, | MR. CULLEN.
M. CHAPMAN, ESQ., IN THE CHAIR.

E. H. Crossman, Esq., Solicitor, appeared on behalf of the promoters of the Bill.
E. Bennett, Esq., Counsel, appeared on behalf of the Borough Council of Central Illawarra, Mr. O'Donnell, and others.

James Richard Hill called in, sworn, and examined:—

1141. *Mr. Crossman.*] Do you represent the Wentworth Estate? Yes.

1142. With full authority to act for Mr. Wentworth? Yes.

1143. Does Mr. Wentworth own any land near Lake Illawarra? The Wentworth Trust does, and I act for the Trust.

1144. Where is the land situated? It is immediately north of the lake. I believe the area is about 2,200 acres.

1145. Is Mr. O'Donnell one of your tenants? Yes.

1146. Do you represent any property south of the lake? No. I see some land marked "W. C. Wentworth" on the map, but I do not know whether or not that has been alienated in years gone by.

1147. Have you considered the proposal of this Company to establish a harbour at Lake Illawarra? Yes, to a certain extent.

1148. Have you formed any opinion as to its desirability? I think it would be a very good thing for all the people surrounding the lake if their water rights were not interfered with.

1149. Do you mean the present foreshore rights of individual owners? Yes. I think that the proposed Trust should not claim the right to deposit silt or anything of that kind on the water rights of the present owners, and thereby injure or destroy them.

1150. Then, subject to the rights of present owners of foreshore rights, you consider the proposal would be a desirable one? Yes; if it is not proposed in any way to take away the water frontages, I think it would be a great benefit.

1151. Do you consider that the Company would have a fair right to charge for the use of this harbour? Undoubtedly, if the Company does anything to the harbour.

1152. If the Company makes the lake into a harbour fit for big ships? Yes; if the people there use the harbour they ought to be willing to pay for the privilege. I conclude the Company is only asking for the right to use the harbour for a certain space of time.

1153. It is proposed that they should have the harbour in perpetuity, the Government having the right of resumption? That is a matter concerning which the Government should be the best judges. So far as the landowners are concerned if the Company carry out their scheme of opening out a channel and dredging, so as to make the lake available for shipping, it would be a very important benefit to everyone having land in the neighbourhood, and in common reason they ought to bear a certain amount of responsibility for the use of the harbour by way of tonnage dues.

1154. *Mr. Bennett.*] You say that you have no objection whatever to this proposal so long as the foreshore rights are preserved. If you look at the interpretation clause you will see that "Harbour" means and includes the port and harbour aforesaid to be constructed under this Act, and the entrance thereto, and the whole of Lake Illawarra? I understood from those concerned that a clause would be inserted preserving the rights of all the owners. When I first spoke to them on the subject they told me that such a clause had been put in since the Bill was first drawn.

1155. *Mr. Crossman.*] With regard to this provision which you speak of for the protection of the owners of land, are you satisfied if such a provision will be put in, in such form as this Committee may approve of? Certainly. I conclude that the Committee will protect the rights of the owners so far as they ought to be protected.

1156. This is one of the provisions to be added to the Bill: "Provided always that nothing in this Act contained shall be held to interfere with the existing rights of owners of the foreshores of the lake?" I was told that there was a right to deposit silt and dredgings on various portions of the lake. Of course that would be a lasting damage to the owners of the land if it were put opposite their property.

1157. Do you think the provision I have just read will meet the case? It would require a solicitor to offer an opinion as to whether that would provide all that was necessary. It is the principle only that I ask for that the rights of those who have water frontages shall not be destroyed.

1158. The following provisions are also intended to be inserted: "Nothing in this Act contained shall interfere with any right which any owner of any part of the foreshores of the said lake may have to erect a wharf or wharves from his land unto the waters of the lake, and to recover rates for the use thereof, and to excavate channels from the said wharf or wharves: Provided that such works shall be carried out in such a manner as not to be prejudicial to any work executed or in the course of execution by the Company." There is also another proposed provision that fishing-boats and pleasure-boats should have the free use of the lake without charge. Do you think those provisions will be satisfactory? I think the Committee will be the best judges of what is fair to the owners of land.

Mr.
J. R. Hill,
29 May, 1889.

FRIDAY,

FRIDAY, 31 MAY, 1889.

Present:—

MR. CULLEN, | MR. FRANK SMITH,
MR. McCOURT.

M. CHAPMAN, ESQ., IN THE CHAIR.

E. H. Crossman, Esq., Solicitor, appeared on behalf of the promoters of the Bill. Edward Bennett, Esq., Counsel, appeared on behalf of the Borough Council of Central Illawarra, Mr. F. O'Donnell, and others.

James Stewart called in, sworn, and examined:—

- Mr. J. Stewart.
31 May, 1889.
1159. *Chairman.*] You reside at Berry? Yes.
1160. You have read the Bill? Yes.
1161. And you thoroughly understand it? I think so.
1162. Are there any portions of it to which you as a landowner on the shores of the lake object? Clause 4 says:—"It shall be lawful for the Company to reclaim land on the foreshores of the said freehold land or of Windang Island, or of any land which may become the property of the Company under or by virtue of any of the powers and provisions in this Act contained, and also on either side or both sides of the said channel, between the points in Schedule A hereto mentioned, and also at and adjacent, &c." I was under the impression that the training-walls mentioned in Schedule A would go as far back as our property, and destroy our frontage, where I understand there is 12 or 14 feet of water, but I think I have heard from you, Sir, that that has been provided for; I should like to know in what position I would be in the event of its being necessary to construct training-walls after the works had been begun.
1163. An amendment to conserve to the owners of the foreshores any rights which they may now possess has been placed before the Committee for their consideration, and, by another amendment which has been placed before us, property owners on the lake will be able to construct channels to connect with the Company's channel, providing of course that they pay a fair charge to the Company for the expense to which they have been put? Harbour dues and so on, I suppose, but nothing else.
1164. *Through Chairman.*] At the present time you have deep water-right up to where the channel will come? I think so.
1165. And the construction of a channel might possibly interfere with your deep water? I believe it would, more especially if the Company went in for filling up the back part with silt, as is mentioned here.
1166. Do you wish your deep water rights to be interfered with by the construction of that channel? No; I would object to it strongly. I object to any right that I have there being taken away.
1167. Clause 4 also says that "such land when reclaimed shall vest in the Company in fee-simple by virtue of this Act, and without the necessity of any Crown grant or conveyance." Do you object to land being reclaimed by the Company in front of your land? Undoubtedly.
1168. *Mr. Crossman.*] I understand that what you really object to is an interference with your present rights. You heard the amendment read by the Chairman, which provides that nothing in this Act contained shall interfere with any existing rights, and if that amendment were put in the Bill would it remove your objections? If you do away with this right to construct wharves; if you construct wharves opposite my property my objection will still continue.
1169. Have you really got any deep water frontage to your land? Yes.
1170. What is the depth? I can only speak from what I have heard.
1171. In point of fact you have no personal knowledge that there is deep water there? I have been told that there is.
1172. Then your evidence as to the depth of the water is merely hearsay? Well I never was in the water to know the depth, but I am perfectly certain that there is deep water there.
1173. *Chairman.*] Could you form any position on your land to see whether the water is deep or shallow? I should consider it deep water.
1174. If there were any shallows in front of your land could you see them? Higher up there are shallows which you can see.
1175. There are no shallows in front of your land? Not at this point.
1176. *Mr. Crossman.*] If the channel was simply cut through the mud and no walls were built opposite to your land, and the silt and mud dredged from the channel were carried out of the harbour altogether or deposited in the Company's property, would there be any interference with your right? I do not think there would.
1177. *Chairman.*] Have you any other objection? I should like to know whether the Company has abandoned this right to deposit silt anywhere in the lake.
1178. Except on their own land or behind the training walls? I understand that this harbour is to include the whole of Lake Illawarra.
1179. *Mr. Crossman.*] That only means that the Company will only have control over the lake as far as the navigation is concerned, and if that were expressly provided in the Bill would it meet with your objection? I think the Company should be entitled to the free navigation of the channel, but I do not think any right which property-owners have now should be taken away from them.
1180. *Chairman.*] What is the next clause you object to? I think if this land is likely to be interfered with by the construction of training walls, that it should be necessary for the Company to purchase it.
1181. *Mr. Crossman.*] Mr. Reddall, who owns the land opposite to yours, has suggested an amendment, providing that in the event of these foreshores being interfered with the Company will have to purchase his land at a price to be fixed by arbitration? I think that will meet with my objection.
1182. *Chairman.*] Do you not object to the term for which the Bill will be granted? Yes; the Company ask to have the control of the lake for all time apparently.
1183. *Chairman.*] The Government have the power to resume the works at any time? In that case my objection vanishes.
1184. *Chairman.*] Do you not object to the Company having control of the entire lake? I understand that limitations will be set to their power which will conserve the rights of the public generally.
1185. *Mr. Bennett.*] Will the construction of the railway affect your property? No.
1186. *Mr. Crossman.*] Have you any idea of how many miles frontage you have to the lake? No.
1187. Do you own a mile? More than that I think; I believe about 3 miles. 1188.

1188. What is the area of your land? 268 acres, I think.

1189. Fronting the lake? Yes.

1190. *Mr. McCourt.*] Have you read clause six. Do you think that it would be to the interests of the public if the harbour-master at this lake were a Government officer instead of one appointed by the Company? I think it would be better if he were a Government officer.

1191. And paid by the Government? Yes; I think it would be better in the interests of the public. The powers of the Company are very great, and I think it would be better if the Government were represented there.

1192. You do not think the Company should have a right to control traffic at any wharf except on their own land? No; I think they should have the right to collect dues.

Mr.
J. Stewart.
31 May, 1889.

APPENDIX.

A 1.

[To Evidence of B. H. Crossman, Esq.]

New South Wales, }
to wit.

In the matter of the Illawarra Harbour and Land Corporation (Limited), and in the matter of the Companies' Act.

I CERTIFY that the Company styled "The Illawarra Harbour and Land Corporation (Limited)" is incorporated, and that the said Company is a Limited Company.

Dated at Sydney, this twenty-ninth day of October, in the year of our Lord, one thousand eight hundred and eighty-eight.

E. G. WARD,
Registrar-General,
Acting as Registrar of Joint Stock Companies.

A 2.

[To Evidence of B. H. Crossman, Esq.]

MEMORANDUM and Articles of Association of the Illawarra Harbour and Land Corporation (Limited).

1. The name of the Company is the "Illawarra Harbour and Land Corporation (Limited)."
2. The registered office of the Company will be situate in Sydney.
3. The objects for which the Company is established are:—
 - (a) To purchase, lease, or otherwise acquire, an estate known as Lakelands, situated at Dapto, Illawarra, in the county of Camden and parish of Calderwood, in the Colony of New South Wales, and containing an area of 2,920 acres or thereabouts; also a coal property known as the Ocean Steam Coal Colliery, comprising 265 acres or thereabouts of freehold land, and also two several blocks of coal land, containing 640 acres each, held under mining permits numbered 398 and 443 respectively, and issued in the names of W. R. Styles and Robert Matteson Vaughn respectively.
 - (b) To construct, or cause to be constructed, or obtain the construction of, a harbour for shipping or other purposes at Lake Illawarra.
 - (c) To construct, execute, carry out, equip, improve, work, develop, administer, manage, or control in the District of Illawarra or elsewhere, in the Colony of New South Wales, public works and conveniences of all kinds, which expression in this Memorandum includes, but not by way of limitation, railways, tramways, docks, harbours, piers, wharves, canals, reservoirs, embankments, irrigations, forries, reclamation, improvement, sewerage, drainage, sanitary, water, gas, electric light, telephonic, telegraphic, and power supply works, and hotels, warehouses, markets, and public buildings, and all other works or conveniences of public utility, and to apply for and obtain any concession or concessions by Act of Parliament or otherwise in connection with the above, or in connection with any other part of the Company's business or undertakings.
 - (d) To apply for, purchase or otherwise acquire, any contracts, decrees, concessions, and Acts of Parliament for, or in relation to, the construction, execution, carrying out, equipment, improvement, management, administration, or control of public works and conveniences, and to undertake, execute, carry out, dispose of, or otherwise turn to account the same.
 - (e) To carry on the business of miners, metallurgists, colliery proprietors, coke manufacturers, smelters, ironfounders, builders, and contractors, engineers, farmers, graziers, shipowners, shipbuilders, merchants, importers, exporters, ferryboat proprietors, insurers, bankers, quarry proprietors, and to buy, sell, and deal in property of all kinds, and to carry on any other business, manufacturing or otherwise, which the Company may think calculated directly or indirectly to advance its interests.
 - (f) To negotiate loans, to lend money, securities, and other property, to discount bills and securities, to become sureties and guarantors for any purposes, and generally to carry on business as capitalists, financiers, bankers, and merchants, and any other businesses.
 - (g) To construct and establish at Lake Illawarra or elsewhere a dock or docks with patent and other slips, workshops, buildings, machinery, warehouses, wharves, and other conveniences.
 - (h) To purchase, take on lease, exchange, hire, or otherwise acquire any real or personal property, and any patent or other rights and privileges necessary or convenient for the purposes of the Company.
 - (i) To search for, get, raise, refine, repair, manipulate, and make merchantable, sell, and deal in iron, coal, ironstone, brick, earth bricks, and other metals, minerals, and substances, and to manufacture and sell patent fuel, and carry on any metallurgical works which may seem conducive to the Company's objects.
 - (j) To carry on any other businesses which may seem to the Company capable of being conveniently carried on in connection with the above, or calculated directly or indirectly to enhance the value of, or render profitable any of the Company's property or rights.
 - (k) To acquire and undertake the whole or any part of the business, property, and liabilities of any person or company carrying on any business which this Company is authorized to carry on, or possessed of property suitable for the purpose of this Company.
 - (l) To enter into partnership or into any arrangement for sharing profits, union of interests, co-operation, joint adventure, reciprocal concession, or otherwise, with any person or Company carrying on, or engaged in, or about to carry on or engage in any business or transaction capable of being conducted so as to directly or indirectly benefit this Company, and to lend money, guarantee the contracts of, or otherwise assist any such person or Company, and to take or otherwise acquire shares and securities of any such Company, and to sell, hold, reissue, with or without guarantee, or otherwise deal with the same.
 - (m) To sell the undertaking of the Company or any part thereof for such consideration as the Company may think fit, and in particular for shares, debentures, or securities of any other Company having objects altogether or in part similar to those of this Company.

(v)

- (n) To invest and deal with the moneys of the Company not immediately required upon such securities and in such manner as may from time to time be determined.
- (o) To raise money in such other manner as the Company shall think fit, and in particular by the issue of debentures or debenture stock perpetual or otherwise charged upon all or any of the Company's property both present and future, including capital.
- (p) To remunerate any person or Company for services rendered in placing or assisting to place any of the shares in the Company's capital or any debentures or other securities of the Company.
- (q) To sell, improve, manage, develop, lease, mortgage, dispose of, turn to account, or otherwise deal with all or any of the property of the Company.
- (r) To purchase or otherwise acquire any patents, brevets, d'invention licences, concessions, and the like, conferring any exclusive or non-exclusive or limited right to use any invention which may seem capable of being used for any of the purposes of the Company, or the acquisition of which may seem calculated directly or indirectly to benefit this Company, and to use, exercise, develop, or grant licenses in respect of, or otherwise turn to account the property and rights so acquired.
- (s) To procure the Company to be registered or recognized in the United Kingdom or in any other foreign country or place.
- (t) To make, accept, endorse, and execute notes, bills of exchange, and other negotiable instruments.
- (u) To amalgamate with any other Company having objects altogether or in part similar to those of this Company.
- (v) To distribute any of the property of the Company among the members in specie.
- (w) If thought fit, to obtain any Act of Parliament dissolving the Company and reincorporating its members as a new Company for any of the objects specified in this Memorandum, or for effecting any other modification or extension in the Company's constitution.
- (x) To do all or any of the above things in any part of the world, and as principals, agents, contractors, trustees, or otherwise, and by or through trustees, agents, or otherwise, and either alone or in conjunction with others.
- (y) To do all such other things as are incidental or conducive to the attainment of the above objects.
- And it is hereby declared that the word Company in this clause, except where used in reference to this Company, shall be deemed to include any partnership or other body of persons, whether corporated or incorporated, and whether domiciled in New South Wales or elsewhere; and so that the objects specified in each paragraph of this clause shall, except where otherwise expressed in such paragraph, be in nowise limited by reference to any other paragraph.

4. The liability of the members is limited.

5. The capital of the Company is £1,600,000, divided into 16,000 shares of one hundred pounds each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this Memorandum of Association, and we respectively agree to take the number of shares in the capital of the Company set opposite to our respective names.

Name, Address, Description.	No. of Shares taken.
Charles Arthur Moresby Billyard, Landowner, Sydney	One.
Edmund Barton, Barrister-at-law, Sydney	One.
John Newton, Merchant, 84 Pitt-street	One.
Herbert Crossman, Solicitor, Sydney	One.
Chas. A. Goodchap, Reform Club	One.
Thomas Andrew de Wolf, Importer, 5 Spring-street, Sydney	One.
John Kandal Carey, Railway Contractor, Sydney	One.

Dated this 29th day of October, 1888.

Witness to the above signatures—

FRED. W. ORR,
5 Spring-street.

A 3.

[To Evidence of E. H. Crossman, Esq.]

16 November, 1888.

The Secretary, Illawarra Harbour and Land Corporation (Limited), Sydney,—
Sir,

I have the honor, by direction of this Council, to acknowledge the receipt of your letter of the 2nd instant, and, in reply, to inform you that this Council has much pleasure in complying with your request.

The following resolution was passed:—Moved by Alderman Armstrong, seconded by Alderman Raison—"That the request of the Illawarra Harbour and Land Corporation (Limited) be granted." Carried 14th November, 1888.

I have, &c.,
T. D. STOY,
Council Clerk.

1889.

LEGISLATIVE ASSEMBLY,
NEW SOUTH WALES.

ILLAWARRA HARBOUR AND LAND CORPORATION BILL.

(PETITION FROM MAYOR AND ALDERMEN OF THE COUNCIL OF CENTRAL ILLAWARRA, PRAYING TO BE HEARD BY COUNSEL BEFORE SELECT COMMITTEE SITTING ON.)

Received by the Legislative Assembly, 21 May, 1889.

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

The humble Petition of the Mayor and Aldermen of the Borough Council of Central Illawarra, in the said Colony,—

RESPECTFULLY SHOWETH:—

1. That a Bill to enable the Illawarra Harbour and Land Corporation (Limited) to form and maintain a free passage for vessels between the South Pacific Ocean and the waters of Lake Illawarra, in the County of Camden, and to construct and maintain a harbour within the waters of the said Lake, and of Windang Bay, in the said County of Camden, and wharfage and shipping accommodation in connection therewith, and to construct and maintain a line or lines of railway to connect with the said harbour, all or any coal-bearing lands situate between the South Coast Colliery on the north, and the Macquarie River on the south, and to levy and recover rates, tolls, and dues for the use of the said entrance, harbour, and accommodation, and of the said railways, and for other purposes, has been introduced into your honorable House during the present session, and has been referred to a Select Committee for consideration and report.

2. That the said Bill proposes to give the said Company power to reclaim land on the foreshores of the whole of Lake Illawarra, and also on either or both sides of the channel mentioned in section 2 of the said Bill, and also to deposit dredgings and materials in such positions as may be suitable, without interfering with the navigation of the Lake, and also to make and construct the railways specified in Schedule E to the said Bill.

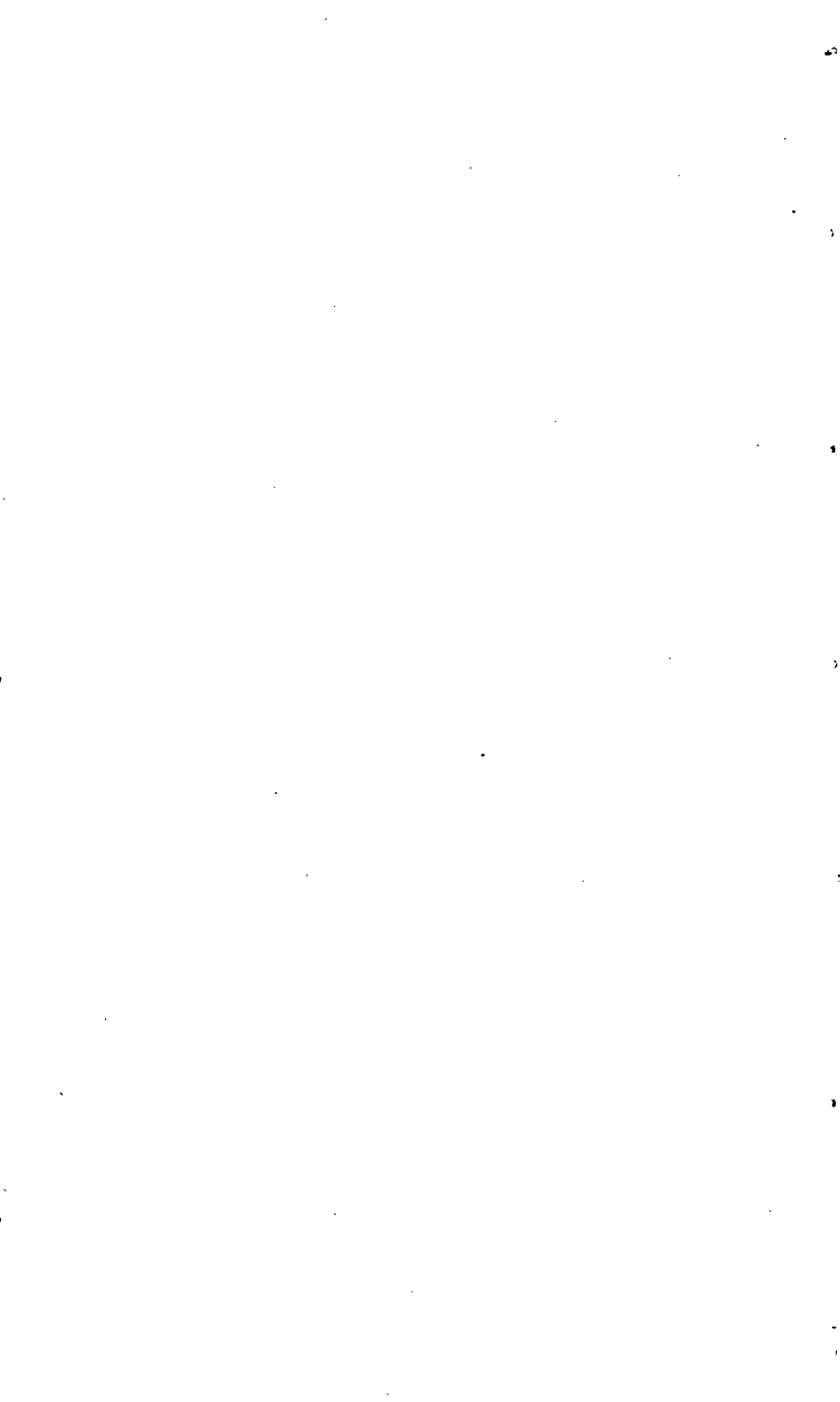
3. That the acquisition of such powers will seriously and injuriously affect the interests of the ratepayers of the Borough of Central Illawarra and of the owners of property on the shores of the said Lake, and the rights of the public to use the said Lake for pleasure and other purposes, and to use the roads within the said Borough crossed by the said railways will be interfered with unless various modifications, alterations, and additions are made in the said Bill.

Your Petitioners therefore humbly pray that leave be given to your Petitioners to appear, by counsel or attorney before the said Select Committee now sitting on the said Bill, for the purpose of protecting the interests of the ratepayers of the Borough of Central Illawarra, and with permission to call such witnesses as may be desirable, and adduce such evidence as they may be advised concerning the said Bill in the interests of the ratepayers of the said Borough, and to examine and cross-examine such witnesses as may give evidence before the said Committee, in accordance with the rules of your honorable House.

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

Dated this twentieth day of May, in the year of Our Lord one thousand eight hundred and eighty-nine.

C. J. CULLEN,
Mayor of Central Illawarra.
WILLIAM OSBORNE,
Council Clerk.



1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ILLAWARRA HARBOUR AND LAND CORPORATION BILL.

(PETITION FROM FRANCIS O'DONNELL AND OTHERS PRAYING TO BE HEARD BY COUNSEL BEFORE
SELECT COMMITTEE SITTING ON.)

Received by the Legislative Assembly, 21 May, 1889.

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

The humble Petition of Francis O'Donnell, of Five Islands near Wollongong, in the said Colony,
farmer; David James, of the same place, farmer, and John Richards, of Unanderra near
Wollongong, aforesaid, farmer,—

RESPECTFULLY SHOWETH:—

1. That a Bill to enable the Illawarra Harbour and Land Corporation (Limited), to form and maintain a free passage for vessels between the South Pacific Ocean and the waters of Lake Illawarra, in the County of Camden; and to construct and maintain a harbour within the waters of the said Lake, and of Windaug Bay in the said County of Camden, and wharfage and shipping accommodation in connection therewith, and to construct and maintain a line or lines of railway to connect with the said harbour, all or any coal-bearing lands, situate between the South Coast Colliery on the north, and the Macquarie River on the south, and to levy and recover rates, tolls, and dues, for the use of the said entrance, harbour, and accommodation, and of the said railways and for other purposes, has been introduced into your honorable House during the present session, and has been referred to a Select Committee for consideration and report.

2. That your Petitioners, Francis O'Donnell and David James, are respectively interested in certain freehold land on the shores of Lake Illawarra, in the County of Camden and Colony aforesaid, and that your Petitioner, John Richards, is also interested in certain freehold lands within the Borough of Central Illawarra. That the said Bill proposes to give the said Company power to reclaim land on the foreshores of the whole of Lake Illawarra, and also on either or both sides of the channel mentioned in section 2 of the said Bill, and also to deposit dredgings and materials in such positions as may be suitable without interfering with the navigation of the Lake.

3. That the acquisition of such powers will seriously and injuriously affect the interests of the owners of property on the shores of the said Lake; and the rights of the public to use the said Lake and the islands therein for pleasure and other purposes will be interfered with unless various modifications, alterations, and additions are made in the said Bill.

Your Petitioners therefore humbly pray that leave be given to your Petitioners to appear, by counsel or attorney, before the Select Committee now sitting on the said Bill, for the purpose of protecting their interests, and, with permission, to call such witnesses as may be desirable, and adduce such evidence as they may be advised concerning the said Bill in the interests of your Petitioners, and to examine and cross-examine such witnesses as may give evidence before the said Committee, in accordance with the rules of your honorable House.

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

Dated this twentieth day of May, in the year of our Lord One thousand eight hundred and eighty-nine.

[Here follow 3 signatures.]

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ILLAWARRA HARBOUR AND LAND CORPORATION BILL.
(PETITION FROM CERTAIN RESIDENTS OF ILLAWARRA IN FAVOR OF.)

Received by the Legislative Assembly, 6 August, 1889.

To the Speaker and Members of the Legislative Assembly of New South Wales, in Parliament assembled.
The Petition of the undersigned relative to the district of Illawarra,—

RESPECTFULLY SHOWETH:—

That your Petitioners, being aware that a Company has been formed, having as its object the opening of Lake Illawarra, and making a safe and commodious harbour thereof, and that the carrying out of the proposed works will not only benefit the landowners round the lake, but the entire district of Illawarra, and afford employment to a large number of men, and will also enable the extensive coal-mines now lying idle to be worked.

Your Petitioners, therefore, respectfully pray that your Honorable House will take into favourable consideration our Petition, and grant the concession asked for in the Bill to which as reported on by the Select Committee of your Honorable House, the consent and approval of the Municipal Councils of Central Illawarra and Shell Harbour have been formally granted, and which Bill is now before your Honorable House.

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

[*Here follow 1,347 signatures.*]

v

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

KATOOMBA LIGHTING BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
6 August, 1889.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1889.

1889.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 64. WEDNESDAY, 24 JULY, 1889.

4. KATOOMBA LIGHTING BILL (*Formal Motion*):—*Mr. Barbour*, for *Mr. Hurley*, moved, pursuant to Notice,—
- (1.) That the Katoomba Lighting Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of *Mr. Lee*, *Mr. O'Sullivan*, *Mr. Frank Smith*, *Mr. Barbour*, *Mr. Waddell*, *Mr. Davis*, and *Mr. Hurley*.
- Question put and passed.
-

VOTES No. 71. TUESDAY, 6 AUGUST, 1889.

3. KATOOMBA LIGHTING BILL:—*Mr. Hurley*, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 24th July, 1889, together with Appendix and a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.
- * * * * *
-

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1889.

KATOOMBA LIGHTING BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly for whose consideration and report was referred on the 24th July, 1889, the "*Katoomba Lighting Bill*," beg to report to your Honorable House :—

That they have examined the witnesses named in the List* (whose* See list, page 4. evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several clauses and the Schedule to the Bill, in which it was deemed necessary to make an amendment.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

JOHN HURLEY,
Chairman.

No. 3 Committee Room,
Sydney, 2 August, 1889.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 26 JULY, 1889.

MEMBERS PRESENT :—

Mr. Barbour, | Mr. Waddell.

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

FRIDAY, 2 AUGUST, 1889.

MEMBERS PRESENT :—

Mr. Hurley, | Mr. Barbour,
Mr. O'Sullivan.

Mr. Hurley called to the Chair.

Entry from Votes and Proceedings appointing the Committee read by the Clerk.

Printed copies of the Bill referred, together with original Petition to introduce the same before the Committee.

Present :—William Russell, junior, Esq. (*Solicitor for the Bill*).

John Britty North called in, sworn, and examined.

Witness withdrew.

Edward Neave (*one of the Promoters*) called in, sworn, and examined.

Witness handed in copy of a letter from the Secretary of the Katoomba Progress Committee, setting forth certain terms for the supply of gas to consumers. [*See Appendix A.*]

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Solicitor called in and informed.

Clauses 1 to 35 read and agreed to.

Clause 36 read, amended,* and agreed to.

Clauses 37 to 39 read and agreed to.

Schedule read and agreed to.

Title read and agreed to.

Chairman to report to the House.

SCHEDULE OF AMENDMENT.

Page 11, clause 36, line 15. Omit “two years” insert “year”

LIST OF WITNESSES.

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* See Schedule Amendment.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

KATOOMBA LIGHTING BILL.

FRIDAY, 2 AUGUST, 1889.

Present:—

MR. BARBOUR, | MR. HURLEY,
MR. O'SULLIVAN.

JOHN HURLEY, ESQ., IN THE CHAIR.

W. Russell, Esq., solicitor, appeared on behalf of the promoters of the Bill.

John Britty North called in, sworn, and examined:—

1. *Chairman.*] You are a large property-holder in Katoomba, are you not? Yes.
2. You are aware that a Bill has been introduced into Parliament to give Messrs. Neave and Company permission to supply gas to the town of Katoomba? I am.
3. Have you read the Bill which has been submitted to Parliament? I have read the details of it, but not the whole wording.
4. Have you seen and read the petition setting forth the necessity for the Bill? Yes.
5. Do you admit that it would be an advantage and benefit to the town of Katoomba if Messrs. Neave and Company constructed such works as are set forth in the Bill? It would be an enormous benefit.
6. Have you any objection against the Bill? None whatever. I think the gas will be a great convenience to us if the Bill is passed.
7. You are a member of the Progress Committee at Katoomba? I am.
8. Have you heard the question raised there as to the supply of gas to the town by Messrs. Neave and Company? I have.
9. Will you kindly state their objections? There are no objections now; but at one time a dispute occurred as to the question of cost, as to whether it should be 8s. or 10s. a thousand.
10. Some correspondence passed between the secretary of the Progress Committee and Messrs. Neave and Company in regard to the charges that were to be made? That is so.
11. Was a price determined upon between the members of the Committee, as representatives of the district, and Messrs. Neave and Company? Originally the principal people of the town were willing to pay 10s.; but Messrs. Neave and Company, in competition with some other parties, reduced the offer to 8s.
12. At all events you understand that matters have been amicably arranged? I have been told so. I was not at the last Committee meeting.
13. As between the public and Neave and Company? Yes.
14. As a large property-holder there, and one interested in the place as much as anybody, would you like to say anything against the passing of the measure? No; I am quite in favour of it.
15. Would you like to supplement anything you have said? Nothing, except this, that I have gone carefully into the matter to see whether it would pay both the public and Neave and Company, and I find that it would, because the convenience to the public would be very great, and the enterprise is likely to be successful.
16. It will be a mutual advantage? A mutual advantage.

17.

Mr.
J. B. North.
2 Aug., 1889.

17. *Mr. O'Sullivan.*] Do you know of any objections to the Bill? None whatever. The principal landholders, who at present own roads which they are waiting for a municipality to be formed before they throw upon, have agreed to give the right to Neave and Company to open up portions of the roads. We shall not charge them anything, because we are quite willing to grant the concession in the public interest.

18. *Mr. Barbour.*] You say that you have made calculations, and that you find that this scheme will pay both the public and the promoters? Yes.

19. At what rate? We made our calculations at 10s., but we mean to have it at 8s. now. We signed documents to agree to take the gas at 10s.

20. Is it your opinion that the rate should be 8s.? 8s. on the present price of coal, but if the price rises, or strikes occur, or a less quantity of gas is required, I think 10s. would be a fair price.

21. Do you know any one in Katoomba who objects to the passing of this Bill? I do not think anyone does.

22. Everyone is favourable to the scheme? They are all favourable to it, and nearly all signed a document promising to take it. I think forty people signed such a document.

23. *Mr. O'Sullivan.*] You have no Municipal Council at Katoomba? We have applied to the Government to establish a Municipal Council, and we are expecting every day to have it gazetted.

24. In the meantime there is a Progress Committee there? Yes.

25. Have they been duly elected? Yes; and I am elected chairman.

26. They may be looked upon as a representative body? Yes; publicly elected by ballot.

27. *Chairman.*] Have you entered into any stipulations with the promoters of the Bill in regard to the supply of shale and coal? I have not. I have given them our usual prices, the quotations; but I have entered into no stipulations of any kind whatever. They simply asked us our prices, and we told them the common rate.

28. *Mr. Russell.*] The town at present is not lighted with gas or electricity? No. During the summer season for about eight or nine months of the year the place is thronged with visitors from Sydney and Melbourne, and it is very inconvenient to walk about in the dark. In fact it is dangerous, because the falls of the ground are sudden. It is necessary to have the place lighted for the comfort and convenience of the public, and especially of visitors who do not know the place.

29. *Chairman.*] Katoomba is a growing township; in fact the most progressive township upon the mountains? During the last nine years it has grown from nothing at all to a population of 2,000.

Edward Neave called in, sworn, and examined:—

Mr.
E. Neave.
2 Aug., 1889.

30. *Chairman.*] You represent the firm of Edward Neave and John Ewan Palmer? Yes.

31. You have petitioned Parliament for the right to construct certain works at Katoomba? Yes.

32. And you have submitted a Bill to Parliament setting forth certain reasons for the construction of those works? Yes.

33. You have entered into arrangements with the residents of Katoomba with regard to the supply of gas, and the rates to be charged? Yes; the arrangements have been completed.

34. Are they satisfactory to the general public there as well as to yourselves? I went up to Katoomba and met the Progress Committee, and arranged the question of price according to the consumption.

35. *Mr. Russell.*] The maximum price to which you have agreed with the Progress Committee is 10s.? Yes; there will be no necessity to alter the maximum price. If the consumption does not come up to 10,000 feet we are to receive 10s. a thousand.

36. After the passing of this measure how long will it be before you will be prepared to commence the work? We have all the necessary plant ready now.

37. There will be no delay? No delay at all.

38. *Mr. Barbour.*] About how long will it be? Three weeks or a month; in fact I do not see any difficulty in commencing within fourteen days.

39. How long after you commenced would you be in a position to supply gas to the town? I should not like to say less than six months.

40. Are you aware that the Government have conceded to the Company the right to construct mains and carry out certain works in connection with the gas supply? I am aware of that.

41. I think you said that the maximum rate upon which you agreed with the Progress Committee was 10s. a thousand? Yes.

42. That is in the event of the consumption not going up to 10,000 feet;—do you mean 10,000 feet a day? Yes.

43. And if it goes beyond 10,000 cubic feet a day what is to be the rate you will charge? 8s. If it goes beyond that, to 15,000 feet, we shall lower the price to 7s. 6d.; and if 20,000 feet a day are consumed we shall supply the gas at 7s.

44. *Chairman.*] Are you prepared to enter into the agreement set forth in this letter [*Appendix A*]? We have already acknowledged that letter, agreeing to the proposal, and stating that our solicitor was drawing up the form of agreement.

45. *Mr. Barbour.*] That will be done? Yes.

46. Within what time;—within a week? Yes.

47. *Chairman.*] Have you come to an agreement with the Committee that in the event of a Municipality being formed they shall have power to purchase your plant? Yes; that provision is contained in the Bill.

KATOOMBA LIGHTING BILL.

APPENDIX.

[To Evidence of Edward Neave.]

Sir,

A.

Progress Committee, Katoomba, 29 July, 1889.

In further considering the maximum price of gas as quoted in your Bill, I am requested to state this Committee are willing the 10s. maximum be allowed to remain in the Bill, provided that an agreement between this Committee and your firm be drawn up embodying the mode on which the price of the gas shall be regulated, namely: If the consumption be not less than 10,000 feet per day the price shall not exceed 8s. per 1,000 feet. Should the consumption, however, be less than that quantity, the proprietors shall have the option, by giving three months' notice, of raising the price to 10s. per 1,000 feet after the first year. In the event of the consumption exceeding 15,000 feet per day, then the price shall be lowered to 7s. 6d. per 1,000 feet; and if the same exceeds 20,000 feet per day, the price shall not exceed 7s. per 1,000 feet. We shall be glad if you will forward a properly drawn-up agreement containing the above, also stating the quality of the gas to be supplied, and the terms on which the works may be purchased by the Municipal Council, as previously referred to. As soon as the agreement is satisfactorily completed we will advise Mr. Hurley, M.P., to proceed with the passing of the Bill.

Yours truly,

CHAS. JAMES,

Secretary.

Neave & Co.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

MUNICIPALITIES OF RYDE AND HUNTER'S HILL BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
3 July, 1889.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1889.

1889.

**EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.**

VOTES No. 50. FRIDAY, 28 JUNE, 1889.

6. MUNICIPALITIES OF RYDE AND HUNTER'S HILL BILL (*Formal Motion*):—Mr. Frank Farnell moved pursuant to Notice,—
- (1.) That the Municipalities of Ryde and Hunter's Hill Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Dale, Mr. Ritchie, Mr. Nobbs, Mr. Hugh Taylor, Mr. O'Sullivan, Mr. Gornly, Mr. Barbour, Mr. Paul, and the Mover.
- Question put and passed.
-

VOTES No. 52. WEDNESDAY, 3 JULY, 1889.

4. MUNICIPALITIES OF RYDE AND HUNTER'S HILL BILL:—Mr. Frank Farnell, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 28th June, 1889, together with a copy of the Bill as agreed to by the Committee.
- Ordered to be printed.
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1889.

MUNICIPALITIES OF RYDE AND HUNTER'S HILL BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on 23th June, 1889, the "*Municipalities of Ryde and Hunter's Hill Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several clauses and the schedules to the Bill in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

FRANK FARNELL,
Chairman.

No. 3 Committee Room,
Sydney, 3rd July, 1889.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 3 JULY, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell, | Mr. Dale,
Mr. Ritchie.

Mr. Frank Farnell called to the Chair.

Entry from Votes and Proceedings appointing the Committee read by the Clerk.

Printed copies of the Bill referred, together with original Petition to introduce the same, before the Committee.

Present—Mr. Moss, for Mr. Charles Bull (*Solicitor for the Bill*.)

George Lovell (*Mayor of Hyde*), called in, sworn, and examined.

Witness produced plan showing the portions of land proposed to be exchanged by the Bill.

Witness withdrew.

Alfred Weeks (*Mayor of Hunter's Hill*), called in, sworn, and examined.

Room cleared.

Preamble considered.

Question,—“That this preamble stand part of the Bill,”—put and passed.

Solicitor called in and informed.

Clauses 1 to 7 read and agreed to.

Schedules read and agreed to.

Title read and agreed to.

Chairman to report the Bill, without amendment, to the House.

LIST OF WITNESSES.

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1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

MUNICIPALITIES OF RYDE AND HUNTER'S HILL BILL.

WEDNESDAY, 3 JULY, 1889.

Present:—

Mr. FRANK FARNELL, | Mr. DALE,
Mr. RITCHIE.

FRANK FARNELL, ESQ., IN THE CHAIR.

Mr. Moss, for Mr. Charles Bull, Solicitor, appeared for the promoters of the Bill.

Mr. George Lovell called in, sworn, and examined:—

1. *Chairman.*] You hold the position of Mayor of Ryde? Yes.
2. Are you seeking to pass a Bill through Parliament whereby you will be enabled to make an exchange of certain portions of land in the Municipal Districts of Ryde and Hunter's Hill? Yes.
3. Will it be a very great convenience to each Council in the collection of rates in the assessment of the two boroughs if this exchange and extension are granted? Yes.
4. There has been no objection raised by anyone to this proposed Bill? Not that I am aware of;—none has come before the Ryde Council.
5. As far as you know, are the ratepayers agreeable to the exchange? Yes.
6. Do you produce a plan of the proposed exchange? Yes.
7. Is the portion that the Ryde Municipality is giving to Hunter's Hill about 274 acres in area? I cannot say if that is the exact measurement, but I think that is about it.
8. Will this exchange make your municipality more compact, and will it simplify the boundaries? Yes.
9. *Mr. Ritchie.*] Have you had any conference with the Municipal Council of Hunter's Hill? Yes. A resolution was passed by the Council, and I was appointed, with Mr. Pidding, Mr. Best, and another alderman, to meet four members of the Hunter's Hill Council. We met at Ryde, and came to an agreement that we would make an exchange, and the result is the Bill now before the Committee.
10. Is this being done entirely with the concurrence of the Hunter's Hill Municipality? Yes.
11. Do you think that this will be an equal exchange? I told the Mayor of Hunter's Hill the other day that I considered, after looking over the ground, that they were getting the best of us. At the same time the Ryde Council is perfectly satisfied to make the exchange.
12. Have you come to any arrangement with regard to the expenditure which you have made in the land you are about to give and the expenditure which the Hunter's Hill Municipality has made on its portion? No more than we have come to an agreement with regard to the back rates which may be owing to each Council.
13. Have you spent a considerable sum on the land you are giving? No.
14. Has the Hunter's Hill Municipality expended much on their land? No.

Mr. Alfred Weeks called in, sworn, and examined:—

15. *Chairman.*] Are you the Mayor of Hunter's Hill Municipality? Yes.
16. Are you seeking to pass through Parliament a Bill to enable the municipal district of Hunter's Hill to exchange and extend certain portions of that municipal district? Yes.
17. Have any objections been raised to your proposal? No.
18. Are the aldermen unanimously of opinion that it would be desirable, and that it would be a benefit to the borough to have the exchange made? Yes.
19. Has any objection been raised by any one of the ratepayers? No.
20. Has there been an amicable arrangement made between the aldermen and mayors of Hunter's Hill and Ryde that this exchange should be brought about? Yes.
21. With regard to the rates which may be in arrear in the portions proposed to be exchanged, I suppose you have made arrangements with the Ryde Council so that those back rates may be paid to each Council? Yes; I think the Bill provides for that. At any rate we shall make that arrangement.
22. Will this proposed exchange and extension be the means of simplifying the boundaries of the two municipalities? Certainly.

Mr.
G. Lovell.
3 July, 1889.

Mr.
A. Weeks.
3 July, 1889.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

NEW SOUTH WALES TRAMWAY COMPANY'S BILL.
(PETITION FROM THE MUNICIPAL COUNCIL OF SYDNEY, PRAYING THE HOUSE NOT TO SANCTION THE PASSING OF.)

Received by the Legislative Assembly, 25 April, 1889.

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

The Petition of the Municipal Council of Sydney,—

HUMBLY SHOWNETH:—

1. That your Petitioners notice by advertisements in the *New South Wales Government Gazette* of the 29th day of March, 1889, and other dates, that application is intended to be made to the Parliament of New South Wales by the New South Wales Tramway Company (Limited) to construct Tramways in the City of Sydney and along certain streets thereof.

2. That all public ways and streets in the City of Sydney are vested in your Petitioners, who are charged with the care, construction, and management thereof, and your Petitioners have borrowed large sums of money for the purpose of making and wood-blocking some of the said streets, for the repayment of which money and interest the said Municipal Council of Sydney, on behalf of the ratepayers, are responsible, and have expended large sums of money on the said streets, and that the Councils of the Suburban Boroughs and Municipalities have the care, construction, and management of the roads and streets within their respective boundaries, and have spent large sums of money thereon.

3. That your Petitioners view with alarm any attempt on the part of private persons or a Company to obtain Legislative sanction for the right to construct and maintain tramways or lines through the streets of the City of Sydney and to run tramcars thereon.

4. That your Petitioners respectfully submit that the Municipal Council of Sydney (as regards the City of Sydney) and the Suburban Councils (as regards their respective Boroughs) are the proper authorities to have the construction, running, and management of any tramway system passing through the roads and streets of the City of Sydney and the suburbs.

Your Petitioners therefore respectfully pray that your Honorable House will not sanction the passing of any Act granting to any Company or persons the right to lay down any tramways and run trams in and through the said City of Sydney and adjoining Boroughs, and that any Act giving such powers may be an Act empowering the Municipal Council of Sydney (in conjunction with the Councils of the Suburban Boroughs) to lay down or permit to be laid down such system of tramways for the said City and Suburbs as they may think most suitable and advantageous.

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

The Corporate Seal of the Municipal Council of Sydney was affixed hereto this 24th day of April, in the year of our Lord one thousand eight hundred and eighty-nine.

JOHN HARRIS,
Mayor.
HENRY J. DANIELS,
Town Clerk.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

Oakey Park Coal-Mining Company's Railway Bill.

(PETITION FROM JAMES COLLINS, AGAINST THE PASSING OF THE.)

Received by the Legislative Assembly, 26 June, 1889.

To the Honorable Speaker and Honorable Members of the Legislative Assembly of New South Wales.

The Petition of James Collins, of 110, Brougham-street, Glebe,—

HUMBLY SHOWETH:—

That a Bill, called the Oakey Park Coal-mining Company's Railway Bill, is being considered by your Honorable House.

The objects of the said Bill are to enable the Oakey Park Coal-mining Company to resume and construct their railway on certain lands of which I am an owner.

My interest will be seriously affected by the passing of the Bill, inasmuch as the coal under my land can never be worked, and my mine, which should provide remunerative employment for a large number of miners, must of necessity remain undeveloped.

The land proposed to be taken from me is required by me for the construction of my own railway connecting my coal lands with the Government Railway.

Although the Bill in question has been reported on by a Select Committee of the Legislative Council, I had no knowledge of its proceedings, nor was I afforded any opportunity of giving evidence against the Bill.

The land is so situated that its resumption will render the remaining portion useless for mining purposes, and I can have no railway communication. I am advised that no plans or particulars of my land were produced before the Select Committee referred to, and if I am afforded an opportunity I will produce plans and expert evidence to show most conclusively that only one railway can be constructed on the land.

Therefore I pray that the Bill may be referred to a Select Committee of your Honorable House, and that I may be cited to attend in person, or by Counsel, to give evidence and to appear as the opponent of the said Bill.

Then, as in duty bound, your humble Petitioner will ever pray.

JAMES COLLINS.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

REDHEAD COAL-MINE RAILWAY ACT AMENDING BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
17 *July*, 1889.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1889.

1889.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 52. WEDNESDAY, 3 JULY, 1889.

7. REDHEAD COAL-MINE RAILWAY ACT AMENDING BILL (*Formal Motion*):—Mr. Melville, for Mr. J. P. Abbott, moved, pursuant to Notice,—
- (1.) That the Redhead Coal-mine Railway Act Amending Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. O'Sullivan, Mr. W. E. Abbott, Mr. Hayes, Mr. Creer, Mr. Barbour, Mr. Waddell, Mr. Kidd, Mr. Burns, and Mr. J. P. Abbott.
- Question put and passed.
- * * * * *
9. REDHEAD COAL-MINE RAILWAY ACT AMENDING BILL:—Mr. Speaker informed the House that he had received from Mr. Burns a letter stating that, in consequence of his being personally interested in this Bill, he desired to resign his appointment as a member of the Select Committee to which it had been referred.
- Whereupon Mr. Melville (*by consent*) moved, without Notice, That Mr. Burns be discharged from attendance, and that Mr. Hurley be appointed a Member of the said Select Committee.
- Question put and passed.
-

VOTES No. 55. TUESDAY, 9 JULY, 1889.

3. REDHEAD COAL-MINE RAILWAY ACT AMENDING BILL:—Mr. Ryrie presented a Petition from the Scottish-Australian Mining Company (limited), representing that if the proposed railway is constructed in the direction indicated in the Schedule to this Bill, the Petitioners' interests will be seriously and injuriously affected; and praying for leave to appear by Counsel before the Select Committee now sitting on the Bill, to adduce evidence and to examine and cross-examine witnesses.
- Petition received.
- Mr. Ryrie (*by consent*) moved, without Notice, That the prayer of the Petitioners be granted.
- Question put and passed.
-

VOTES No. 60. WEDNESDAY, 17 JULY, 1889.

4. REDHEAD COAL-MINE RAILWAY ACT AMENDING BILL:—Mr. Hurley, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 3rd July, 1889, together with a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.
- * * * * *
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1889.

 REDHEAD COAL-MINE RAILWAY ACT AMENDING BILL.

 REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on 3rd July, 1889, the "*Redhead Coal-mine Railway Act Amending Bill*,"—beg to report to your Honorable House:—

That they have examined the witness named in the margin * (whose *H. W. Kerle.
C.E. evidence will be found appended hereto); and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several clauses and schedules of the Bill in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

JOHN HURLEY,
Chairman.

No. 2 Committee Room,
Sydney, 17th July, 1889.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 9 JULY, 1889.

MEMBERS PRESENT:—

Mr. Hurley,	|	Mr. Kidd,
Mr. O'Sullivan,	|	Mr. J. P. Abbott,
	Mr. Barbour.	

Mr. Hurley called to the Chair.

Entries from Votes and Proceedings appointing the Committee, and substituting the name of Mr. Hurley for that of Mr. Burns, read by the Clerk.

Printed copies of the Bill referred, together with original Petition to introduce the same, before the Committee.

Present—Ayrault Burns, Esq. (*Solicitor for the Bill*.)

The Chairman read a letter from Messrs. Norton & Co., Solicitors, requesting, on behalf of the Scottish-Australian Mining Company (Limited), that the Committee would not proceed with the consideration of the Bill until they had presented a Petition to the House praying for leave to be represented by Counsel or Attorney before the Committee.

Committee deliberated, and decided to comply with the request.

[Adjourned till to-morrow at Two o'clock.]

WEDNESDAY, 10 JULY, 1889.

MEMBERS PRESENT:—

Mr. Barbour,	|	Mr. W. E. Abbott,
Mr. Waddell,	|	Mr. Hayes,
	Mr. Kidd.	

In the absence of the Chairman, Mr. Barbour called to the Chair *pro tem*.

Entry from Votes and Proceedings, granting leave to the Scottish-Australian Mining Company (Limited) to be represented by Counsel before the Committee, read by the Clerk.

Present:—Ayrault Burns, Esquire (*Solicitor for the Bill*), G. C. Westgarth, Esquire (*Solicitor for the Scottish-Australian Mining Company, Limited*).

Harry Wood Kerle (*Civil Engineer*) called in, sworn, and examined by Mr. Burns.

Cross-examined by Mr. Westgarth.

Witness produced plans of the proposed railway.

Witness withdrew.

[Adjourned till Wednesday next, at half-past One o'clock.]

WEDNESDAY, 17 JULY, 1889.

MEMBERS PRESENT:—

Mr. Barbour,	|	Mr. W. E. Abbott,
	Mr. Hayes.	

In the absence of the Chairman, Mr. Barbour called to the Chair *pro tem*.

Committee deliberated.

[Adjourned till Three o'clock this day.]

The Committee reassembled at the hour named,—

MEMBERS PRESENT:—

Mr. Barbour in the Chair, <i>pro tem</i> .	
Mr. W. E. Abbott,	Mr. Hayes.

Present:—Ayrault Burns, Esq. (*Solicitor for the Bill*); G. C. Westgarth, Esq. (*Solicitor for the Scottish-Australian Mining Company, Limited*).

Mr. Westgarth informed the Committee that the promoters had agreed to insert an amendment in the Bill by which the rights of the Scottish-Australian Mining Company would be protected, and he, therefore, on behalf of that Company, withdrew further opposition.

Room cleared.

Preamble considered.

Question,—“That this preamble stand part of the Bill,”—put and passed.

Parties called in and informed.

Clause 1 read, amended,* and agreed to.

Clauses 2 to 7 read and agreed to.

Schedule A read, amended,* and agreed to.

Schedule B read and agreed to.

Title read and agreed to.

Chairman to report the Bill, with amendments, to the House.

SCHEDULE OF AMENDMENTS.

Page 2, clause 1, line 34. Omit “Investment” insert “Mining”

“ 2, “ 1. Add, at end of clause, “ Provided that the line of railway shall be at a distance of not less than twelve chains from the Scottish-Australian Mining Company’s Durham Colliery screens, situated on portion number one hundred and thirteen, with at least three openings of twenty-six feet span each.”

“ 4, Schedule A, line 11. Omit “Investment” insert “Mining”

* See Schedule of Amendments.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

REDHEAD COAL-MINE RAILWAY ACT AMENDING BILL.

WEDNESDAY, 10 JULY, 1889.

Present:—

MR. W. E. ABBOTT,	MR. HAYES,
MR. BARBOUR,	MR. KIDD,
MR. WADDELL.	

ROBERT BARBOUR, Esq., IN THE CHAIR *pro tem.*

Mr. Ayrault Burns appeared as Solicitor for the Bill; Mr. G. C. Westgarth appeared as Solicitor for the Scottish-Australian Mining Company.

Harry Wood Kerle, Esq., called in, sworn, and examined:—

1. *Mr. Burns.*] What is your position? I am a civil engineer, of the firm of Kenwood and Kerle, H. W. Kerle, architects and consulting engineers.
2. This line was surveyed by your firm? Yes.
3. Do you produce the plans and sections? I produce a plan showing the whole route of the line and also the sections. 10 July, 1889.
4. What is the length of line applied for under this Bill? About 9 miles.
5. Whose property does it run through? Principally through Crown lands, the Redhead Coal-mine Company, a small block of the Scottish-Australian Mining Company, and some small allotments in the township of Kahibah.
6. I understand that there is an error in the Bill as regards the name of the Scottish-Australian Mining Company? Yes; it should be the Scottish-Australian Mining Company (Limited) instead of the Scottish-Australian Investment Company.
7. For what purpose is the extension required? For the purpose of connecting the mining properties south of Lake Macquarie Heads; of working the properties of the Redhead Coal-mine Company (Limited); of carrying traffic from the Burwood Extended Coal Company; and of a deviation from the line as originally granted by the Bill of 1883.
8. Do you think that the traffic on the line will be larger when it is opened? I think that there should be a turn-out by each colliery of about 200,000 tons a year. I see no reason why the traffic on the line should not, in the course of eighteen months or two years, be from 1,500,000 to 2,000,000 tons a year.
9. I suppose there will be some goods traffic and passenger traffic as well? There will be a certain amount of goods and passenger traffic in connection with the line, because each colliery will probably have its own mining township, and it will be necessary to carry light goods and passengers in connection with those townships.
10. That is provided for in the Bill? I understand so.
11. What class of work is proposed to be carried out in the construction of this line? The work will be of the very best description and fully up to the Government standard of railway work.

- H. W. Kerle,
Esq.
10 July, 1889.
12. Have the drawings been submitted to the Government engineers? Yes; the plans have been before Mr. Whitton and Mr. Cowdery.
13. Were they approved of? Mr. Cowdery, the Engineer for Existing Lines, approved of the plans with certain exceptions.
14. What were the nature of the objections? The principal objection that he made was to the use of a 1 in 33 grade fall into Adamstown, which was not up to the Government standard of 1 in 40, and to certain 8-chain curves shown on the plan. He said that only in exceptional circumstances were those curves put in.
15. What is the Government standard for grades and curves? The Government never put in less than 1 in 40 grades or less than 8 chain curves.
16. What is the least rise in grade you have on this line? The least rise in grade is that of 1 in 50, from the Burwood Extended Coal-mining Company.
17. What is the radius in curves? The quickest radius in curves is 10 chains.
18. And the lowest Government standard is 8 chains? They have 8-chain curves, but only put them in in exceptional circumstances, as, for instance, on the Hawkesbury line, where they have 10-chain curves.
19. Why do they adhere to those particular grades and curves? Principally on account of the traction on the line and the friction on the curves. If the grades are heavy the traction is very much heavier in proportion to the grade, and the friction on 8-chain radius curves is very much more than the friction on 15-chain radius curves.
20. What is the difference between the haulage on a 1 in 33 grade and a 1 in 50 grade? On a 1 in 50 grade an engine of 70 tons weight will haul 346 tons of dead load; but on a 1 in 33 grade an engine of 70 tons will haul 196 tons of dead load, or a difference of about 46 per cent.
21. For what reason is the line deviated from the original survey? It was found impossible to obtain an advantageous grade suitable for the traffic, and it is deviated from also to cut out a tunnel of 25 chains long, which was absolutely necessary under the old survey.
22. What are the grades on this section of the line in the old survey? I have not been able to obtain the old survey; but on surveying this line I found that I could not get easier than a 1 in 29 grade with the 40 ft. cutting at top of hill.
23. Is that a high cutting? It is quite sufficiently high for practical purposes.
24. What are the grades shown on the amended survey? The grades are 1 in 50 for about a mile, 1 in 53 for about half a mile, 61 for about half a mile, and 1 in 75 to connect with the line under construction.
25. Do you consider it practicable to carry heavy traffic on a 1 in 29 grade? Theoretically it is practical.
26. Could you work it with remunerative results? No; it is not practicable.
27. Leaving out the question of grades, what do you consider the most objectionable features in the old line as surveyed? The principal objectionable feature is the construction of the tunnel of 25 chains in length. A distinct understanding has been entered into between two Companies, who have arranged to run over the Redhead Companies' line; but they will not under any circumstances use the line if it includes a tunnel.
28. For what reason? They consider that it would be objectionable for this reason: that the tunnel might possibly be blocked or blown up in case of strikes, and the collieries made idle thereby.
29. *Mr. Westgarth.*] The Scottish-Australian Mining Company is not one of those two Companies? No.
30. *Mr. Burns.*] In the event of the tunnel not being constructed would it be possible to construct a line by the original route? Not a satisfactory line.
31. Have any other routes been surveyed besides the original route and the amending route? I have made four or five other trial surveys; in fact I have tried the whole of the district. I spent four months surveying a line to get the best results.
32. Is it possible to so alter the line as to allow the same grades, and to keep clear of the 40-acre block of the Scottish-Australian Mining Company? It is impossible to do it except at an immense expense. Of course you could run a level and straight line from Newcastle to the Burwood extended, if you were to spend sufficient money.
33. You have seen the Manager of the Scottish-Australian Mining Company—Mr. Croudace? Yes.
34. *Mr. Westgarth.*] Who is the manager? I was deputed by Mr. Stokes, one of the board of directors, to see Mr. Croudace, who I believe is interested in or holds some position under the Scottish-Australian Mining Company.
35. *Mr. Burns.*] You made this survey;—what was the grade you found? The survey shown on the plan submitted to the Board was 1 in 33, but if the curves were pegged out I am satisfied that they would not be more than 1 in 31.
36. Is that a satisfactory grade? No.
37. That is below the Government standard? Very much below it.
38. It is asked in this Bill for a width of not less than 66 nor more than 132 feet, whereas the old Bill only specified 66 feet. Why is this asked for? No doubt on comparatively level country a width of 66 feet would be sufficient, owing to the formation being only 15 feet, with 12 feet additional on either side for side ditches and fencing. But presuming the work to be of a heavy nature in broken up country and there being a cutting of 40 feet in depth, this would necessarily be taken out at least to a batter of 1 to 1, which would make the width of the cutting at the top 95 feet; and 12 feet on either side for side ditches and fencing would make the total width 119 feet.
39. Are there any cuttings of that depth on the line? Yes; three cuttings of about that depth. The same thing will apply to the banks, which will slope at the rate of 1½ horizontal to 1 vertical.
40. There are banks of that depth? The deepest bank on the section is 55 feet, and the next is 42 feet.
41. They would require a space of nearly 132 feet at the least? It would take us all our time to get it in at that width.
42. Have the Company commenced operations yet on the line? Yes, they have let a contract for constructing the main line up to 3 miles 10 chains, and a branch line to connect the South Burwood Coal Company's pit.
43. What will be the cost of this first portion of the line? About £36,000.
44. What do you estimate the cost of the work applied for in the Bill will be? It will be not less than £57,000.
45. What will be the cost of the whole work? Between £90,000 and £95,000.

H. W. Korle,
Esq.
10 July, 1889.

46. How many collieries propose to use this line? Six collieries will probably use it at the present time.
47. *Mr. Westgarth.*] Will you name the collieries? The Waratah, the Burwood, the South Burwood, the Burwood Extended, the Redhead, the Farbury and Lamb, at Lake Macquarie.
48. Do you think that the construction of this line will benefit the district? Yes, it will open out an entirely new district. At the present time there is no line in that direction. It is a new coal-field.
49. And a good class of coal? It has been tested and it is of the same class as Newcastle coal.
50. It is the same seam, the Borehole I understand? Yes.
51. How many men will probably be employed in these collieries? I should think that there will be from 150 to 200 miners employed in each colliery.
52. Does the line open up any new coal country where there are no mines at present? Yes, the Waratah Coal Company have an air-shaft in which they intend working, and beyond that the whole of the country is new. The Burwood Company has an old working, but a new shaft is being put down expressly for the purpose of using this line.
53. Do you know how many acres the Redhead Coal Company hold? About 3,000 acres; they also hold 1,000 acres of surface area in addition.
54. This line connects with another line I understand at Lake Macquarie? It connects with Amos' line at Lake Macquarie.
55. Are the bearings given in the plan exactly the route of the line? All the particulars necessary are shown on the plan and the line is pegged out every chain. The whole of the necessary plans for the construction of the line are prepared; the whole of the survey and field work necessary for the letting of the contract is completed.
56. The Bill asks for power to construct a branch line to the pit of the South Burwood Coal Company, why is it required? Because the Burwood Company desire to be connected with the Redhead Coal Company's railway for the purpose of carrying their coal to market. There are no powers in the original Bill to construct such branch lines, and the persons wishing to connect have only the power to construct over their own lands; but there is land intervening between South Burwood and the Redhead Line, and therefore it is necessary to obtain permission to go over the intervening land.
57. Are the South Burwood Company agreeable to this connection? I understand that they have arranged with the Redhead Company to run over their line.
58. Do you know that there is some opposition to the Bill? I understand that there is.
59. Have you had any communication with persons with regard to the Bill? Nothing further than the communication I had with Mr. Stokes; I have certainly met Mr. Croudace.
60. The line can be removed from the Scottish-Australian Company's pit so as not to interfere with their works? Yes.
61. But you cannot remove the line from the 40-acre block and get a suitable grade? A short time since Mr. Stokes and myself were instructed to see Mr. Croudace in reference to this matter, and we understood that he then objected—in fact I think he wrote to the Board stating his objections—to our going through the 40-acre block, and also to the line going so near the pit. We attempted to meet his views as far as possible. We offered to remove the line near his pit so as to suit him—he said 3 or 4 chains. Mr. Stokes asked me as engineer for the Company if that could be done, and I said “Yes, at a small additional cost to the Company, but it might be done without causing any inconvenience or spoiling the character of the work.” With reference to passing through the 40-acre block we went over the ground together, and Mr. Croudace at that time pointed out the route by which he considered it was possible to get the grades which are shown on our plan in order to avoid his property, and in accordance with Mr. Stokes' instructions, acting for the Board, I made the survey of which I have spoken, and which showed the grade to be 1 in 33. It is impossible to get a grade of 1 in 50 or to avoid the block and obtain the line we have here at anything like the same expense.
62. Do you know that the Scottish-Australian Company are now surveying a line for themselves? I understand so.
63. Would your line interfere with theirs in any way? No; it could be so arranged as not to interfere with them. I may say that our firm are consulting engineers for the Scottish Australian Mining Company. In this particular case we are acting on behalf of the Redhead Company, and any evidence I give is material to the point.
64. *Mr. Westgarth.*] You say you know that the Scottish-Australian Company contemplate constructing a line from their pit to join the Homebush-Waratah Railway? Yes, I have received instructions.
65. Have you not been over the line? Yes.
66. It is pegged out already, is it not? It is not completed, but it will be completed in the course of a fortnight.
67. It goes in almost a westerly direction from the pit? Almost westerly.
68. That avoids the 40-acre freehold block entirely? Entirely.
69. Is there any reason why your line could not be taken in that direction? It is impossible for it to go in that direction.
70. Why not? Because it is entirely opposed to the original Bill.
71. You are asking for a deviation from the original Bill? For a deviation from the original Bill; but there are certain contracts and arrangements entered into between other parties which are binding on the Redhead Coal Company, and must be maintained.
72. It is in order to comply with contracts which have been entered into by the Redhead Coal Company that you wish to carry your line in that direction? That is one object; but the other object is to obtain a line that will suit the convenience of the Commissioners, should they consider it necessary to take over the line.
73. Do the Commissioners object to a line going in the direction in which the Scottish-Australian Company have marked out theirs? We could not take a line in that direction and at the same time carry out the provisions of the original Bill.
74. You are asking for an amendment of the original Bill; is it impracticable for a line to be carried out in that way? There is nothing impracticable.
75. Could it not be done at somewhat the same expense? It could not be done at all.
76. Why? For the simple reason that the Redhead Coal Company are empowered by their Bill to connect at Adamstown with their line.
77. Is there anything impracticable? There is nothing actually impracticable.

- H. W. Kerle, Esq. 78. There is no physical obstruction by reason of the nature of the country? There is always a certain amount of physical obstruction.
- 10 July, 1889. 79. Not more than in respect to the line you propose now? No.
80. Could it be done at something like the same expense? You see it is not the same line. We are connecting to a line which is already constructed or in course of construction, which is beyond Charles-town—not actually at Adamstown, not actually at Winding Creek—but at a point on the Waratah Company's property.
81. Is this point of junction on the north? We are connecting with our line, which is at present in construction. The black line on the plan shows the railway which is at present in course of construction, which is up to the southern boundary of the Waratah Coal Company's 320-acre block, numbered 110, distant 3 miles 72 chains from Adamstown Railway Station. The contract for that work has been let about two months.
82. *Mr. Westgarth.*] Is the work commenced yet? Yes, over a month ago.
83. Is that the only work done on the Redhead Company's land in the way of railway construction? That is the first section let.
84. No other work has been done? The Redhead Company are sinking a shaft.
85. Since the Company got the original Act, has anything been done beyond letting that contract within the last two months? Nothing but letting the contract for the first section up to 3 miles 70 chains, and the branch line up to 3 miles 74 chains.
86. *Mr. Burns.*] Between 1887 and 1888 the Company got an amending Bill passed? Yes.
87. *Mr. Westgarth.*] Have you any plan or drawing showing the proposed direction of the railway as provided by the Act of 1883? I have marked in pencil on the plan which I have produced the line of railway as proposed to be constructed under that Act. The Scottish-Australian Company's freehold block is the block marked 90a on the plan. The course of the line as pegged out under the original Act would have avoided the Scottish-Australian Company's 40-acre block, and gone through the adjoining block of W. Gillics—40 acres, numbered 91.
88. The Redhead Company asked Parliament to grant permission to construct a railway by that route in 1883? Yes.
89. *Mr. Hayes.*] How far is the extension as provided for by the Bill? To Burwood Extended.
90. *Mr. Westgarth.*] I suppose you cannot tell me any other reason why the Company have thought it necessary to change the course of the line than that they have entered into contracts with other Companies? The necessity of altering the course of the line was to get satisfactory grades.
91. You know it was surveyed by Mr. Parrot, engineer, before 1883? He was the surveyor. I know that a grade of 1 in 29 is utterly impracticable. It is utterly impossible to attempt to carry the coal traffic that is likely to be carried on that line on a grade of 1 in 29.
92. *Mr. Kidd.*] The deviation you ask for would give you a grade of not less than 1 in 50? Yes; it will make a difference of nearly 55 per cent.
93. *Mr. Westgarth.*] Do you know Mr. W. A. Hutchison? Yes; he was chairman of the Board when the Act was passed in 1883.
94. Are you aware he said that if Parliament sanctioned the construction of this railway the Company would be prepared to carry out immediately the works set forth in the petition? They might have been prepared to do that at that time, but I had nothing to do with it.
95. *Mr. Burns.*] They have had two or three trial surveys made since then? Yes.
96. *Mr. Westgarth.*] You say that each Company requires a block for a mining township? I say that each Company will probably have its own mining township; I do not think I said that each Company will require one.
97. Do you know whether the Scottish-Australian Company have any other freehold land besides the 40-acre block numbered 90a? I understand that they have only that block.
98. Do you know when they acquired that? No; I understand that an offer has been made to them by the Redhead Company to transfer the surface rights of that 40-acre block.
99. What distance is the line, as shown on your plan, from the Scottish-Australian Company's pit? It is about 6½ chains.
100. And you are willing, I understand, that it should be extended another 15 chains? I did not say 15 chains; we can alter it 5 chains.
101. But the line, as shown on the plan, is only 6 chains from the pit? Yes; the Company, I may say, are prepared to alter the line. I was instructed to inform Mr. Croudace that if 6 chains would be objectionable to him we would alter it.
102. So if the Select Committee should recommend 6 chains you would be prepared to accept that alteration? Yes.
103. Is it necessary to have 132 feet for the whole length of the line? We will only take the amount of land required if you leave it to us. We will take the amount of work at the base of the formation, with 10 feet on either side. We will take as little as possible. The land is of no importance to us; we want width where there is a wide bank or deep cutting.
104. *Mr. Burns.*] Do you know that Mr. Hutchison, in his evidence before the Select Committee on the original Bill, mentioned Belford's 40-acre block 90a as being part of the route? I know it is in the evidence.
105. *Mr. Westgarth.*] Still the line authorised by the original Bill avoids the 40-acre block of the Scottish-Australian Company? Yes.
106. At that time it was not owned by the Scottish-Australian Company? I understand so.
107. *Chairman.*] What was the cause of making the deviation? One reason was because the gradient was so steep that heavy traffic could not be carried over the line; another was that it would be necessary to put in a tunnel of 25 chains, which would be a heavy expense, amounting to between £30,000 and £40,000, and a third was that two Companies who had undertaken to use the line would not do so if that tunnel were put in.
108. *Mr. Westgarth.*] On account of certain contracts entered into? No; agreements had been entered into.
109. You mentioned that it would cost from £90,000 to £100,000 to carry out the works; would that include compensation for the land? No, exclusive of compensation. It would include the whole of the permanent-way rails, and placing the line in working order.

110. Do you know that under the Bill the land is vested in the Company from the passing of the Act? H. W. Kerle, Esq., I understand so.

111. Compensation is not to be paid till afterwards? It is to be paid within twenty-eight days, by mutual consent or on arbitration. 10 July, 1889.

112. Do you know that under the Bill they ask for leave to carry passengers? I understand that there is a clause to that effect.

113. *Mr. Kidd.*] It appears from your evidence that the Act of 1883 was obtained on the evidence of parties who were incompetent with regard to the survey of the line? I did not say incompetent.

114. But you said that it is necessary to extend the width to 132 feet for certain reasons? That is hardly a question of surveying.

115. You seemed to be satisfied that for all the purposes of the original Act it was sufficient to resume a chain of land? Oh, no.

116. You said that only an ordinary surveyor, and not an engineer, made the survey? I wish to make no invidious remarks with regard to Mr. Parrott; I am satisfied that he carried out his work according to his instructions; but at the present time there are probabilities of far heavier traffic being carried over the line. I was instructed to obtain the best possible line for the traffic, and in searching the country I found that a better line could be obtained. I consider that for heavy traffic a 1 in 29 grade is impracticable. The line at Mittagong is 1 in 29 for 2½ miles running up from Picton. They have always to put on an extra engine, which causes loss of time. It would be suicidal on the part of an engineer to place before a Board of Directors a line showing a 1 in 29 grade when by going 40 chains further we could get 1 in 50. I wish to impress upon the Committee that the work is in course of construction for a certain distance, and it is utterly impracticable to alter the line so as to take a westerly direction, and join the main line at any other point, because we must join the first section of our line which is now under construction.

2

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REDHEAD COAL-MINE RAILWAY ACT AMENDING BILL.

(PETITION FROM THE SCOTTISH AUSTRALIAN MINING COMPANY (LIMITED), TO BE REPRESENTED BY COUNSEL AGAINST)

Ordered by the Legislative Assembly to be printed, 9 July, 1889.

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

The humble Petition of the Scottish Australian Mining Company (Limited),—

RESPECTFULLY SHOWETH:—

1. That a Bill to enable the "Redhead Coal-mining Company (Limited)" to make certain deviations in the route of the railway authorized by the "Redhead Coal-mine Railway Act of 1883," and to make certain alterations in the site of such railway, and for other purposes therein mentioned, has been introduced into your Honorable House during the present Session, and has been referred to a Select Committee for consideration and report.

2. That in a Schedule to the said Bill the lands through which it is proposed to construct the said railway and the direction thereof are set out.

3. That your Petitioners are the owners of large portions of such lands, and if the said railway is constructed in the direction indicated your Petitioners' interests will be seriously and injuriously affected.

Your Petitioners therefore humbly pray that leave may be given to your Petitioners to appear by counsel before the Select Committee now sitting on the said Bill for the purpose of protecting their interests, and with permission to call such witnesses as may be desirable, and adduce such evidence as they may be advised concerning the said Bill, in the interests of your Petitioners, and to examine and cross-examine such witnesses as may give evidence before the said Committee in accordance with the rules of your Honorable House.

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

Dated this eighth day of July, in the year of our Lord one thousand eight hundred and eighty-nine.

A. SHANNON,
Manager.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

SILKSTONE COAL-MINE RAILWAY BILL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
30th April, 1889.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1889.

1889.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 15. WEDNESDAY, 17 APRIL, 1889.

7. SILKSTONE COAL-MINE RAILWAY BILL (*Formal Motion*):—Mr. Stevenson moved, pursuant to Notice,—
- (1.) That the Silkstone Coal-mine Railway Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Bruce Smith, Mr. Perry, Mr. Wall, Mr. William Stephen, Mr. Stokes, Mr. Waddell, Mr. Kidd, Mr. Frank Farnell, and the Mover.
- Question put and passed.
-

VOTES No. 18. TUESDAY, 30 APRIL, 1889.

2. SILKSTONE COAL-MINE RAILWAY BILL:—Mr. Stevenson, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on the 17th April, 1889, together with a copy of the Bill, as amended and agreed to by the Committee.
- Ordered to be printed.
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1889.

 SILKSTONE COAL-MINE RAILWAY BILL.

 REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 17th April, 1889,—the "*Silkstone Coal-mine Railway Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several clauses and the Schedule to the Bill, in which it was deemed necessary to make an amendment.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

R. STEVENSON,
Chairman.

No. 2 Committee Room,
Sydney, 30th April, 1889.

1889.

LEGISLATIVE ASSEMBLY,
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

SILKSTONE COAL-MINE RAILWAY BILL.

THURSDAY, 25 APRIL, 1889.

Present:—

Mr. STEVENSON, | Mr. WADDELL,
| Mr. PERRY.

RICHARD STEVENSON, Esq., IN THE CHAIR.

Mr. F. A. S. Bowden appeared as solicitor for the Bill.

Mr. Richard Tilden Smith, called in, sworn, and examined:—

1. *Mr. Bowden.*] You are a colliery proprietor and reside at Sydney? Yes.
2. You hold certain lands in the county of Cumberland, parish of Stanford, containing 2,000 acres, known as Silkstone? Yes.
3. You hold these lands under mineral lease from the Government? Yes.
4. Jointly with John Thomas Mance of Parramatta? Yes.
5. Have you with Mr. Mance opened a colliery on those lands? Yes.
6. How far is the land situated from the Great Northern Railway? 8 miles 71 chains.
7. Is it desirable to facilitate communication between the mine and the Great Northern Railway? Yes.
8. How do you propose to do that? By constructing a branch line.
9. Will that line pass over any Government roads? Yes; two.
10. Will it pass over private properties? Yes; a large number.
11. And also Government land? Yes.
12. Is the line likely to be beneficial to the Colony if worked? Yes.
13. Will it be an advantage to the public if facilities are given to supply coal for local consumption? Yes.
14. Are there any other collieries at present working in the district near this proposed colliery? No.
15. Are you advised that this line cannot be made without the sanction of Parliament? Yes.
16. Do you propose to make provision in the Bill for the payment of proper compensation for all lands affected by the Bill? Yes.
17. Is the Bill, as far as you are aware, in accordance with a great many other Bills which have been passed? Yes.
18. In accordance with nearly all the other private Bills? With most of them.
19. Do you propose that the line should be open to the public? Yes.
20. On the payment of certain charges? Yes; specified in the Bill.
21. Will it be to the advantage of the public to have this means of communication? Yes; it will shorten the distance. There is a large district outside the colliery.
22. Are there many people residing about the colliery now? Yes; there are a few and there are a great many beyond the mine.
23. Is there no other railway near these people beyond the mine? No.
24. Do you know how the people living beyond the mine get their goods? By means of teams which cart goods from Maitland and other places.

Mr. R. T.
Smith.
25 April, 1889.

- Mr. R. T. Smith. 25. So that if this line is constructed the people will be able to get from there to Maitland without difficulty Yes.
26. Do you propose to form a township on the property? Yes.
27. Do you expect a large number of persons, miners, and others, to reside there? Yes.
28. Will the railway enhance the value of the land through which it passes? Considerably.
29. Of both Government and private lands? Yes.
30. Have any of the owners of the land through which the railway passes objected to the proposal? Not one.
31. Have some people signed a petition asking you to endeavour to get the line constructed? Yes. I produce the petition.
32. Who is it signed by? A. J. Hebblewhite, C. J. Hebblewhite, J. H. Swan, J. Callaghan, J. W. Birkenhead, J. Gillies, H. Trenchard, James Leonard, William Turnbull, L. A. Wilkinson, J. H. V. Beckman. I have also received this letter, which I produce, from Mr. Joseph Clift.
33. Are these the principal owners of the land along the route of the railway? Yes.
34. Are there many others who have not signed? There are a few whom I have not been able to see.
35. Have you made any inquiry as to their whereabouts? Yes. I have written to them about it; but there has been no objection whatever. These people are somewhat dilatory in answering letters, and they are very difficult to see; but there are only one or two whom I have not seen. I have endeavoured to see all the people and they have all been written to.
36. Does the proposed line join the Great Northern Railway near the Maitland Station? Yes; within about 15 chains.
37. Is the length of this line to be 8 miles 71 chains? Yes; about that.
38. Will all the coal from the Silkstone Colliery be carried over the Government line to Newcastle? Yes; the greater portion of it.
39. Is there any other means of communication which could be adopted to enable you to open up your colliery? None whatever, profitably.
40. Do you anticipate that a large amount of coal will be carried over the line? Yes; I am of opinion that it will open up several large collieries along the route of the railway line.
41. Are there any other means of communication for opening up those collieries? None.
42. As regards the revenue derived from the Government railways, will this line increase it? Yes; it would produce large returns.
43. Are there several other collieries only awaiting the construction of this line to start operations? Yes.
44. If this line is not constructed, do you think that the Silkstone Mine and the other collieries will be opened? No; unless they are able to procure a Bill similar to this.
45. Are the names of the owners, as far as you can ascertain, mentioned in the schedule of the Bill? Yes.
46. Have you endeavoured, as far as possible, to ascertain whether they have any objections? Yes.
47. Have some of them promised to assist you in the construction of the line? Yes; some of them have offered to give their land free of cost.
48. Have you shown them a copy of the Bill and a plan of the line? Yes.
49. Do you remember the names of the people whom you have seen? I have seen most of the people mentioned in the schedule; I have seen all, excepting Miss Nine and E. Hungerford. In the schedule it is stated that the line passes through the property of Mr. S. Simpson and others.
50. Are the others Crown lessees? Yes; and there may be one or two properties the names of the owners of which I have not been able to ascertain.
51. Is Maitland the nearest point at which you can tap the Government line? It is the most convenient for ourselves and the other colliery proprietors.
52. Up to the present time the Government have made no objection to the junction at Maitland? No; I produce a letter from Mr. Vernon.
53. In view of the large demand for coal, are you of opinion that you would supply a national want by putting more coal into the market? Yes.
54. Would you also provide employment for a large number of miners? Yes; a great many.
55. Some of the land through which the line passes is owned by the Government? Yes.
56. Is it all leased to different people under mineral lease? We believe it is.
57. Are there any unoccupied Government lands along the route? Not that we know of.
58. Would the line interfere with the present workings of any of the other lands? No.
59. Has it been arranged so that it will interfere with no other works at all? Yes.
60. Is the line to be of the standard gauge? Yes, 4 feet 8½ inches.
61. Have the provisions of the Bill been taken from the Acts authorizing the construction of private lines Yes.
62. Mr. Perry.] Would this line enter into competition with any Government line? No; it will assist the Government lines. The coal carried over this line will be necessarily carried over the Government line.
63. Chairman.] Have you seen the persons named in the evidence which you gave before on this Bill? I have seen Messrs. Hebblewhites, Weston, Adams, Callaghan, Clift, Turnbull, Swan, Mrs. Harington, Mr. Hickey, the East Greta Coal Co., Mr. Leonard, the Messrs. Capper. I have seen Mr. Hungerford's representative for Mr. C. Simpson. I have seen Mr. Pilcher; he said he would see his mother about the property. He said he did not think there would be any objection to the project.
64. Mr. Bowden.] You have omitted to refer to Miss Nine? I have not been able to see her. I have written to those whom I believe to be her agents, but I have received no answer.
65. If you do take her land is there not provision to pay compensation for it? Yes.

Mr. William Vero Read, called in, sworn, and examined:—

- Mr. W. V. Read. 66. Mr. Bowden.] Are you acting secretary to the Railway Commissioners? Yes.
67. Do you attend here on their behalf? Yes.
68. Have you seen the proposed Bill? Yes.
- 25 April, 1889. 69. Do you know whether the Commissioners have any objection to the passing of the Bill in its present form? The Commissioners consider that as it is proposed to carry passengers, a clause should be inserted in the Bill, such as is placed in other Bills of the kind, by which they would be able to take over the railway at any future time if they wished to do so.

70. Then I understand that the Commissioners wish that a clause similar to clause 32 in Bennett's Railway Act, 1886, should be introduced into this Bill? Yes.
71. If that is done do you know of any other objection on behalf of the Commissioners? No.
72. So that you have really no objection to the Bill? They have really no objection, but they want the power to purchase.

Mr.
W. V. Read.
25 April, 1889.

Arthur Gibson Hebblewhite called in, sworn, and examined:—

73. *Mr. Bowden.*] What is your business? I am an importer, residing in George-street, Sydney.
74. Has Mr. R. T. Smith shown you a proposed Bill enabling him to construct a railway from the Silkstone Colliery to the Great Northern Railway? Yes.
75. And also a plan of the proposed line? Yes.
76. Do you own certain lands through which this line will pass? Yes; I am interested with three brothers, as legatees of our father.
77. Have you any objection to the construction of the proposed line? No.
78. Do you think it would make the land along the line of more value? Certainly.
79. Will the line afford a great many facilities for getting stores? Yes.
80. Do you know of any objections on the part of the owners of land through which the line will go? No.
81. Do you think that the junction of the proposed line at Maitland is the most convenient for joining with the Great Northern line? I think so, because we have had a survey made ourselves of the line, and I do not think Mr. Smith's line could be better.
82. Is the junction the most convenient for yourselves and the general public? Yes.

Mr. A. G.
Hebblewhite.
25 April, 1889.

Harry Wood Kerle, called in, sworn and examined:—

83. *Mr. Bowden.*] Are you a member of the firm of Kenwood and Kerle, consulting engineers? Yes.
84. Were you instructed by Mr. R. T. Smith to make the necessary survey for the line contemplated by this Bill? Yes.
85. Do you produce a plan of the line? Yes; I produce the permanent survey showing how the line is proposed to be constructed.
86. Have you taken care in making this survey to take no more land than was absolutely necessary for the construction of the line? Yes.
87. Have you made the survey so as to interfere with and damage private property as little as possible by severance or otherwise? Yes. There are no buildings in the course of the line, and no improvements except land under cultivation.
88. Does the line cross Government roads? Yes, two; one close to the junction, and the other further up. There is to be a level-crossing at one road and an over-bridge at the other. That is the only way to cross them.
89. Along the line have you made proper provision for gates? Yes; everything is made to suit the requirements of the land-owners.
90. Does the line pass through any Government land? There is some land held under mineral lease. There is no unoccupied Government land that I am aware of.
91. Do any of the owners along the line object to its construction? No; those that I have spoken to have always shown themselves favourable to it.
92. Have you seen the majority of them personally? I have seen a number of them.
93. Was the plan which you have produced prepared by your firm and signed on behalf of the firm? Yes; it is signed by myself.
94. Does that signature denote that the plan is correct, and that you certify that it is correct? Yes; the line will be carried out in every detail, as shown on the working plan.
95. Has all proper communication necessary for the various properties as required by the owners been provided for by the plan? Yes.
96. Has provision been made for all necessary bridges, culverts, and water-courses, and for the proper carrying on of traffic? Yes.
97. Will the line as constructed interfere with the general flow of the natural waters? No.
98. Has the Commissioner of Roads had an intimation that the line crosses two roads? I believe Mr. Smith has shown him the general route of the railway, but personally I have not.
99. Have the crossings been arranged so as to facilitate the use of the land as much as possible, so as to give the owners convenience for using both parts of their land where severed? Yes.
100. Are the properties near the line agricultural or pastoral? They are principally pastoral close to the mine; closer to the railway they are agricultural.
101. Is this likely to be a flourishing district if the line is made? Yes.
102. Where will this line join the Great Northern Railway? At 20 miles 65 chains 5½ links; I do not think it is half-a-mile from the West Maitland Station.
103. Will it interfere in any way with the working of the Government line? No.
104. Will it be any inconvenience to the working of the station? No; the block signals required for the branch line will be worked from the West Maitland Station, so that there will be no necessity for erecting a signal station. That will save the Government the employment of one man.
105. The present staff can do the work and look after it at the same time? Yes.
106. If the junction were farther away would it necessitate a fresh block signal system for the line? The Government compel proprietors of branch lines to erect a station, and they require block signals there, and it is necessary to employ a man to keep those signals.
107. Will the taking of the junction so close to the West Maitland Station do away with that? Yes.
108. Do you think there will be a large accession of traffic to the Great Northern Railway by the construction of this line? Yes; both passengers and goods.
109. Will that yield a large additional revenue to the Great Northern Railway? Yes.
110. Has the line been surveyed in accordance with the Government regulations? The line will be constructed up to the Government standard of railway work.
111. Is it of the same gauge as Government lines? Yes; so that the Government engines and rolling stock will be able to use this line.
112. Have you submitted the plans to the Government officers? The sidings at the junction have been submitted, but I do not think the whole of the plans have been. That is not necessary; the plans have been prepared in accordance with the Government conditions and requirements.

Mr.
H. W. Kerle.
25 April, 1889.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

STOCKTON GAS AND ELECTRICITY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
19 *July*, 1889.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1889.

1889.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 56. WEDNESDAY, 10 JULY, 1889.

7. STOCKTON GAS AND ELECTRICITY BILL (*Normal Motion*):—Mr. Fletcher moved, pursuant to Notice,—
- (1.) That the Stockton Gas and Electricity Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Melville, Mr. Alexander Brown, Mr. Creer, Mr. Hassall, Mr. Barnes, Mr. Hugh Taylor, Mr. Chapman, Mr. Barbour, and the Mover.
- Question put and passed.

VOTES No. 62. FRIDAY, 19 JULY, 1889.

2. STOCKTON GAS AND ELECTRICITY BILL:—*Mr. Melville*, for Mr. Fletcher, Chairman, brought up the report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and Report this Bill was referred on 10th July, 1889, together with a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.
- * * * * *

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1889.

STOCKTON GAS AND ELECTRICITY BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on 10th July, 1889, the "*Stockton Gas and Electricity Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose evidence *See list, page 4. will be found appended hereto), and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several clauses and the Schedule to the Bill, in which it was deemed necessary to make an amendment.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

JAMES FLETCHER,
Chairman.

*No. 3 Committee Room,
Sydney, 17th July, 1889.*

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 17 JULY, 1889.

MEMBERS PRESENT:—

Mr. Fletcher,	|	Mr. Hassall,
Mr. Barbour,	|	Mr. Barnes,
	|	Mr. Alexander Brown.

Mr. Fletcher called to the Chair.

Entry from Votes and Proceedings, appointing the Committee, read by the Clerk.

Printed copies of the Bill referred, together with original Petition to introduce the same, before the Committee.

Present:—C. W. Schrader, Esq., for Messrs. Sly and Hamilton (*Solicitors for the Bill*).

Mahlon Clarke Cowlshaw (*the Promoter*) called in, sworn, and examined.

Witness withdrew.

Richard Thomas (*Manager of the Stockton Colliery*) called in, sworn, and examined.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Solicitor called in and informed.

Clauses 1 to 5 read and agreed to.

Clause 6 read, amended,* and agreed to.

Clauses 7 to 12 read and agreed to.

Schedule read and agreed to.

Title read and agreed to.

Chairman to report the Bill to the House.

*See Schedule of Amendment

SCHEDULE OF AMENDMENT.

Page 4, clause 6, line 51. Omit “six shillings” insert “seven shillings and sixpence”

LIST OF WITNESSES.

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1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

STOCKTON GAS AND ELECTRICITY BILL.

WEDNESDAY, 17 JULY, 1889.

Present:—

MR. FLETCHER, | MR. BARBOUR,
MR. BARNES.

JAMES FLETCHER, Esq., IN THE CHAIR.

C. W. Schrader (for Messrs. Sly and Hamilton) appeared in support of the Bill.

Mr. Mahlon Clarke Cowlishaw called in, sworn, and examined:—

1. *Mr. Schrader.*] Do you know the suburbs of Stockton? Yes.
2. You are desirous of erecting works to light the town with gas or electricity? Yes.
3. Is the town at present lighted? No.
4. Do you think it would be for the benefit of the inhabitants of Stockton and suburbs to have it lighted? Yes; they are very desirous of having the place lighted.
5. As far as you know are there any objections? None that I know of.
6. *Chairman.*] Seeing what you know of Stockton and the surrounding district, have you reason to believe that it will become a large and populous place? Yes; very large. The Government sold some land there, and it was bought by people who intended building houses, and residing in the locality. I think there must have been from 300 to 400 purchasers.
7. You are aware that the Government intend to let about 500 acres, inclusive of what they have already let, for a township? Yes.
8. Is it a place that the people of Newcastle prefer to reside at? Yes; they go there to reside. I may mention that the Government have expended a large sum of money in building a wharf; as it is used by shipping as much by night as by day we find it very awkward without having the place sufficiently lighted. By getting the gas the whole course of business will be facilitated.
9. Is that on account of some of the waggons running across some of the streets? Yes, across some of the principal streets.
10. Then you are of opinion that if the place were better lighted it would be safer? Yes, very much safer.
11. *Mr. Barbour.*] Is there any municipality at this place? No.
12. You are the promoter—you propose to establish these works yourself? Yes.
13. Have you had any public meetings to know the feeling of the people on the subject? The people have not held a public meeting, but the principal people are in favour of it.
14. So far as you know the people are all favourable? Yes, there is no doubt about that. In reference to clause 6 I want you to alter the price from 6s. to 7s. 6d. 6s. is a very small price for a small place like Stockton.

Mr. M. C.
Cowlishaw.

17 July, 1889.

Mr. M. C. Cowlshaw. 15. *Mr. Barbour.*] Of course you understand that this will not give you a monopoly, but of course it will be to your interest to please the users of gas by making the price as small as possible. At the same time this is the maximum rate that you may charge. You may charge as much less as you like. You will possibly see that your interest attaches to the smaller price? Most of the residents of the district will be interested in it, and would assist to regulate the price.

17 July, 1889.

Richard Thomas called in, sworn, and examined:—

R. Thomas. 16. *Mr. Schrader.*] You are manager of the Stockton Colliery? I am.
 17. You know Stockton and suburbs? I do.
 18. Is it a populous place? There are about 4,000 people there.
 19. Do you know whether the inhabitants of Stockton have held meetings in reference to lighting the place with gas? Not public meetings.
 20. Do you know the feeling of the people of Stockton about it? They are highly desirous to see the place lighted.
 21. Is there any objection that you know of to this Bill for lighting Stockton? I don't think this Bill has been under their consideration.
 22. As to the lighting of the town with gas, then? There is a strong desire for that.
 23. *Chairman.*] You have a knowledge of the works over there;—have you reason to believe that it is likely to become a populous suburb? I think so. If it is incorporated I may say it will be a very populous suburb. The lands sold by the Government have all been taken up, and I know that it is the opinion of a great number of Newcastle tradesmen to build residences there for themselves as soon as we have anything like streets there.
 24. *Mr. Barbour.*] Do you think that if these works are established Stockton will be sufficiently taken advantage of to pay the promoter? Yes, I think so. I was connected with a few of the residents, who intended to start a gas-works themselves if these steps had not been taken. We felt the necessity so strong for it.
 25. Are you satisfied that this Bill takes the place of their intentions? Entirely.
 26. It will be a great convenience to the people in the neighbourhood no doubt? It will be a great boon. In fact going about the streets now at night is highly dangerous.
 27. *Chairman.*] You mean in consequence of the work going on at night and by day? Yes.
 28. These dangers are caused by want of proper light at night? We have so many wharves and water-frontages that it is very dangerous at night.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

TORONTO TRAMWAY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
11th April, 1889.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1889.

1889.

**EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.**

VOTES No. 10. THURSDAY, 4 APRIL, 1889.

6. **TORONTO TRAMWAY BILL** (*Formal Motion*):—Mr. Stevenson moved, pursuant to Notice,—
- (1.) That the Toronto Tramway Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Creer, Mr. William Stephen, Mr. McCourt, Mr. Melville, Mr. Bruce Smith, Mr. Frank Farnell, Mr. Barbour, and the Mover.
- Question put and passed.
-

VOTES No. 13. THURSDAY, 11 APRIL, 1889.

5. **TORONTO TRAMWAY BILL**:—Mr. Stevenson, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and Report this Bill was referred on 4th April, 1889, together with a copy of the Bill, as amended and agreed to by the Committee.
- Ordered to be printed.
- * * * * *
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1889.

TORONTO TRAMWAY BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 4th April, 1889,—the "*Toronto Tramway Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose evidence *See List, page will be found appended hereto); and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was deemed necessary to make an amendment.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

R. STEVENSON,
Chairman.

No. 3 Committee Room,
Sydney, 11 April, 1889.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 9 APRIL, 1889.

MEMBERS PRESENT :—

Mr. Stevenson, | Mr. Barbour,
Mr. William Stephen.

Mr. Stevenson called to the Chair.

Entry from Votes and Proceedings appointing the Committee read by the Clerk.

Printed copies of the Bill referred, together with original Petition to introduce the same, before the Committee.

Present :—Alfred Rofe, Esq. (*Solicitor for the Bill*).

Alfred Rofe, Esq., sworn and examined.

John Henry Laycock, Esq. (*Surveyor and Civil Engineer*), called in, sworn, and examined.

Witness produced plan showing the intended route of the proposed tramway.

Witness withdrew.

Phillip Robert Cook (*Acting Manager, Excelsior Land Investment and Building Company and Bank, Limited*) called in, sworn, and examined.

Room cleared.

Committee deliberated.

Ordered,—That E. M. G. Eddy, Esq., Chief Commissioner for Railways be summoned to give evidence next meeting.

[Adjourned to Thursday next, at a quarter past Two o'clock.]

THURSDAY, 11 APRIL, 1889.

MEMBERS PRESENT :—

Mr. Stevenson in the Chair.
Mr. Frank Farnell, | Mr. William Stephen.

Present :—Alfred Rofe, Esq. (*Solicitor for the Bill*).

William Vero Read, Esq. (*Acting Secretary for Railways*), called in, sworn, and examined.

Room cleared.

Committee deliberated.

Preamble considered, and Question—"That this Preamble stand part of the Bill,"—put and passed.

Solicitor called in and informed.

Clause 1 read, amended,* and agreed to.

Clauses 2 to 45 read and agreed to.

Schedule read and agreed to.

Title read and agreed to.

Chairman to report the Bill with an amendment to the House.

* See Schedule of Amendment.

SCHEDULE OF AMENDMENT.

Page 2, clause 1. *Add* at end of clause "Provided always that the gauge of the said tramway shall be two feet six inches, with power to increase to four feet eight and a half inches."

LIST OF WITNESSES.

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1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

TORONTO TRAMWAY BILL.

TUESDAY, 9 APRIL, 1889.

Present:--

MR. BARBOUR, | MR. WILLIAM STEPHEN,
Mr. STEVENSON.

R. STEVENSON, Esq., IN THE CHAIR.

Alfred Rofe, Esq., Solicitor, appeared on behalf of the promoters of the Bill.

Alfred Rofe, Solicitor for the Bill, sworn and examined:--

1. *Chairman.*] You are the solicitor for the Bill? Yes.
2. The Bill is the Bill of the Excelsior Land and Building Company? Yes; a company incorporated under the provisions of the Limited Liabilities Act.
3. You prepared this Bill? Yes.
4. You have published the necessary advertisements in the local and metropolitan papers, as well as in the Government Gazette? Yes; in the terms of the Parliamentary Standing Order.
5. And you have paid the necessary amount into the Treasury? We have the receipt for £25.
6. Will you prove the preamble? The Excelsior Land Investment and Building Company is possessed of an estate called Toronto, containing 1,000 acres of land, at Lake Macquarie, parish of Awaba, and situated near a platform on the Government line of railway between Sydney and Newcastle known as Fassifern. At present the mode of getting to the estate is very insufficient. Lake Macquarie is a pleasure resort for the inhabitants of Newcastle. We propose to construct a tramway which will be less than 3 miles in length, connecting the estate and the upper part of the lake with the railway, thus affording greater facilities to the people of Newcastle for getting there.
7. *Mr. Barbour.*] Will the proposed tramway run through the lands of the Company? We have a plan showing exactly the land we own, as well as the other lands and streets through which the tramway will pass. Our surveyor will be able to point out to the Committee the route to be taken, and the lands it will intersect.
8. *Chairman.*] The contents of the Bill, so far as you are aware, are perfectly true? They are true.
9. And the lands the tramway will pass through are set out in the schedule to this Bill? Yes; that schedule has been prepared by our surveyor, Mr. Laycock, and he is prepared to testify to its correctness.
10. Any interference with the rights of other people is provided for in the Bill, by arbitration or otherwise? We have provided for modes of arbitration in the Bill. I have copied the arbitration clauses from the Joadja Creek Tramway Bill, which seemed to comply with exactly what we wanted in that respect. Joadja Creek is at Mittagong, and a tramway connects the kerosene mine there with the Government railway.
11. Have you received any communications from anyone expressing a desire to oppose the Bill? Not any—in fact, we have almost arranged that there shall be no opposition whatever. Mr. Chapman, through whose land we intend to pass, has agreed to sell us as much ground as we require—being a narrow strip through his land—for £50. The matter is now in progress between his surveyor and myself.
12. Would the construction of this tramway, in your opinion, increase the revenue of the Government railway? It would be a feeder, certainly.

Mr. A. Rofe,
9 April, 1889.

- Mr. A. Rofe. 13. Have a survey, a map, and a book of reference been made, and will they be open for public inspection? Yes.
- 9 April, 1889. 14. Then, of course, in your opinion, the tramway will be a public convenience? Certainly; an acquisition to the public for their benefit.
15. Is there any other information you would like to give in reference to the Bill, and which you think the Committee ought to know? I think not; I think the Bill is in itself pretty exhaustive.
16. *Mr. Barbour.*] So far as you know, there is no one opposed to the passing of the Bill? I have heard of no opposition.
17. Have the plans been submitted to the Railway Commissioners? No, they have not.
18. You have not yet received any approval of the proposed connection in any way? It is not our intention to connect at present, but simply to have our terminus just within the railway reserve—that is, if the Bill is passed giving us that permission.
19. It is to be a separate tramway? Yes.
20. Separate altogether from the Government railway? Yes. At present we have no intention of carrying coal, or anything necessarily carried on the railway, on our tramway, but merely to have a light tramway for the conveyance of passengers and passengers' luggage.
21. *Chairman.*] Have you heard that the Commissioners have made any objection? I have not.
22. *Mr. W. Stephen.*] What is to be the character of the motive-power for the proposed tramway? The intention at present is to have a light steam tramway.
23. *Mr. Barbour.*] Have you been in communication at all with the Railway Commissioners? No.
24. Is your terminus to be outside the railway fence or inside of it? I hardly know. The surveyor will be able to tell you. I do know that it is not intended to connect with the railway.
25. And on that account you have not thought it necessary to hold any communication with the Railway Commissioners? Yes.
26. Will your tramway pass through any Crown lands on its route? I think it will; but our surveyor will be able to explain that fully.
27. Is there any Crown land between the termini of the tramway? Our surveyor can answer that also; I think there is.

John Henry Laycock called in, sworn, and examined:—

- Mr. J. H. Laycock. 28. *Mr. Rofe.*] What are you? A licensed surveyor and civil engineer.
- 9 April, 1889. 29. Did you design the roadway for this proposed tramway? Yes; it was done in my office, under my supervision.
30. Do you produce a plan prepared by you showing the route to be taken by the proposed tramway? Yes. [*Plan produced.*]
31. Will you explain to the Committee where the proposed tramway will start from, and where it will end, the different lands it will intersect, and whether they are Government lands or belong to private persons? Starting from Passifern Railway Station.
32. *Mr. Barbour.*] It starts from 87m. 52ch. from Sydney? Yes; that is the crossing of the Government road, so we do not interfere with property there at all. Then we continue through Government reserve number 105, until we come to Avaba-street. Then we go along a road—
33. *Mr. W. Stephen.*] Have you got permission to pass through the Government reserve? No; that is the reason of our asking for this Bill. We follow the roads until we strike the Government reserve again round Lake Macquarie. We go through them on the low ground, until we come to Chapman's block, and, passing through that piece of land, we get to a lot of Government portions, information about which, as far as I have got it, is given in the schedule. Thence, crossing Stony Creek, we pass into the land belonging to the Excelsior Investment Company. We propose to carry the tramway down to the Toronto pier, which is not built yet, just past the Toronto Hotel.
34. *Mr. W. Stephen.*] Is this road that you run along a Government road? Yes; by the mere fact of that township having been sold.
35. The township was sold by the Government? No; but the mere fact of it having been sold as a subdivision makes this a public road.
36. *Mr. Rofe.*] The Excelsior Land Company have purchased several blocks of land in the township, and therefore they have a right to use the roadways; but they have no right to run a tramway along the road unless the Bill gives permission? Yes.
37. This is a public road? Yes; but not a Government road.
38. You have inspected the route? Yes.
39. You are able to say that the plan that you have produced is exactly in accordance with the schedule which you have prepared to the Bill? Exactly.
40. Can you tell us what will be the character of the line—will it be a difficult route, or can it be easily made? Certainly not a difficult one. I have here a longitudinal section.
41. It is your opinion that the route does not suggest any engineering difficulties? Yes.
42. *Mr. W. Stephen.*] This gives the exact formation of the land? Yes; you can see that it is almost perfectly level. The worst grade of all is 1 in 44, and that is a very good grade for a tramway. It is practically level all the way along.
43. *Mr. Rofe.*] What do you reckon is the distance? The exact distance is, I think, a little over 3 miles.
44. If you follow exactly the route laid down on the map, what will be the length? We only propose to construct at present 2 miles 48½ chains.
45. If the route is extended, it will be extended on the Toronto Estate? Yes.
46. For which we do not require any further power? No.
47. *Mr. W. Stephen.*] That is, to the pier? Yes.
48. *Mr. Rofe.*] You have already told us that the schedule in the Bill is exactly in accordance with the route as laid down on the plan before you? Yes; and that there are no engineering difficulties whatever in the way. I think it will be an immense advantage to the Government to have this line as a feeder to the main line.
49. You are not aware of the character of the tramway proposed—whether it will be worked by horse or by steam power? No, I am not.

50. Nor are you aware what the proposed gauge will be? No, I am not. I have merely done the civil engineering part of the work.
51. Do you know what width of land will have to be taken in the Government reserves? That is a matter for after consideration. You can have it as narrow as you like—I should not think you would want a strip?
52. *Mr. Barbour.*] To whom does the land belong between Chapman's block and the Toronto Estate? It is all Crown land.
53. Then the greater part of the land through which the tramway goes is Crown land? Yes.
54. Do you know whether it is private land between Chapman's and Toronto, or whether it is Crown land? I do not know.

Mr. J. H.
Laycock.

9 April, 1899.

Phillip Robert Cook called in, sworn, and examined —

55. *Mr. Refe.*] What is your occupation? I am acting manager for the Excelsior Building Company.
56. And necessarily one of the promoters of this Bill? Yes.
57. Are you acquainted with the property mentioned in the Bill which it is intended to use for the construction of the tramway? Yes.
58. Have you had an opportunity of forming an opinion as to whether the proposal is acceptable to the residents around Lake Macquarie? Yes, I have had very good opportunities. I am frequently down in the district—generally once every month—and I have conversed with most of the residents there, and also with visitors to the district, and everyone I have seen and spoken to has expressed unqualified approval of the scheme.
59. Can you tell us whether anyone has expressed disapproval of the Bill? Not one that I am aware of.
60. Have you heard of anyone likely to oppose the passing of the Bill? No.
61. Can you point out any beneficial results likely to accrue to the public from the construction of this line? Yes. In the first place, it will be a great benefit to the tourist portion of the public, in taking them by a shorter route to Lake Macquarie, which is a very popular resort, instead of their having to go 8 miles from Cockle Creek by water. Sometimes the steamers break down, and cause great inconvenience, and passengers will be able to go to Toronto in a quarter of the time by this tramway that they have to take now. Then, again, it will be a great convenience to the fishermen of the lake; I know that certain of them have expressed a wish to send their fish to market by this route. It will save them a fourteen-mile journey by road from Belnont to Newcastle, and they will be able to get their fish to Sydney in four or five hours, instead of it taking fifteen or sixteen, as at present. This tramway will be a benefit, not only to the fishermen, but also to the consumers, and it will also benefit the Government railway.
62. It will be a feeder to the railway? Yes, a feeder to the railway.
63. Will it be any advantage to the land intersected between the Toronto Estate and Passifern? I think it must be necessarily. Every railway benefits the land it passes through, by giving an easy mode of transit.
64. Are there persons settled upon the lands the tramway will intersect? There is only one I know of; that is Chapman; it intersects his land.
65. But there are others living away from the proposed tramway route? There are no houses until you get to the Lorne township, and then there is the Passifern coal-mine; they have got brickworks there. There are several houses on the Toronto Estate itself which are occupied.
66. Are there not several houses just beyond the estate which this tramway must afford some convenience to in getting to the railway? Yes; further along the shores of the lake there is property on each side, belonging to Fennel and several other people, who will be greatly benefited by the tramway in having easy access to the railway.
67. Have you given your attention to the scale of charges fixed in the proposed Bill, and are you of opinion that they are fair and reasonable? Yes; I think the charges are reasonable. The charge we propose to make for passengers is the same as the steam-boat proprietors are making at the present time.
68. The charge is a maximum charge? Yes.
69. *Mr. W. Stephen.*] A shilling each way? Yes.
70. *Mr. Refe.*] Do you think this line will be a great convenience to people from Newcastle visiting the lake? I think it must be, especially at holiday times, when there are great crowds going there. Sometimes the steamers cannot accommodate everybody. Not only Newcastle, but Wallsend will be greatly benefited by the line.
71. Do you know whether the Railway Commissioners have approved or disapproved of the proposed line of tramway? I do not know whether they have or not.
72. Have you submitted the proposed Bill to them? No.
73. Have you caused to be published in the Government Gazette and the local newspapers notices of the intended application for the Bill? Yes.
74. Are you aware that the Railway Commissioners have lately proclaimed in the Government Gazette that tourists' tickets will be issued for Lake Macquarie on the Homebush-Waratah line from Sydney as well as from the Northern Districts? Yes; I saw it in the Gazette myself.
75. Can you describe shortly the lands that this tramway will traverse? Yes. Starting from the Passifern railway-station, it comes down a public road —
76. *Mr. Barbour.*] Is there a railway-station here? A railway-platform. It comes down a public road to Government reserve 105. Passing through that, it crosses another public road, and comes on to the land belonging to the Excelsior Building Company—three allotments. Leaving them, it crosses another public road, and comes through two more allotments belonging to the Excelsior Building Company. It then passes along another public road until it reaches a Government reserve. It traverses this reserve, and also Government reserve 48, touching a Government road again, passes through some private land belonging to Mr. E. G. C. Chapman, and crosses another public road. It then traverses land belonging to the Excelsior Building Company all the way to Toronto, crossing two small creeks on the route. The whole of the land from Chapman's is the property of the Excelsior Building Company, until the line finishes at the Toronto wharf.
77. *Mr. Refe.*] Do you know the length of the route from beginning to end? About 2 miles 48 chains.
78. Could you tell approximately how much of that 2 miles 48 chains belongs to the Company? About half.

Mr.
P. R. Cook.

9 April, 1899.

- Mr. P. R. Cook.
9 April, 1889.
79. *Mr. W. Stephen.*] Then this land that we were led by the surveyor's statement to believe was Government land is really the property of the Excelsior Company? Yes. It was bought nearly twelve months ago, and the conveyance was actually settled recently.
80. Then the only Government land you would pass through would be the reserve? Yes, and reserve 105.
81. *Mr. Rofe.*] Is that the railway reserve? I do not know what reserve it is; I think it must be.
82. *Mr. W. Stephen.*] Do you propose to come right up to the railway-station, or to keep outside the railway premises? I think it is proposed to go just inside the railway fence at first. The road goes right up to the fence. I think it is proposed just to turn round a little, so as to get a siding.
83. Is there no siding or reserve there? There is a good siding. I do not think we would interfere with the railway-line in any way by going up just as far as we intend to go.
84. *Mr. Rofe.*] Do you interfere much with the railway reserve? It is not intended to touch any reserve except reserve 105. It is all a public road with the exception of a few yards we want to go inside the reserve. It would be immaterial if we stopped at the end of the road.
85. Is it intended to connect this tramway with the Government railway line? Not at present. We want power by the Bill to connect afterwards, if it is thought necessary. Of course, in that case we would have to increase the gauge.
86. Have you heard of any opposition to the Bill on the part of the owners of the land the line may pass through? I think they will not oppose it--on the contrary.
87. So far, you have met with encouragement? Yes.
88. Will you tell us the intention of the company respecting the width of the gauge? They propose, in the first place, to use a 2-foot 6-inch gauge, and they want power to increase it to 4 feet 8½ inches, with the idea of connecting at some time, as the district develops, with the railway. This 2-foot 6-inch gauge they consider is ample for present requirements.
89. Are you aware that any tramways have been built in England or elsewhere with a gauge of 2 feet 6 inches? Yes. I could not say quite for certain the exact gauge, but I rode on a tramway with a gauge of either 2 feet or 2 feet 6 inches, about eighteen years ago, in North Wales, and I know that that tramway was considered a success. It ran from the village of Festinog to Carnarvon.
90. And was it for passengers as well as for light goods? Yes.
91. I find that in one of the clauses of the Bill the name of the office at which you intend to exhibit copies of the plan and of the Bill has been left out;—will you state a place? Toronto. That would be the most convenient place for residents there.
92. And two copies signed by the manager shall be deposited with—? The Clerk of Petty Sessions at Waratah; that is the nearest Court of Petty Sessions.
93. *Chairman.*] I notice that this tramway is to pass through Chapman's land;—has he had notice of this, and has he offered any objection? He has had lots of notices. We have made arrangements with him to buy the land through which the tramway will pass, and he has agreed to take a certain sum for it. The matter is in the hands of the solicitors to complete.
94. Does the Bill make any provision for the Railway Commissioners to purchase this tramway line? No, I think not.
95. You stated that you thought this tramway would be a great convenience, as very often the steamers could not give the accommodation required of them;—are you aware, of your own knowledge, that the steamers only meet the morning train from Newcastle? Yes. You can, by paying an extra charge, get them to come and meet the Sydney train.
96. By making special arrangements? By making special arrangements.
97. Those wishing to go from Sydney to Lake Macquarie are almost compelled to go on to Newcastle and come back by the morning train, as there is not the necessary accommodation at the railway station? Yes.
98. There is a large hotel at Toronto? Yes; containing fifty rooms.
99. And I presume that the tramway is intended to meet the train from both ends—from Sydney and from Newcastle? Certainly.
100. *Mr. Barbour.*] It is proposed by the company to start the tramway from the railway? Yes.
101. And go right on to the township of Toronto? To the Toronto wharf.
102. I think you said that you had not communicated with the Railway Commissioners at all about the matter? No, we have not.
103. *Mr. W. Stephen.*] How far is Fassifern Station from Newcastle? About 18 miles.

THURSDAY, 11 APRIL, 1889.

Present:—

Mr. F. FARNELL, | Mr. W. STEPHEN.
R. STEVENSON, Esq., IN THE CHAIR.

Alfred Rofe, Esq., Solicitor, appeared on behalf of the promoters of the Bill.

William Vero Read called in, sworn, and examined:—

- Mr. W. V. Read.
11 April, 1889.
104. *Mr. Rofe.*] What position do you hold? I am Acting Secretary for Railways.
105. Have you examined the plan of the proposed tramway from Fassifern Railway Station to the Toronto Estate, Lake Macquarie? Yes. I may state that I have been requested by the Commissioners for Railways, in answer to a notice which has been sent to them, to represent them at this meeting, and I shall be glad to answer any inquiries and to express for them their opinion of the proposed tramway. I am desired by the Commissioners to say that they have no objection to the proposed tramway, and the only suggestion they would offer is that the gauge of the line should be 4 feet 8½ inches, in preference to the proposed gauge of 2 feet 6 inches, for this reason, that on holidays and on busy days, when there is likely to be a large excursion traffic, the tramway people might be enabled to make arrangements with the department for the use of some of their rolling-stock for carrying any excess traffic which they might be unable to provide for with their own rolling-stock.

106. Did you notice that there is no intention of connecting with the railway line. We only intend to take our line just inside the reserve? There is a proviso in the Bill for connecting.

107. If the trade or requirement of the district should warrant such an expenditure? Therefore, if the gauge were 2 feet 6 inches, it would be no use for connecting with the railway line.

108. *Mr. P. Farnell.*] As far as you know, all branch lines—either tramlines or railways—that connect with the Government railways have a gauge of 4 feet 8½ inches? Nearly all. There are some mineral lines that have not that gauge.

109. *Mr. Rofs.*] Do you know what is the width of the Joadja Creek line? That is a narrow gauge.

110. *Mr. W. Stephen.*] Is there not a railway reserve at Fassifern platform? I believe that there is no greater amount of land reserved at Fassifern than is usual at a roadside station.

111. That is for a siding? Yes.

112. *Mr. Rofs.*] The custom now is, I think, to reserve a little more land than was done in the olden times at platforms. This is a recently-constructed line? At stations it is the practice now to reserve more land than used to be reserved; but Fassifern is only a platform.

113. *Chairman.*] Is it not the fact that they reserve now on both sides of newly-constructed lines a mile of country;—are you aware that that is the case? I am not aware of it.

114. I think that the Lands Department, before a line is constructed, reserve so much? I am not aware what the Lands Department does.

115. Are you aware that passengers travelling from Sydney to Lake Macquarie have now to go on to Newcastle and come back in the morning, because the steamers on the lake only meet the morning train, and there is no accommodation at Fassifern? I believe that, except by making special arrangements, people have to go to Newcastle to get to the lake.

116. *Mr. W. Stephen.*] And then return as far as Cockle Creek? Yes.

117. *Chairman.*] That, of course, means increased expense? It does; but I have no doubt that when a greater amount of traffic springs up that difficulty will be overcome by having a house of accommodation provided at the nearest point.

118. Do you think that this tramway would increase the revenue of the Government railways? I think it would, because, when additional facilities are given to get to such a place as Lake Macquarie, greater numbers of people will travel thither.

119. Are you aware that at the terminus of the proposed tramway there is a large hotel, built for the convenience of excursionists and others? I understand that a large hotel has been built.

120. And that this tramway will run from the Government railway station to the wharf in front of this hotel? I understand that that is the case.

121. On the whole, you consider that the tramway would be a great public convenience? I consider that it would.

122. In your opinion, if the company get this Bill through, a tramway 2 feet 6 inches wide can be built that will be as safe as one with a width of 4 feet 8½ inches? I think that by limiting the speed such a tramway would be perfectly safe.

123. Are you aware whether any lines of this kind have been constructed in England, or elsewhere? To a limited extent, there have been lines of this kind.

124. What about the safety of them? As I have just observed, at a limited speed I consider they can be worked safely.

Mr.
W. F. Read.
11 April, 1889.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

WINDSOR GAS-LIGHT COMPANY (LIMITED) ACT
AMENDMENT BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDICES.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
14 *June*, 1889.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1889.

1889.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 35. TUESDAY, 4 JUNE, 1889.

3. WINDSOR GAS-LIGHT COMPANY (LIMITED) ACT AMENDMENT BILL (*Formal Motion*):—Mr. Want moved, pursuant to Notice,—
- (1.) That the Windsor Gas-light Company (Limited) Act Amendment Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. McRae, Mr. Toece, Mr. O'Sullivan, Mr. Frank Parnell, Mr. Stevenson, Mr. Barbour, Mr. Gormly, Mr. Bowman, Mr. Holborow, and the Mover.
- Question put and passed.
-

VOTES No. 42. FRIDAY, 14 JUNE, 1889.

2. WINDSOR GAS-LIGHT COMPANY (LIMITED) ACT AMENDMENT BILL:—Mr. Bowman, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before the Select Committee for whose consideration and report this Bill was referred on 4th June, 1889, together with Appendices and a copy of the Bill, as agreed to by the Committee.
- Ordered to be printed.
- * * * * *
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1889.

 WINDSOR GAS-LIGHT COMPANY (LIMITED) ACT AMENDMENT BILL.

 REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 4th June, 1889, the "*Windsor Gas-light Company (Limited) Act Amendment Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose evidence will be found appended hereto); and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several clauses of the Bill in which it was not deemed necessary to make any amendment. *See List, page 4.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

ALEXANDER BOWMAN,
Chairman.

No. 3 Committee Room,
Sydney, 14th June, 1889.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 14 JUNE, 1889.

MEMBERS PRESENT:—

Mr. Bowman, | Mr. Frank Farnell,
 | Mr. Gormly.

Mr. Bowman called to the Chair.

Entry from Votes and Proceedings appointing the Committee read by the Clerk.

Printed copies of the Bill referred, together with the original Petition to introduce the same, before the Committee.

Present—J. Arthur Dowling, Esq. (*Solicitor for the Bill.*)

Charles Hole (*Secretary to the Company*), called in, sworn, and examined.

Witness produced certificate of the Incorporation of the Company, and handed in the consent of the Richmond Corporation to the extension of the gas main through their Borough, also consent of the Commissioner for Roads, together with a letter from J. E. Onus (*Mayor of Richmond*), stating that he had no reason to alter his evidence of 7th December, 1888,—which were ordered to be appended. (*See Appendices 1 to 5.*)

Witness withdrew.

James Arthur Dowling sworn and examined.

Witness handed in consent of William Coward, the largest shareholder in the Company, to the passing of the Bill. (*See Appendix 6.*)

Room cleared.

Preamble considered.

Question,—“That this preamble stand part of the Bill,”—put and passed.

Solicitor called in and informed.

Clauses 1 to 7 read and agreed to.

Title read and agreed to.

Chairman to report the Bill, without amendment, to the House.

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1889.
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

WINDSOR GAS-LIGHT COMPANY (LIMITED) ACT
 AMENDMENT BILL.

FRIDAY, 14 JUNE, 1889.

Present:—
 Mr. BOWMAN, | Mr. FRANK FARNELL,
 | Mr. GORMLY.

ALEXANDER BOWMAN, Esq., IN THE CHAIR.

J. A. Dowling, Esq., Solicitor, appeared on behalf of the promoters of the Bill.

Charles Hole called in, sworn, and examined:—

1. *Mr. Dowling.*] You are the Secretary of the Windsor Gas-light Company (Limited)? Yes. Mr. C. Hole.
2. You produce the certificate of the incorporation of that Company? I do. 14 June, 1889.
3. You are aware that in 1884 an Act was passed to enable the Windsor Gas-light Company to light the town of Windsor and the suburbs? Yes.
4. Is the Company now in working order? Yes.
5. Do you produce copies of some papers under the hand of the Council Clerk of the town or borough of Richmond authorizing the extension of the works to that town? Yes. [*Appendices 1 to 3.*]
6. Do you know the signatures of the gentlemen signing those papers? Yes.
7. They are the signatures of Mr. Guest and Mr. Onus? Yes; Mr. Guest is the Council Clerk, and Mr. Onus the Mayor.
8. You produce a Bill endorsed with the consent of the Commissioner for Roads? Yes. [*Appendix A.*]
9. What are your instructions on the question of the issue of 4,000 preferential shares? To issue 4,000 preferential shares, and to borrow money upon them.
10. To borrow money on the security of the plant and uncalled capital of the Company? Yes.
11. And mortgage the plant? Yes.
12. Who gave you the authority? The shareholders.
13. At a general meeting? Yes.
14. *Mr. F. Farnell.*] Have you a board of directors? Yes.
15. *Mr. Dowling.*] What was the resolution of that meeting? That the directors be empowered to issue 4,000 preferential shares, and to borrow £4,000 on the shares and the plant of the Company.
16. For the purpose of extending the means of the Company? For the purpose of extending its operations to Richmond.
17. You know Mr. Onus? Yes.
18. He gave evidence before a previous committee on this Bill. Do you produce a letter from him to the effect he would not attend this meeting, because he could add nothing to his previous evidence? Yes. [*Appendix 5.*]

James Arthur Dowling sworn and examined:—

19. *Chairman.*] You are the Solicitor for the Bill? Yes.
20. You produce some document from Mr. Coward? I produce a consent by Mr. William Coward, the largest proprietor in the Company, who was not present at the meeting resolving upon the amending Bill, to the passing of the same. [*Appendix 6.*] Mr. J. A. Dowling.
14 June, 1889.
21. He is not in town now? As a matter of fact, he is in England at the present moment. He has consented to the passing of the Bill.

APPENDIX.

[To Evidence of Charles Hole.]

(1.)

Dear Sir,

In further reply to your letter of the 27th August last, I have the honor, by direction of the Borough Council of Richmond, to inform you that the Council will be pleased to allow your Company to extend your main into and through this Borough, and will be also very glad to assist you as far as possible by lighting portions of the streets of the Borough, but will not guarantee any number of lights.

Chas. Hole, Secretary, Windsor Gas Company.

Council Chambers, Richmond, 15/9/87.

I am, &c.,

C. S. GUEST,

Council Clerk.

(2.)

Dear Sir,

On 27th August, 1887, I addressed you, asking whether the extension of the mains of this Company to your town would meet with your approval, and whether your support and encouragement would be given.

I had the pleasure of receiving your reply in the affirmative, but, as a comparatively long time has elapsed since then, I now beg to address you again, and say that our Amending Act, to give us the requisite power to enter your town, is coming before Parliament, and I should be glad of a few lines at the present time, expressing your consent and approval of the proposed extension.

His Worship the Mayor of Richmond.

I have, &c.,

C. HOLE,

Secretary.

(3.)

Dear Sir,

In reply to yours of yesterday, permit me to state that the Borough Council of Richmond has not seen fit to alter its decision in re gas from your Company, as conveyed to you by my letter of 15/9/87.

You must, however, distinctly understand that my Council will not guarantee to use any particular number of lights. They will, however, support you as far as it may be deemed advisable, so long as your charges are fair.

Chas. Hole, Secretary, Windsor Gas Company.

I am, &c.,

J. E. ONUS,

Mayor.

(4.)

Consent of the Commissioner for Roads attached to a copy of the Bill.

As the officer-in-charge of the main road, Richmond to Windsor, and of the Fitzroy and Windsor Bridges, I see no objection to the enactment herein proposed.

7 November, 1888.

WILLIAM C. BENNETT,

Commissioner for Main Roads.

Dear Sir,

In reply to your inquiry as to my giving evidence before the Select Committee concerning your Amending Bill, I can only state that I can give no different evidence to what I gave before the Select Committee on the 7th December last. The circumstances at present are exactly similar as they were when I gave my evidence, and I now reiterate what I stated on that occasion.

Charles Hole, Esq., Secretary Windsor Gas-light Company (Limited).

I am, &c.,

J. E. ONUS,

Mayor of Richmond.

[Evidence referred to.]

(5.)

Joseph Edward Onus called in, sworn, and examined:—

17. *Mr. Dowling.*] You are the Mayor of Richmond? I am.
18. You are aware of the purport of this Bill? Yes.
19. It is for the purpose of supplying the town of Richmond with gas from the Windsor Gas-works, and also, if necessary, from works in Richmond? Yes.
20. Your Borough Council consent to such a Bill? They do.
21. *Mr. Day.*] I suppose you have had a great deal of experience about Richmond? I have lived there all my life; I am a native of Richmond.
22. Ever since this question of supplying the town of Richmond with gas cropped up, have you heard any ratepayers or any of those about Richmond object to it? I never heard a single person dissent.
23. As far as your knowledge goes, being one of the leading men of Richmond, you find the people of Richmond in favour of this Bill passing? Yes.
24. In order to give them the privilege of lighting the town of Richmond with gas? Yes.
25. The Council are firmly in favour of it? Every member of them.
26. You believe it will be for the benefit of the town of Richmond and the inhabitants to have these gas-works extended to them? I am certain of it; in fact, if they did not come, we should have to try some other means of lighting the town.
27. *Mr. Barbour.*] You believe that this is a better way of doing it than doing it on your own account? I do.
28. *Mr. Gormly.*] It would suit the convenience of the residents of Richmond? Yes; the whole population.
29. *Mr. Day.*] This Bill does not compel the inhabitants of Richmond to take gas from the Gas Company of Windsor unless they are thoroughly satisfied with the prices and all that? Of course it does not.
30. Anyone in Richmond can use the same lights as they have there now; the gas can be laid on, and they need not take it, unless they like? No.
31. Unless the price suits them and everything is satisfactory? No; I think most of the residents of the town have consented. I think some people went round to canvass the district, and almost every person was in favour of taking the gas.
32. *Chairman.*] The Corporation has promised to take it? Yes.
33. *Mr. Barbour.*] So far as you know there is no one objecting to it? Not as far as I know.
34. *Mr. Day.*] Was this amending Bill brought before your Council? Yes.
35. Was it carefully considered? It was.
36. After careful consideration the conclusion was that you would agree to it? Yes; I have written a letter to the effect that the Council would not guarantee any certain thing, but as long as they were fair they would be supported.
37. *Mr. Barbour.*] You know that by introducing this your streets will be broken up by the laying of the pipes? Yes.
38. To all that you are perfectly willing and agreeable? Yes.

[To evidence of James Arthur Dowling.]

(6.)

Windsor and Richmond Gas-light Bill, extension to Richmond.

As the largest shareholder in the above Gas-light Company, I hereby consent to the passing of a Bill, notice of which is set out in the notice of 25th April, 1888.

Dated this 27th day of November, 1888.

Witness,—J. ARTHUR DOWLING, Solicitor, Sydney.

WM. COWARD.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

WARWICK FARM RAILWAY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
25 *June*, 1889.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1889.

1889.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 39. TUESDAY, 11 JUNE, 1889.

4. WARWICK FARM RAILWAY BILL (*Formal Motion*):—*Mr. Walker*, for *Mr. Want*, moved, pursuant to Notice,—
- (1.) That the Warwick Farm Railway Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of *Mr. Frank Farnell*, *Mr. Melville*, *Mr. Hugh Taylor*, *Mr. Ritchie*, *Mr. Hassall*, *Mr. O'Sullivan*, and *Mr. Want*.
- Question put and passed.

VOTES No. 47. TUESDAY, 25 JUNE, 1889.

9. WARWICK FARM RAILWAY BILL:—*Mr. Frank Farnell*, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and Report this Bill was referred on 11th June, 1889, together with a copy of the Bill as agreed to by the Committee.
- Ordered to be printed.
- * * * * *

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1889.

WARWICK FARM RAILWAY BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on 11th June, 1889,—the "*Warwick Farm Railway Bill*,"—beg to report to your Honorable House :—

That they have examined the witnesses named in the list* (whose evidence * See list, page 4. will be found appended hereto), and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several clauses and the Schedule to the Bill, in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

FRANK FARNELL,

Chairman.

*No. 2 Committee Room,**Sydney, 25th June, 1889.*

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 25 JUNE, 1889.

MEMBERS PRESENT :—

Mr. Frank Farnell, | Mr. O'Sullivan,
Mr. Hugh Taylor.

Mr. Frank Farnell called to the Chair.
Entry from Votes and Proceedings, appointing the Committee, read by the Clerk.
Printed copies of the Bill referred, together with the original Petition to introduce the same, before the Committee.

Present:—Charles Cecil Read, Esquire (*Solicitor for the Bill*).
Edwin Ernest Allan Oatley (*one of the Promoters*) called in, sworn, and examined.
Witness withdrew.
William Forrester called in, sworn, and examined.
Witness withdrew.
Charles Cowdery (*Civil Engineer*) called in, sworn, and examined.
Witness produced plan and section of the proposed railway.
Witness withdrew.
Charles Cecil Read sworn and examined.
Room cleared.
Preamble considered.
Question,—“That this Preamble stand part of the Bill,”—put and passed.
Solicitor called in and informed.
Clauses 1 to 34 read and agreed to.
Schedule read and agreed to.
Title read and agreed to.
Chairman to report the Bill, without amendment, to the House.

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1889.

LEGISLATIVE ASSEMBLY,
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

WARWICK FARM RAILWAY BILL.

TUESDAY, 25 JUNE, 1889.

Present:—

Mr. F. FARNELL, | Mr. O'SULLIVAN,
| Mr. HUGH TAYLOR.

FRANK FARNELL, ESQ., IN THE CHAIR.

Charles Cecil Read, Esq., Solicitor, appeared on behalf of the promoters of the Bill.

Edwin Ernest Allan Oatley called in, sworn, and examined:—

1. *Chairman.*] You are one of the proprietors of the Warwick Farm Racecourse? I am.
2. You are seeking now to pass a Bill through the Legislature to authorize the construction of a railway, from the southern line to the Warwick Farm Racecourse? Yes.
3. Have you had any objection raised to your proposal on the part of the Railway Commissioners? None whatever.
4. In fact, they have shown their eagerness on every occasion to assist you? Quite so.
5. It will be a great convenience, not only to you as the proprietors of the racecourse, but also to the general public, to have this extension carried out? Yes, and also to the Railway Department.
6. As a matter of fact, this extension has been constructed and used? Yes.
7. And you think it will prove a source of great revenue to the Railway Department? Quite so.
8. About how much has it cost to make this extension? Roughly speaking, between £4,000 and £5,000.
9. You have spent that out of your own pockets? Yes. I have not gone into figures, but I think it will cost us about £7,000 altogether.
10. You have made every provision, where the line crosses public roads or highways, for the protection of the public? Every provision that could be made has been made.
11. *Mr. O'Sullivan.*] Did you say the line was really constructed? Yes.
12. I suppose you got the permission of all the land-owners, through which the line passes, to make the extension? The land belongs to ourselves.
13. *Chairman.*] What is the length of the line? About half-a-mile.
14. It passes through no land except that owned by yourselves? That is so.

William Forrester called in, sworn, and examined:—

15. *Chairman.*] You are one of the proprietors of the Warwick Farm Racecourse? Yes.
16. How many other gentlemen are there associated with you? There are several others besides myself.
17. Mr. Oatley and Mr. John Thompson are two of them? Yes.
18. You are desirous of constructing a railway line from the main southern line to the Warwick Farm Racecourse? Yes.
19. You believe that the construction of that line will prove a very great benefit and convenience to the public? Very much so.

- Mr. W. Forrester.
25 June, 1889.
20. It will also be a source of revenue to the Railway Department? Yes.
21. You have heard of no objection on the part of the Railway Commissioners or anyone else to the construction of this line? I have not heard of any.
22. You have made proper provision for the safety of the public at those places where the line crosses public roads? Yes.
23. *Mr. O'Sullivan.*] I suppose you gave due notice that you were going to construct this line? Yes.
24. As you are the only owners of the land between the Government railway and the racecourse no one could object to your making the line? The line runs through our leasehold and freehold property. We have twenty-one years' tenure of our leasehold.

Charles Cowdery called in, sworn, and examined:—

- Mr. C. Cowdery.
25 June, 1889.
25. *Chairman.*] You have been acting as engineer for the construction of a line from the main southern line to the Warwick Farm Racecourse, for which it is proposed to get the sanction of the Legislature? Yes.
26. Has that been constructed on the same lines as those upon which the Government railways are constructed? Yes.
27. The gauge is 4 ft. 8½ in., sidings have been made, and every precaution has been taken to secure the safety of people travelling upon the line? Yes.
28. The permanent-way is the same as that of the Government railways? Precisely the same. It was obtained from the Government, and inspected by their officers.
29. Do you produce any plans? I produce a plan and section of the line. [*Produced.*]
30. *Mr. O'Sullivan.*] From what point does the line start? From 21 miles 21 chains on the southern line.
31. *Chairman.*] What is the total length of the extension? 62 chains.
32. There has been no objection raised to the construction of the line? None whatever.
33. As a matter of fact the Commissioners have given their permission, and have run their trains over the line? Yes.
34. *Mr. Taylor.*] Are you aware whether Government inspectors visited this line? Yes. I was present when they did so. They did so before a train was allowed to run on it.

Charles Cecil Read sworn and examined:—

- Mr. C. C. Read.
25 June, 1889.
35. *Chairman.*] You are acting as solicitor for the proprietors of the Warwick Farm Racecourse? I am.
36. The Bill which you seek to have passed into law is the Bill which has been drafted by you? Yes, and settled by counsel.
37. As a matter of fact the line—the construction of which this Bill proposes to legalize—has been already constructed? It has.
38. You, I believe, took so much interest in the construction of this branch line that you made it your business to interview the Secretary for Railways so as to obtain the necessary permission to run trains over it? I not only interviewed the Secretary, but I also interviewed the Commissioners.
39. And they offered no objection at all? Not only that, but they also granted permission for trains to be run on it.
40. Until this Bill has been passed through Parliament? On one occasion, on Saturday week.
41. As a matter of fact the line can only interfere with the public at the crossing of the main southern road? Yes.
42. And precautions have been taken for their safety? Yes. Men were stationed at the gate to ensure the safety of the public.
43. Are you aware whether the Commissioners visited the line before trains were run on it? Only from hearsay.

1889.

LEGISLATIVE ASSEMBLY,
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

WEST WALLSEND COAL COMPANY
(LIMITED) BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
24 *September*, 1889.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1889.

1889.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 91. THURSDAY, 12 SEPTEMBER, 1889.

6. WEST WALLSEND COAL COMPANY (LIMITED) BILL (*Formal Motion*) :—*Mr. Creer*, for *Mr. Burns*, moved, pursuant to Notice,—
- (1.) That a Select Committee be appointed, with power to send for papers and persons, to inquire into and report upon the West Wallsend Coal Company (Limited) Bill.
- (2.) That such Committee consist of *Mr. Alexander Brown*, *Mr. Colls*, *Mr. Creer*, *Mr. Davis*, *Mr. Ewing*, *Mr. Fletcher*, *Mr. Hugh Taylor*, *Mr. Scobie*, *Mr. Waddell*, and the Mover.
- Question put and passed.
-

VOTES No. 95. TUESDAY, 24 SEPTEMBER, 1889.

3. WEST WALLSEND COAL COMPANY (LIMITED) BILL :—*Mr. Burns*, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before the Select Committee for whose consideration and report this Bill was referred on 12th September, 1889, together with a copy of the Bill as agreed to by the Committee.
- Ordered to be printed.
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1889.

WEST WALLSEND COAL COMPANY (LIMITED) BILL.

 REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 12th September, 1889, the "*West Wallsend Coal Company (Limited) Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose evidence will be found appended hereto) and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several clauses of the Bill in which it was not deemed necessary to make any amendment.

* See list,
page 4.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

J. F. BURNS,
Chairman.

No. 3 Committee Room,
Sydney, 24 September, 1889.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 18 SEPTEMBER, 1889.

MEMBERS PRESENT:—

Mr. Burns, | Mr. Scobie.

[In the absence of a quorum, the meeting called for this day lapsed.]

TUESDAY, 24 SEPTEMBER, 1889.

MEMBERS PRESENT:—

Mr. Burns, | Mr. Colls,
Mr. Scobie, | Mr. Creer,
 | Mr. Waddell.

Mr. Burns called to the Chair.
Entry from Votes and Proceedings appointing the Committee *read* by the Clerk.
Printed copies of the Bill *referred*, together with original Petition to introduce the same before the Committee.
Bill. Present:—George Edward Browne, Esq. (Messrs. Stephen, Jaques, and Stephen), *Solicitors for the*
John Maitland Paxton (Secretary to the West Wallsend Coal Company, Limited), called in, sworn, and examined.
Witness withdrew.
George Edward Browne sworn and examined.
Room cleared.
Preamble considered.
Question:—“That this Preamble stand part of the Bill”,—put and passed.
Solicitor called in and informed.
Clauses 1 to 3 read and agreed to.
Title read and agreed to.
Chairman to report to the House.

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1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

WEST WALLSEND COAL COMPANY'S BILL.

TUESDAY, 24 SEPTEMBER, 1889.

Present:—

Mr. BURNS,	|	Mr. COLLS,
Mr. CREER,	|	Mr. SCOTIE,

MR. BURNS IN THE CHAIR.

Mr. John Maitland Paxton called in, sworn, and examined:—

1. *Chairman.*] What position do you occupy in connection with the West Wallsend Coal Company? I am manager. Mr.
J. M. Paxton.
24 Sept., 1889.
2. The Company have petitioned Parliament for a Bill, to confirm the removal of their registered office, from Newcastle to Sydney, and providing that the articles of association held by the Company shall be to the same effect as if they had been the original registered articles? Yes.
3. I presume that the reason for applying for this Bill is that you find it inconvenient to have a registered office at Newcastle instead of at Sydney? Yes, the office has already been removed to Sydney, and the Bill is intended to confirm the removal. It has been impossible to get quorums at the annual and half-yearly meeting at Newcastle as the great bulk of the shareholders reside at Sydney.
4. You find that you could not carry on your business so well at Newcastle as you can at Sydney? Yes.
5. And you have been forced to hold meetings in Sydney? Yes.
6. Then as to the articles of association what you propose is to give effect to some technical omission in adopting the articles at the right time? Quite so, that is the object.

George Edward Browne called in, sworn, and examined:—

7. *Chairman.*] I believe that you hold some position in the firm of Stephen, Jaques, and Stephen? Yes. G. E. Browne.
24 Sept., 1889.
8. Are you a solicitor? Yes; I am a partner in the firm.
9. And your firm are acting on behalf of the Company as solicitors? Yes.
10. Have you read this Bill? Yes; I drew the Bill.
11. The second clause of the Bill has relation to the articles of association;—will you explain why it is necessary to have this provision? Because the articles adopted by the Company were not those that were adopted at the time when the memorandum was signed; in other words, no articles were adopted with the memorandum. The memorandum was filed by itself; therefore table A of the Company's Act applied. There is no provision in table A giving the Company power to issue preference shares, and although in the articles which were adopted immediately after the registration of the Company such a power was given, yet it would be illegal because the articles must contain such a power as they were originally filed.
12. The object of the Bill is to make good that technical omission? Yes; it is to make the articles of association of the same effect as if they had been filed in the first instance, giving the power to which I have referred.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MILITARY FORCES OF THE COLONY.
(REPORT FOR 1888.)

Ordered by the Legislative Assembly to be printed, 2 May, 1889.

REPORT of the Major-General Commanding on the Military Forces of New South Wales for the year 1888.

The strength of the Permanent Artillery on the 1st of the current year was 422, of an establishment of 500 all ranks, being a material increase over previous year. The number of recruits enlisted was 114, and no special difficulty will exist in completing the establishment, which I understand has been somewhat delayed in consequence of the increased discrimination practised in selection.

The non-effective list is made up of 28 desertions, 3 deaths, and 28 discharges—total 59, as compared with 92 in 1887.

The synopsis of discharges indicates that men have left the corps for the following causes:—

Termination of limited engagement	11
Medically unfit	3
Incorrigible and worthless	5
By purchase	5
Spec discharge	2
Services no longer required	2
Misconduct	2
Transferred	7
	37

The number of courts-martial amounted to 27, and summary awards by Commanding Officer to 31, as compared respectively with 30 and 27 of previous year. Considering the large increase to the corps, this comparison may be regarded as indicating a general improvement in conduct.

All the officers, except one, have now completed a course of instruction under Colonel Bingham, R.A., the Chief Instructor, and succeeded in securing first-class certificates. 2 sergeant-majors, 1 quartermaster-sergeant, 11 sergeants, 18 corporals, 13 bombardiers, 17 acting bombardiers, and 212 gunners have also been under instruction—making a total of 281 of all ranks. Out of that number, 43 have received first-class certificates, 14 second-class, and 6 third-class. It is gratifying to note that Colonel Bingham speaks highly of the attention and obedience accorded him by all ranks whilst in the performance of his instructional duties. This officer has also attended all inspections and parades of the Volunteer Artillery, and generally instructed that corps.

The knowledge and practice of a proper system of interior economy has been demonstrated to be defective, and steps have been taken to secure an improvement in this respect.

Towards the close of last year thirty horses were purchased by a Board, consisting of Colonel Bingham, Major MacDonald, and Veterinary-Surgeon Scott, for the use of the field-battery which is now in course of organization, thus supplying a long-felt want, besides adding materially to the effectiveness of the field-force.

My annual inspection of the corps was fixed, as usual, for the last quarter of the year, but the despatch and long retention of the troops in Newcastle necessitated it being deferred until the present year.

Surgeon-Major Williams delivered a course of lectures and instruction to non-commissioned officers and men on stretcher and bearer drill, lasting over a period of two months.

In the latter portion of last year a small corps of Permanent Submarine Miners was formed, the establishment being fixed at 1 field officer, 1 captain, 1 sergeant-major, 1 sergeant-instructor, 4 corporals, 1 bugler, and 11 sappers; total, 24. Pending the construction of the submarine mining depôt, it has been found convenient to quarter the men in barracks at Dawes Battery, as being handy to Berry's Bay, where the daily duties are being carried on.

A corps of Permanent Mounted Infantry was similarly raised, the complement being—1 field officer, 1 captain, 1 sergeant, 2 corporals, 1 bugler, and 26 privates; total, 32. The Board previously noted also purchased horses for this corps, which are now being trained as speedily as possible at Victoria Barracks.

Hospital.

The condition of the Medical Department, as reported by Surgeon-Major Williams, is as follows:— During the year 207 men presented themselves for inspection, of which 23 were rejected as unfit, 153 were attested for the Permanent Artillery, 39 for the Permanent Mounted Infantry, and 12 for the Permanent Submarine Miners.

The general physique of these recruits shows an improvement over that of preceding year, and the average measurement, &c., points to a fine body of men:—

	Height.	Chest measurement.	Weight.
Artillery	5 ft. 8 $\frac{1}{2}$ in.	37 $\frac{1}{2}$ in.	10 st. 11 $\frac{1}{2}$ lb.
Miners	5 ft. 8 $\frac{1}{2}$ in.	36 $\frac{1}{2}$ in.	10 st. 6 $\frac{3}{4}$ lb.
Infantry	5 ft. 8 $\frac{1}{2}$ in.	37 in.	10 st. 6 $\frac{1}{2}$ lb.

Classes for gymnastic exercises have been organized for the instruction and training of recruits, with beneficial effect in developing the physique.

There were 227 admissions into the hospital, of which 219 were Artillery, 7 Mounted Infantry, and 1 Volunteer injured whilst in camp.

The following is the summary of diseases, many of which were, however, of a trifling nature:—

Respiratory organs—

Phthisis	4
Pleurisy	2
Cold	10
Sore throat	3
Pharyngitis	1
Total	20

Nervous diseases—

Lumbago	2
Mania	2
Epilepsy	1
Cerebral convulsions	1
Total	6

Genito-urinary organs—

Gonorrhœa	21
Secondary syphilis	3
Syphilis	3
Stricture urethra	3
Gleet	3
Soft chanere	3
Cystitis	1
Orchitis	1
Urethritis	1
Total	30

Injuries—

Concussion of the brain	1
Fracture of the femur, with humerus	1
Compound fracture of leg	1
Burns	1
Injury to elbow	1
Minor injuries	42
Total	47

Alimentary canal—

Jaundice	1
Diarrhœa	4
Toothache	1
Piles	2
Colic	3
Hernia	2
Constipation	1
Total	14

General

<i>General diseases—</i>	
Intemperance	22
Enlarged glands	5
Nil	4
Tumour cystic	1
Examination	20
Periostitis	2
Abscess	3
Whitlow	3
Measles	2
Hæmatemesis	1
Hæmorrhage	1
Cardiac syncope	1
Polyp. of ear	1
Congestion of liver	1
Rheumatism	6
Observation	1
Total	74

There were three deaths from hydatid tumour on the lung, pulmonary phthisis, and cerebral convulsions, respectively.

A marked decline is to be noted in the number of admissions from intemperance, viz., 22, as against 56 in 1887.

I inspected the hospital, and found it in a very creditable condition.

Water is now laid on through the Victoria Barracks, and the system of drainage has been completed and connected with the main sewers. It is a noteworthy fact that since this has been effected not a single case of enteric fever has to be recorded.

I inspected the Provost, and was satisfied with its condition and the manner in which the various duties were carried out.

The establishment of 3,907 shows an increase of 1,072 over that of previous year, and has been effected by the formation of six companies of Mounted Infantry, the transfer of eight companies of Reserves to the Infantry Regiments, and the enrolment of a small Medical Staff Corps.

Volunteers—
partially-paid

At my inspection I found the clothing, arms, and accoutrements generally in good order, excepting the accoutrements of Orange, Blayney, Molong, Ulladulla, Richmond, and Penrith Companies. Those of the 4th Regiment were, in many cases, below the standard. The Volunteer Artillery Band paraded in a slovenly manner. The continued laxity of the Molong Company in the above respect indicates that a change in the command is necessary.

The drill of the Volunteer Artillery was, as a rule, very fair, and in some cases good. I have again to point out the necessity of a Central School of Instruction, for without it this corps cannot attain that knowledge of its duties which is desirable.

The instruction of the Submarine Miners, both on whole and half-day parades, has, in the absence of a mining steamer, been limited to work on shore, but this disability will be shortly removed.

The Engineers have, as usual, done good work in exercises special to that branch of the service, including the construction and laying out of simple field-works, in knotting and lashing spars, signalling, &c.

The drill of the Infantry may be taken all round as extremely fair; but at my inspection of the 2nd Regiment I found that in extended order the officers' knowledge of the bugle sounds was defective.

The establishment of whole-day parades has proved of great value in affording time for manœuvring over extended areas and familiarizing officers and others with the topography of the country.

The clothing arrangements, which have lately been vested entirely and independently in commanding officers, have worked well, and are infinitely more satisfactory than those which previously obtained.

This force continues to maintain its character for good conduct and a wholesome spirit of subordination, and, in my opinion, furnishes a good return for the money and care spent upon it.

The strength of the Cavalry, Artillery, and Infantry Reserves, on the 1st January last, was 1,082, as against 2,352 of preceding year. This decadence is to be chiefly attributed to the transfer of one battery of Artillery and thirteen companies of Infantry to the partially-paid branch. Several corps also elected to become Rifle Companies, of which no less than fifty were formed last year, with active members numbering 1,431.

Reserves.

The Cavalry, one battery of Artillery, Scottish Rifles, and two or three Reserve companies of Infantry (exclusive of those transferred) have alone kept up an interest in their work. The drill of these corps may be generally termed fair. More care is required in fitting and keeping in order the buff belts, those of the Scottish Rifles having especially been found to be wanting in care and attention.

The carbines of the Cavalry in many cases show great neglect. The clothing of the Cavalry has been changed to the "bush" pattern, and, I think, with good effect. This branch of the Reserves promises to be a success, and should prove a material addition to the armed strength of the Colony.

The annual continuous training occupied nine days, commencing on Good Friday. The field force was encamped on the Rifle Range at Paddington, and was composed of—Staff, 33; two batteries of Field Artillery, 108; Engineers, 94; four regiments of Infantry, 1,585; Reserves, 164; total, 1,984. The usual camp was formed at Middle Head, and consisted of 217 Permanent Artillery, 393 Volunteer Artillery, 113 Submarine Miners, and 171 Infantry. At the former camp much useful work was done, and the ground lying between Botany and Sydney was systematically worked over. This afforded the troops the opportunity of familiarising themselves with the ground likely to be selected by an enemy in an advance on the city. The exercises and manœuvres were thus of more practical use than those usually carried out at camps removed from the possible theatre of operations. At Middle Head good work was also done in artillery and submarine mining; in the latter case real mines, connected with one of the permanent test-rooms of the harbour defence, were laid. A class of officers and men were employed in fitting up this room.

Continuous
training.

room and learning their duties. The officers were also instructed in laying out and buoying mine-fields in laying out mines, firing charges, making up charges, loading mines, fitting up electrical works of mines laying main cables, &c.; also in manipulating arc lamps and search-lights. The non-commissioned officers and men also worked well.

Good conduct, ready obedience, and intelligent interest in the work were common to both camps. The length of time under arms—the long marches performed under a hot sun without weakening the fighting strength of the field-force—was most encouraging.

Musketry.

The musketry returns for the past year show an improvement in shooting. The numbers who went through the course were—Engineers, 29; Submarine Miners, 8; 1st Regiment, 376; 2nd Regiment, 354; 3rd Regiment, 283; 4th Regiment, 334; total, 1,434. Of these there were 369 marksmen; 690 first-class shots; 516 second-class; and 228 third-class; with the following percentage—marksmen, 25·73; first-class, 48·12; second-class, 35·98; third-class, 15·89. The figures of merit show that the improvement has been progressive, and may in part be accounted for by the energy and interest displayed by Captain Cuthell, the officer instructor of musketry, and his staff of assistants, as also by the better attendance of officers and attention of others. In 1885 it was 26·79; 1886, 39·56; 1887, 63·93; and last year, 73·51. The best shot in the force is Corporal J. Jennings, of the Lambton Company, 4th Regiment, with a total of 138 points. The best shots of corps were as follow:—

Engineers, Sapper J. Menziowith	...	...	...	...	...	132 points.
Submarine Miners, Private J. Miles	...	...	...	...	...	117 "
1st Regiment, Private H. Jarvis, A Co.	...	...	...	...	...	135 "
2nd Regiment, Private R. East, C Co.	...	...	...	...	...	129 "
3rd Regiment, Private F. Cubitt, B Co.	...	...	...	...	...	135 "
4th Regiment, Corporal W. Seaward, B Co.	...	...	...	...	...	136 "

Ammunition and Stores.

The reserve of ammunition for B.L. and M.L. ordnance, machine guns, and small arms is maintained according to scale.

The officer commanding Submarine Mining Forces reports that he will be fairly well off for stores when those requisitioned for from Woolwich some months ago are received.

Major Blanchard, D.A.C.G. of Ordnance, points out that owing to the larger development of the Military Department it is pressingly requisite to fix upon a site and form a magazine station for the better security, care, and distribution of the large and costly store of ammunition on which the Colony has to depend in time of war. Meantime the service is carried on under great and increasing difficulties in respect to facilities for handling in receipt and issue. None at all exists for inspection, separation, airing, selection, and rejection of stock. Dry and secure magazines are required for gunpowder in bulk, filled gun-cartridges, small-arm cartridges, and filled shells. Detached buildings should be available for filling shells and gun-cartridges, examining ammunition, storage and examination of tubes, fuzes, lights, &c. Sheds are necessary for cleaning and painting projectiles. Shops for filling and reforming gun and rifle cartridges are required to complete means and appliances of the Ordnance Store Department. By the above it will be gathered that if the stores are all found fit for service in time of emergency it will be the result of accident rather than precaution.

General remarks.

In conclusion, I feel it my duty to again urge upon the Government the desirability of bringing in a Militia Bill, and providing a suitable rifle range for the Head-quarter force. The opening of the Centennial Park has crippled rifle-shooting, and it is now quite impossible to train troops to use their weapons in accordance with the enhanced principles of military science.

Many important changes and improvements have been effected in the organization of the forces during the past year, notably the provision of horses for the field-battery of the Permanent Artillery; the enrolment of a Permanent Corps of Submarine Miners under Lieutenant-Colonel Penrose, R.E., with command of the Submarine Mining Forces of the Colony; the enrolment of a corps of Permanent Mounted Infantry under Major Lassetter, of the South Staffordshire Regiment; the formation of six companies of partially-paid Mounted Infantry; the increase of the four Infantry Regiments from eight to ten companies each; the organization of a partially-paid Medical Staff Corps; the transfer of the Ordnance Store to the Colonial Secretary's Department, and its due subordination to the military authorities; the establishment of Reserve rifle companies throughout the Colony; the appointment of Colonel Bingham, R.A., as Firemaster for the periodical inspection of ordnance, ammunition, and stores, and who, in that capacity, has performed services of considerable value to the Colony; the appointment of a committee whose duty it has been to formulate a scheme of defence calculated for immediate adoption on outbreak of war; the establishment of a United Service Institute, intended for the higher education of officers in military and naval science and knowledge.

Although it is a matter for congratulation that so much has been done, at the same time there are further and pressing needs which must be complied with before the military service can be said to possess that complete and elastic organization necessary to efficiency, economy, and absolute preparedness for war.

JOHN. S. RICHARDSON,

Major-General.

April 15th, 1889.

1889.

NEW SOUTH WALES.

PROCEEDINGS

OF A

COURT OF INQUIRY

AND

GENERAL COURTS-MARTIAL

TOGETHER WITH ACTION TAKEN IN THE SUPREME COURT

IN THE CASE OF

No. 95, BRIGADE QUARTERMASTER-SERGEANT (NOW GUNNER) WILLIAM WEBSTER,
N.S.W. ARTILLERY.

 Presented to Parliament by Command.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

DISCIPLINE.

Court of Inquiry—Supply and Issue of Clothing, Permanent Artillery.

(89-58.)

The Major-General Commanding to His Excellency the Commander-in-Chief.

My Lord,

Head Quarters, 30 January, 1889.

I have the honor to submit for consideration the proceedings of a Board of Inquiry which I conceived it my duty to convene, for the purpose of investigation and report upon the supply and issue of clothing to the Permanent Artillery, as also the issue of compensation in lieu thereof.

2. In the matter of the latter your Excellency will note that the procedure appears to have been for Officers Commanding Batteries to send in to the Regimental authorities lists containing the names of men and articles for which compensation was desired. The enumeration of articles was then transferred, minus the names of claimants, to a requisition made out by the brigade quartermaster-sergeant (Mr. Webster), and by him submitted to the Officer Commanding Permanent Artillery for signature. This document was then sent to the contractor, who prepared the ordinary vouchers, specifying articles and contract price of the same, and after procuring the endorsement of the Officer Commanding Permanent Artillery, he presented them *direct* to the Treasury and received payment as for clothing actually supplied, which, I may remark, was not a true exposition of the transaction. The contractor finally handed over to Warrant-officer Webster two-thirds of the money thus received for payment to the men, and retained one-third, I suppose for his trouble in making out the voucher. Comment on this is unnecessary, and it is curious to note that during the preliminary investigation not one of those who should have been able to explain matters did so, and, in point of fact, it was only after repeated pressure that Mr. Webster could be prevailed upon to give the clue.

3. Mr. Webster has testified that when presenting compensation lists for signature he drew the attention of the Commanding Officer and the Adjutant to the improper way in which he deemed the contractor was obtaining money under this head; but both Colonel Roberts and Captain Savage repudiate the assertion.

4. As connected with the matter of compensation, your Excellency will observe that Mr. Webster has improperly appropriated the sum of £9 12s. 2d., the property of the Government. This sum he indicated, in the first instance, as having been paid him by the contractor as personal compensation for the year 1887. His attention was, however, drawn to the fact that he shortly afterwards received compensation in full, and he has been unable to satisfactorily explain a transaction which has now assumed the complexion of embezzlement.

5. I have to invite attention to the manner in which the work connected with the tailor's shop has been carried on. All clothing before issue must be fitted, and in many cases altered; this has been practically effected by Mr. Webster and the master tailor conjointly. It is true that Officers Commanding Batteries have, in some instances, superintended the fitting and altering, yet they have exercised no check over cost of the latter, which is really the main point that should have been attended to. The evidence goes to show that Mr. Webster was in the habit of assessing charges without reference to any one, and there is too much reason to fear that the large sums paid under this head are to be traced to dishonest manipulation.

6. The custom of allowing "remakes," by which is meant the taking to pieces of a garment, recutting, and putting it together again, was apparently introduced by Mr. Webster, who also assessed the charge for the same, as if made up from the piece. No such thing is permitted in the Imperial Service, nor is it borne out by local instructions, to which I shall presently refer.

7. Of the material supplied to the Permanent Artillery for the purpose of making up, &c., its use can only be associated with the presumably mythical garments thus alluded to by the Board:—"The master-tailor cannot possibly have done all the work he has charged for, even supposing that all the garments *said* to be made were made. The Board is of opinion the garments, to a very large number *said* to be made, *have not* been made, as they cannot be accounted for, nor are they in store, and they have not been issued." Reference to table IV. shows no less than 108 tunics, 76 pairs of cloth trousers, 85 pairs of serge trousers, 167 Norfolk jackets, 115 serge jumpers, and 6 patrol jackets have been apparently overcharged by the master-tailor, and representing a sum of £290 1s. 6d., which he now offers to refund.

8. The Board reports that the regimental store-books are kept in a discreditable manner, and are unreliable; and, further, that alterations have been made therein since the books, in the first instance, passed out of its charge. I, however, see no reason to question the record of the various quantities of clothing received from the contractors, &c., and from which stand-point this inquiry was conducted, inasmuch as a complete check on this is found in the pay accounts. Reference to tables I and III indicate that the balance of clothing which Mr. Webster has failed to account for stands at 15 tunics, 347 pairs of cloth trousers, 335 pairs serge trousers, 69 Norfolk jackets, 113 jumpers, the whole of which represent, with deficient material, no less a sum than £576 3s. 3d., or thereabouts.

9. The evidence given by Warrant-officer Webster and Sergeant Lyttleton is marked by evasion and untruthfulness, and the explanations they have offered are of the weakest character. The actuaries' figures are not to be seriously entertained, for they purport to show that, in certain cases, Mr. Webster issued clothing in excess of that received by him, and in those where he had issued less than the quantities received there is no attempt to account for the balance.

10. Mr. Webster attempts to lessen his responsibility (which, in the early stage of the inquiry, he fully accepted) for the conduct and control of the regimental store and tailor's shop, by fixing on the Commanding Officer and Adjutant, the act of giving to the clerk a duplicate key of the store and causing that person to sleep therein, whereas the evidence goes to prove that these arrangements were simply acceded to by the Regimental Authorities on the initiation and recommendation of Mr. Webster himself. He moreover made no complaint or representation as to the risks he was thereby incurring. In the same way, his complaint as to the inefficiency of his clerk, was only preferred about the time this inquiry commenced, and when he had reason to cast about for some one on whom it might be possible to shift the blame; and this in face of irregularities of which he now professes to have been previously acquainted, but were not reported by him.

11. It will be gathered from the annexed copies of Garrison orders of the 16th of February, 1882, the 9th of February, 7th of March, 5th of June, and 29th of June, 1883, that I issued full and complete instructions in the matter of the supply and issue of clothing, which, had they been obeyed, would have rendered the present situation impossible. For instance, the practice of "re-making" was introduced without proper authority sometime in 1885, and an exorbitant charge for the same permitted. Again, the procedure required by order of the 9th of February, 1883, has not been followed, and consequently the intended check on the master-tailor's work has been rendered futile.

12. The Pay Department has also been much to blame for passing and paying accounts which were not covered by the orders in question. That it did so on the endorsement of the Officer Commanding Permanent Artillery is no sufficient warrant for disobeying the orders of superior authority. Even this excuse is wanting in some instances, inasmuch that the Chief Paymaster has certified and paid clothing accounts which were not endorsed by any responsible person whatever.

13. That such a state of affairs as has been disclosed by this inquiry should have existed in the administration of the Permanent Artillery is, I think, a matter for grave concern. Moreover, to have allowed this Warrant Officer to occupy a position notoriously known to be peculiarly susceptible to temptation and malfeasance, and without the check and supervision of at least one officer of the corps was, I take it, neither just to the service nor to the individual.

14. It now becomes a question as to what course is to be taken in regard to Warrant-officer Webster and Sergeant Lytleton. They may either be tried by Court-martial or they may be dealt with by your Excellency under clauses 182 and 183, part V, of the Army Act of 1881.

15. Seeing that the evidence given before the Board of Inquiry was not on oath it may be more in accord with the principles of justice that Warrant-officer Webster's case should be adjudicated on by a Court-martial. Sergeant Lytleton having, in the absence of a quartermaster, performed his duties under the direction of Mr. Webster, and having offered all the restitution in his power might perhaps be dealt with summarily.

Awaiting instructions,

I have, &c.,

JOHN S. RICHARDSON,

Major-General Commanding.

Approved.—CARRINGTON, 6/2/89.

PROCEEDINGS of a Board of Inquiry assembled at Victoria Barracks on the 26th June, 1888, by order of Major-General Commanding, bearing date 19th June, 1888, to investigate and report upon the system of the supply and issue of clothing now in vogue to the New South Wales Artillery, together with the claims for compensation, and to suggest such alteration as may be necessary to place it upon a more simple and equitable basis.

President—Lieutenant-Colonel EDEN, P.S.

Members—Captain and Adjutant A. H. P. SAVAGE, N.S.W. A., Lieutenant LITTLE, P.S.

The Board having assembled pursuant to the above order, proceed to take evidence.

No. 95 Warrant-officer Quartermaster-sergeant Wm. Webster, N.S.W. A., states:—I am the Brigade Quartermaster-sergeant of the N.S.W. Artillery; clothing for the Permanent Artillery is usually obtained in the following manner:—Previous to the establishment of the Deputy Assistant Quartermaster-General's Department battery size rolls have been called for through the Pay and Quartermaster's Department, but since the establishment of the Deputy Assistant Quartermaster-General's Department these size rolls have been called for through that department; the clothing has been always issued in bulk to the regiment after being passed by a Garrison Board; a Regimental Board has then been held before the articles have been issued to batteries or individuals; the clothing year begins on the 1st April in each year; under the heading of clothing the rank and file are entitled to 1 cloth tunic, 1 serge Norfolk jacket, 1 pair of cloth trousers, 1 pair of serge trousers, 1 serge jumper, and 2 pairs of boots annually; sergeants are entitled to 1 cloth tunic, 1 pair of cloth trousers (these are of better quality than rank and file cloth), 1 pair of serge trousers, 1 serge Norfolk jacket, and 2 pairs of boots annually, and 1 cloth patrol jacket every second year; staff sergeants (1st class) are entitled to a better quality of cloth than sergeants, viz., "A" quality, and receive 1 cloth tunic, 1 cloth patrol jacket, 1 pair of cloth trousers, 1 pair of serge trousers, and 2 pairs of boots annually; after the clothing has been passed by the Regimental Board it has been fitted individually by the master-tailor and marked for alterations where necessary, and taken possession of by the battery quartermaster-sergeants, who sign my clothing-book when they take the clothing; in 1885, the troops having gone to the Soudan, the regiment for the time being was formed into a dépôt, and I took each man's signature in my clothing-book when his clothing was issued to him finally; the officers commanding batteries finally pass the clothing after alteration; Colonel Murphy finally passed the clothing in 1885-86; the following is the scale of charges allowed to the master-tailor for first fitting and subsequent alteration:—Cloth tunic, 1s. each; cloth trousers, 6d. each; serge trousers, 6d. each; serge jumper, 6d. each; Norfolk jacket, 9d. each; these amounts are paid to the master-tailor whether alterations are required or not; for any extensive alterations the following scale is allowed:—Rank and file tunic, 18s. each; sergeant's tunic, 19s. 6d. each; staff sergeant's tunic, £1 2s. each; band sergeant's tunic, £1 19s. 6d. each; band rank and file tunic, £1 9s. 6d. each; sergeant's patrol jacket, £1 2s. each; Norfolk jacket (serge), 11s. each; jumpers (serge), 6s. 6d. each; cloth trousers (all ranks), 7s. 6d. each; serge trousers (all ranks), 7s. each; for making and sewing on chevrons,

chevrons, 6d. per bar; for making and sewing on good conduct badges, 3d. per bar; for sewing on numerals, 2d. per pair; for sewing on sets buttons, repairs tunics, 8d. each; Norfolk jackets, 4d. each; jumpers, 4d. each; under the heading Extensive Alteration I should allow the full amount sanctioned if collar, cuffs, and sleeves of two tunics were taken off and remade; it is almost impossible to fix a price to meet every sort of alteration required, but from my knowledge of tailoring I assess an amount for the different alterations from the scale laid down above; the high rate as compared to that of the Imperial Service is rendered necessary from the enforced employment of civilian labour in the tailors' shop; the master tailor gets no allowance for altering or fitting any garment that is not issued from store.

The Board, at this stage, adjourned until Friday, the 29th instant.

SECOND DAY.

On Friday the 29th instant, the Board reassemble at 11 a.m., pursuant to adjournment. Present—the same members as on the 26th instant.

Brigade Quarter-master Sergeant Webster N.S.W. Artillery, is further examined:—I produce the Garrison Order of 5th June, 1883, which reads as follows:—Paragraph 1—The Commandant approves of charges against the public, at undermentioned rates, being made by the master tailor of Permanent Artillery for work done or to be done in connection with the mode of supplying and fitting clothing, viz., New South Wales Artillery—making staff-sergeant's cloth tunic complete, £1 2s.; making sergeant's tunic complete, 19s. 6d.; making trumpeter's, rank and file, tunics complete, 18s.; making band sergeant's tunic, £1 19s. 6d.; making rank and file (band), £1 9s. 6d.; jackets—making sergeant's patrol jackets, £1 2s.; to all ranks—Norfolk jackets (serge), making, 11s.; making serge jumpers to all ranks, 6s. 6d.; trousers—making, to all ranks, cloth trousers, 7s. 6d.; trousers (serge)—making, all ranks, 7s.; chevrons—making and sewing on chevrons, per bar, 6d.; making and sewing on G.C. badges, per badge, 3d.; embroidered shoulder numerals, per pair, 2d.; repairs—sewing on set of buttons, tunics, 8d. a set, Norfolk jackets 4d., jumpers 4d.; to fitting and alteration of garments at the rate under—cloth tunics 1s. each, cloth trousers 6d. each, serge trousers 6d. each, Norfolk jackets 9d. each, jumpers 6d. each; the material for making up or alterations is paid for by Government, and is ordered on the annual contracts, on requisitions as required; this, of course, is extra to amounts laid down as above; gas and fuel being also paid for by Government; the master tailor's accounts are first rendered to me, and I examine them and certify to their correctness or otherwise, and take them to the Brigade Adjutant for signature of the Colonel Commanding; the accounts are then forwarded to the paymaster for payment; copies of the accounts are filed in my office; at the present time there are employed in the master tailor's shop four civilian men and two females, and three soldiers, including master tailor; directly a recruit joins he is fitted with clothing from my store; the clothing is invariably new, because I have no casualty clothing to issue, the casualty clothing returned to my store being not fit for reissue in the majority of cases, and in other cases so much would require to be done to it in the way of repairs, &c., that it would not be worth while to incur the expense, but I have issued casualty clothing whenever possible; in 1884 a Board was held on the casualty clothing in store, and it was directed to be burnt, the buttons, &c., which could be made use of, being previously taken off; the number of casualty suits I have now on hand are as follows:—tunics 57, Norfolk jackets 51, jumpers 25, cloth trousers 14, serge trousers 17, band tunics 2, sergeant's tunic 1, patrol jacket 1; the annual Board of Survey on remain of clothing, &c., is due to be held next month, and it was my intention to apply for a Board to condemn the casualty clothing above mentioned; if a recruit joins on any day before the 31st December, he is issued with clothing, new or casualty as may be, and he is entitled to a fresh issue of clothing on the 1st April following; but by a recent order of the Major-General Commanding, any recruit joining between 1st January and 1st April is fitted with clothing, which must last him until the April twelve month, a period of fifteen months; the order is as follows:—"Garrison Order, paragraph 4, of 30 October, 1886. In future men joining the New South Wales Artillery, between the 1st January and 31st March inclusive, will receive complete suits of clothing, to last fifteen months, and compensation will be granted to them in addition for those three months, or such portion thereof from date of joining, at rate of annual contract." Previous to the above order recruits who joined between 1st January and 31st March had to make their clothing last fifteen months without any compensation whatever; claims for compensation are forwarded annually by officers commanding batteries in response to a regimental order issued for the purpose; the lists are accompanied by a certificate from each battery officer that he has examined the clothing, and that it is fit to last a further period of twelve months; about 1873 the first claims for compensation were forwarded to the then Commandant, and the amounts allowed and paid for at the end of clothing year by the Brigade paymaster; after this the Commandant directed the officer commanding Artillery to make his own arrangements with the contractor, and up to last year, 1887-88, since I have been brigade quarter-master-sergeant, the compensation lists have been taken by me to the contractor, who has paid me the money, which I have in turn paid over to the officers commanding batteries, and taken their receipts for.

W. WEBSTER, W.-O.

At this stage the Board adjourned until 11 a.m., on Monday, 2nd July.

THIRD DAY.

On Monday, 2nd July, the Board reassemble, pursuant to adjournment. Present—The same members as on the 30th June, 1888.

No. 95 *Warrant-officer Webster*, Quartermaster-sergeant, N.S.W. Artillery, is further examined:—The compensation claimed and allowed is generally paid within a month or so of the claim; the claimants do not wait the further period for which their clothing has been passed before receiving compensation; no mention is made when forwarding claims for compensation of claimants having been for any part of the previous clothing year in hospital by vice, or in cells, or provost; this has been the custom adopted as far

far as I can remember; there is no separate appointment of master-tailor in the regiment; a sergeant is detailed to act as master-tailor, and is available for ordinary sergeant's duties when required, and may be returned to his duty at any time; he is included in the ordinary roll of sergeants; he is struck off duty for special work of master-tailor; on account of the large number of men employed as officers' servants, telegraph operators, orderly-room clerks, orderlies, gun-cleaners at each detachment, and hospital orderlies, and warrant-officers, and those allowed to wear plain clothes, a large compensation list for clothing is annually submitted, whereas the duty men wear out their clothes very rapidly with very heavy guard and fatigue duties they have to perform; in my opinion the clothing issued to a recruit is not sufficient to last twelve months, with ordinary duty wear; I should like to call the attention of the Board to the following, and that is that under clothing regulations a man who is going to take his discharge between 1st April and 30th September is not entitled to compensation or to any issue of clothing for that period; but it often happens that a man does not give notice of his intention to take his discharge or of his desire to re-engage until about a month before his time is up, but I am under the impression that there is an order to the effect that when a man desires to re-engage he has to give a month's notice and pass the doctor; the canteen sergeant and other canteen non-commissioned officers are only entitled to rank and file clothing, and compensation for that clothing; I have not marked any articles of clothing in my store for the past three years; the clothing is marked by the Battery Quartermaster-sergeant (before issue to individuals), who charge 1s. 9d. for marking a complete kit, necessaries included for a recruit, and 1d. per article marked whenever issued after the recruit issue; the recruit issue and the annual issue of clothing is paid for by Government, but whenever any article requires remarking, or any new article is issued on payment, it is marked at the cost of the individual and charged to his account; I can produce no authority for this, but it has been the custom of the service here for the last fourteen years; the numerals for branding accoutrements, and iron stamps for boots, and stencil plates for great coats used in my store are purchased by Government through the incidental account; I receive nothing for marking any clothing or necessaries; the present system of clothing the regiment is in my opinion unsatisfactory; if a capitation allowance were made, and the regiment allowed to make their own contracts, I think there would be a great saving to the Government, and a better system could be instituted, which would give greater satisfaction to all concerned; the item for altering clothing would be infinitesimal as compared to the present arrangement.

W. WEBSTER, W.-O.

The Board at this stage adjourned until Wednesday morning next, the 4th instant, Lieutenant Little having to hand over quarters to-morrow, the 3rd instant.

FOURTH DAY.

On Wednesday, the 4th July, the Board re-assemble pursuant to adjournment. Present—the same members as on the 2nd instant.

No. 1429. *Sergeant John Lyttleton*, N.S.W. Artillery, states:—

I AM acting Master-tailor of the Permanent Artillery; I joined the regiment on the 29th May, 1855; when the annual clothing is received I have attended as a witness on the Regimental Board, held to examine the clothing before issue; after the issue of the clothing has been sanctioned, I attend at the brigade-quartermaster's store and fit the clothing to individuals by batteries, when I have fitted the clothing before the officers commanding batteries and made the necessary alterations my accounts are rendered by the Brigade Quartermaster-sergeant; if the clothing requires no alteration I do not get any allowance for fitting it; the list produced is what I am entitled to claim for making and altering clothing; the amounts I receive for remaking are as follows:—Sergeants' tunics, 18s. each; gunners' tunics, 16s. each; Norfolk jackets, 8s. each; I cannot remember what is allowed me for remaking each article; the officers commanding batteries determine the work to be done to each article, and the Brigade Quartermaster-sergeant assesses the amount to be charged; I keep no books myself, but the amounts assessed at the time when the alterations are determined are entered in the Quartermaster-sergeant's books, and when the work is completed vouchers are rendered, and I get the money from the Pay Office; I get no increase on the original estimate for altering any article no matter how many times it may be altered; I keep no check on the Brigade Quartermaster-sergeant's book, but take it for granted that the amounts I receive are correct, as they are made up from the amounts as put down when the alterations are determined and the amounts assessed; the vouchers are made out in the Brigade Quartermaster-sergeant's store, and I sign them as being correct; under the head of a remake I should consider the following as an ordinary case:—Tunic: collar off, cuffs off, taking in waist, taking off skirts, for during the time that such an alteration takes up I could make up a new tunic; trousers: taking flaps out, ripping up seams, and recutting; Norfolk jacket: same as tunics, with the exception of taking off skirts; jumpers: altering collars, taking out sleeves, putting new bands on; I employ about six civilian tailors in my shop, at a weekly cost of £2 5s. each and 1s. an hour overtime, one machinist (woman) at £1 5s. a week, and two soldiers at 10s. each a week, besides myself; the present system of clothing the regiment is, in my opinion, not satisfactory, as so much of the clothing has to be altered, and civilian labour is very expensive, and if each man were measured and fitted from these measurements the large expense of altering the clothing would be saved to a very great extent; I only determine the alterations required for a recruit's clothing; the men are paraded with their new clothing on, and I go round with the officer commanding each battery and mark the clothing for alteration then and there in his presence; the clothing is then returned for alteration, and when finished is again fitted, and passed or otherwise by the officer commanding the battery; I get no money for altering clothing until it is finally passed by the officers commanding batteries.

JOHN LYTTLETON,
Sergeant.

The Board at this stage adjourned until 11 o'clock the 5th instant.

FIFTH DAY.

On Thursday, the 5th instant, the Board reassemble pursuant to adjournment. Present—The same Members as on the 4th instant.

*Colonel W. W. Spalding, N.S.W. Artillery, states:—*I command No. 2 Battery, N.S.W. Artillery; whenever I have been in command of my battery at the annual issue of clothing it has been my custom to witness the fitting of all the clothing to the non-commissioned officers and men of the battery; as a rule the bulk of the clothing requires alteration, and sometimes considerable alteration, more especially as regards tunics—outside tunics; I am of opinion that 80 per cent. of the clothing does not require any alteration; this per centage is brought up by the fact that the serge jumpers do not, as a rule, require much alteration; when the repairs have been effected the men are again paraded before me, and I finally pass the clothing, which is then marked and issued to the individual; the sergeant-master tailor, as a rule, gives satisfaction in the manner in which he effects alterations, but there is great delay, as a rule, in getting the work done, due, as he informs me, to press of work; no accounts other than the master tailor's bill against individuals, which he furnishes to me monthly, are checked or paid by me; these bills are simply for repairs, &c., and have nothing to do with the annual issue alterations; a list of names of non-commissioned officers and men in the battery desiring to claim compensation in lieu of clothing is called for and obtained, together with the name of the article or articles for which they desire to be compensated; the men then parade with these articles of clothing, and if they are in first-class order and they have a second article that they can fall back on, their request is provisionally admitted, and the report containing the list of the names, &c., is sent on to the Artillery Brigade Office for final approval, and if approved, the men are subsequently paid, the money being handed over to me by the Brigade quartermaster-sergeant for that purpose; the men do not, as a rule, receive this money for several months, but the compensation allowance is, as a rule, paid before the time at which the clothing is intended to last; the men do not get full compensation—generally about two-thirds the value per article; in considering the claims for compensation, I make it a rule to restrict all such to good character men, and men whom I know take good care of their clothing; for instance, if a man claimed compensation for clothing who had served a long period of imprisonment, or who had been in the hospital by vice for any length of time, I should not recommend his claim, no matter in what state his clothing might be. The clothing is marked when issued by the battery quartermaster-sergeant at the rate of a 1d. per article, which is charged against the Government; the stamps for marking are purchased by Government, but the ink and paint is purchased by the battery quartermaster-sergeant; the present system of clothing the regiment is, in my opinion, most unsatisfactory, for the delay in supply of the clothing, especially in 1887, causes great inconvenience to the service and hardship on the men; I have had to strike men off guard, as they were practically in rags, due to the delay in the issue of clothing, and to keep them in barracks, as, in many cases, I did not feel justified in ordering them to purchase clothing, their clothing being so long overdue; great expense is also inflicted on the Government, due to the many necessary alterations required when the clothing is received, as it is supplied from size-rolls and not actual measurements; I am of opinion that it would be better in every way that a local contractor should be employed to supply and fit the clothing, subject to the approval of a board of officers composed of the officers commanding batteries and the Adjutant, whose decision should be final, and that a certain sum should be granted to this board of officers to clothe the regiment, calculated as a capitation allowance, and the board should have power to deal with all claims for compensation; the board should also have power to refuse any or all of the clothing supplied by the contractor, and that the contract should be for not less than three years, and that there should be penalty clauses for non-supply of clothing to dates contracted; unusually heavy work is brought on the clothing of the N. S. Wales Artillery, as there is a great deal of guard duty—heavy work in moving ordnance and stores of all descriptions, and working suits are not supplied to individuals; in my opinion the issue of part-worn clothing is hardly feasible in this country; the clothing deteriorates so rapidly in store, and gets moth-eaten; and with regard to the issue of part-worn trousers in a climate like this, I am of opinion that, for sanitary reasons alone, it should not be sanctioned, and that part-worn clothing should be destroyed periodically, after inspection by a regimental board, as it only tends to breed a nuisance, and causes useless labour in attempting to keep it in order.

The witness withdraws.

*Colonel G. J. Airey, N. S. W. Artillery, states:—*I command No. 1 Battery, N. S. W. Artillery; when the annual clothing is passed for issue, the non-commissioned officers and men of my battery are paraded before me, and the clothing is marked for alteration when necessary by the master tailor in my presence; I find, as a rule, that the clothing requires a great deal of alteration—in fact, almost every suit; I account for this from the fact that the clothing is obtained from size rolls, and not from individual measurements, and also from the large amount of changes that are constantly taking place in the regiment due to men taking their discharge, deserting, and others claiming compensation; when the clothing is altered, I, as the officer commanding the battery, generally pass the clothing finally, but it sometimes happens that these are issued with their clothing direct from the master tailor's shop without my knowledge; this is irregular, and I have taken measures to prevent its recurrence; as a rule, the master tailor gives satisfaction; a great delay however takes place before all the clothing is finally altered, due, I presume, to press of work; as some of the clothing which was due in April last is still not issued, owing to the alterations not having been finished; I have nothing to do with the accounts for the alteration of the annual issue of clothing; when forwarding claims for compensation for annual issue of clothing, I satisfy myself that the claimants are in possession of two sets of articles for which they claim compensation; which will do for guards and review order, and that they are in such good condition as to warrant the belief that they will last in good order until the next annual issue; I cannot say that I ever remember a case of a man claiming compensation who has served a term of imprisonment, or been for a long while in hospital by vice; the usual claimants are non-commissioned officers and men who are struck off for some particular duty; this of course does not refer to the large compensation list of 1886-87; when the list is finally approved, I receive the compensation allowance; about two-thirds value of each article is paid by the contractor to the brigade quartermaster-sergeant, who hands me the money, and I pay it to the men holding their receipt for it; with regard to alterations, I may say that the tunics and Norfolk jackets

jackets are the articles which require most alteration; trousers and jumpers are the best fits; in my opinion the present system of clothing the regiment is not satisfactory, seeing the tremendous delay in getting the clothing finally altered and fitted and issued; I would suggest that a local contract should be entered into by a Board of Clothing, to be composed of the officers commanding batteries, who are the principal people who are responsible for the clothing; the clothing would be made and fitted to individual measurement, and all claims for compensation and questions arising out of the clothing issued should be dealt with by the Board; the Board, in my opinion, should be furnished annually with a certain sum of money to enter into this contract, and that the opinion of the Board on questions of compensation, &c., should be considered final.

The witness withdraws.

At this stage the Board adjourn until Monday, the 9th instant.

SIXTH DAY.

On Monday, the 9th instant, the Board reassemble pursuant to adjournment. Present—The same Members as on the 5th July, 1888.

Sergeant Lyttleton is recalled and states:—

I HAND in an estimate showing in detail what the cost of each article of clothing would be if made up in the Colony from material purchased in the Colony. [This estimate is marked A, signed by the President, and attached to the Proceedings.] My Imperial service is 25 years 339 days; I served 11 years and 7 months as master-tailor before discharge in the 2nd Battalion 7th Royal Fusiliers; frequently and particularly with the last supply of clothing I have found that the tunics and Norfolk jackets, meant to fit men of a certain height, have been either too short or too long in the sleeves.

The witness withdraws.

Brigade Quartermaster-Sergeant Webster is recalled:—

I PRODUCE the rough notes from which I make up the master-tailor's bills, also my clothing-book, which shows the issue of all articles and the receipts for the same, initialed by individuals; whenever compensation has been allowed A.C. is placed in the column; the amounts paid for compensation and the signatures of individuals receiving compensation are not shown in the clothing-book but in separate battery-lists; I produce the battery compensation lists for 1887-88, which show that the following amounts have been paid for compensation:—No. 1 battery, £46 5s. 4d.; No. 2 battery, £19 4s. 7d.; No. 3 battery, £154 10s. 6d.; these amounts are paid by the contractor, and are at the rate of two-thirds value of the article as paid for by Government; the articles for which compensation is claimed and allowed are stored in my store and are used for recruits as they join, or deducted in the schedule for the following year; the contractor is in no way bound to pay any compensation claims, it is purely a personal matter between the contractor and the individuals to whom it is paid, though it is paid through a recognized channel.

Question by the Court:—Can you explain to the Court how it suits the contractor to give a cash two-thirds compensation for articles not required by any individual, which would have been issued to him had he needed them from those delivered and paid for?

A. No, I cannot. The contractors for clothing have never made any application for the return of the clothing for which they have paid compensation claims.

The witness withdraws.

The Board at this stage adjourns until Tuesday, the 10th instant.

On Tuesday, the 10th instant, the Board reassemble pursuant to adjournment. Present—The same Members as on Monday, the 9th instant; but owing to the absence of evidence from the contractor, they again adjourn until 11 a.m., Friday, the 13th instant.

On Friday, the 13th July, the Board reassemble pursuant to adjournment. Present—The same Members as on Tuesday, the 10th instant.

Colonel W. Spalding, N.S.W. Artillery, is recalled:—

Q. As the man claiming compensation receives two-thirds value of the clothing, in what way is the contractor recompensed?

A. To the best of my knowledge the contractor receives full payment, as if the clothing had been supplied as per contract prices.

Q. What becomes of the clothing for which compensation has been granted?

A. My impression is that it remains with the contractor; but not having anything to do with the care or custody of clothing outside my own battery stores, this impression may not be correct.

The witness withdraws.

The President produces a letter from Mr. Whitehouse, the representative of Henderson & Co., the clothing contractor for this year. This letter is read, marked B, signed by the President, and attached to the Proceedings.

Colonel W. Spalding, N.S.W. Artillery, is recalled and states:—With regard to my answer on the last question put to me, I would wish to modify that answer, as, since I left the room, I have seen papers and inquired into the matter, and now find that the whole of the clothing as indented for (annual issue) is supplied by the contractor to the brigade quartermaster's store and retained in his store; in the case of men receiving compensation it is paid by the contractor; the clothing for these men still remains in the quartermaster's store, and is available for issue to recruits, &c.; it appears to me that the contractor receives one-third more in cash than is paid to the soldier, simply for his trouble in making out vouchers; for example—a demand is made (say) for 400 suits, annual issue 1st April; the contractor supplies these 400 suits to the N.S.W. Artillery; sometime subsequent to the demand for the 400 suits being made, 100 men are allowed compensation in lieu of their clothing; they receive two-thirds money value, the contractor receiving from the Government full rates for the 100 men claiming compensation, the 100 suits still remaining in the brigade quartermaster's stores, available for issue to other men as required; consequently the Government pay for 500 suits, being recouped gradually for 100 suits, which are issued to recruits, &c.

The witness withdraws.

The Board at this stage adjourns until Wednesday, the 18th instant.

On Wednesday, the 18th instant, the Board re-assembled pursuant to adjournment. Present—The same Members as on the 10th instant.

Colonel Spalding, C.M.G., is again recalled, and states:—I am of opinion that, owing to the large amount of work which the battery quartermaster-sergeant and sergeants are called upon to perform in their patrol jackets that it would be more satisfactory to all parties were the patrol jackets issued every year to sergeants, and the tunic every other year, instead of the present arrangement.

The witness withdraws.

Mr. George Whitehouse, representing Messrs. Wm. Henderson & Co., the present contractors for clothing for the N.S.W. Artillery, states:—We receive from the Government stores a schedule for clothing required for the annual contract for the N.S.W. Artillery, which we tender for, and import direct to Government stores; when the clothing is received the clothing is passed by a Government Board, partly military, partly civil; after the clothing is passed by this Board it is forwarded by the Government Stores Department to Victoria Barracks, to the regimental authorities; when the clothing has been passed by the Government Board, our vouchers are forwarded by the Superintendent of Stores (Mr. Hopkins) to Victoria Barracks for signature of regimental authorities, and from there are forwarded to the Government stores, who pass them on to the Military Pay Office; and we receive payment in full (less discount) for the clothing supplied; we subsequently receive lists of names of men who are recommended for compensation in lieu of clothing; vouchers for the total amounts so claimed are then forwarded by us to the regimental authorities, Victoria Barracks, for signature and returned to us, which we present at the Treasury, and upon receipt of payment we hand over two-thirds cash to Mr. W. O. Webster, the Brigade Quartermaster-Sergeant of the N.S.W. Artillery, and take his receipt for the same; in the case of compensation claims for warrant officers the same routine is observed, except that we give full value for each article and retain the clothing, as the clothing for warrant officers is made up in our factory in the Colony; to my thinking, the present system of clothing the regiment is not a satisfactory one; the clothing should be supplied from individual measurements and made up in the Colony: the present system of making the clothing according to size rolls, causing a large expense for alterations when received, due to the fact that so many men take their discharge, &c., between the dates when the size rolls are made up and the receipt of the clothing; if such a system were to obtain, the large claims for compensation presented yearly would be to a very great extent simplified, and it would give greater satisfaction to all concerned; if this system were to be initiated, the contracts should be made to last from three to five years, as a yearly contract would not be worth any contractor's while to supply clothing to individual measurement and fit, having to obtain the materials in large quantities from England.

This would not be a precedent as the Police Force made-up clothing contract is for five years; the Post Office for three years, and the Telegraph for the same period, to the best of my belief.

GEO. WHITEHOUSE

(For Wm. HENDERSON & Co.),

18/7/88.

Colonel Spalding, C.M.G., is again recalled, and states: I am aware that the non-commissioned officers and men complain that they do not receive forage caps annually, as laid down in the regulations for supply of clothing and necessaries, 1881, under the head of periodical issues; at present a soldier only receives a forage cap on his joining the regiment; if promoted to the rank of sergeant he receives a band and button, but no cap; if re-engaged as a sergeant he again receives a band and button, but no cap; and in my opinion the same regulation that obtains in the Imperial Service should be adopted here, viz., an annual free issue of a cap to all ranks.

The witness withdraws.

Mr. C. Solomon, accountant, Military Pay Office, states: All vouchers for clothing supplied by the contractor for the New South Wales Artillery are paid by the Military Pay Office upon the certificate of the Officer Commanding Artillery Forces; I do not know if any of these vouchers are to cover claims for compensation.

compensation in lieu of clothing; all the vouchers are for full value of clothing, &c., supplied as per schedule rates; after the first payment for annual issue of clothing all vouchers received subsequently are for articles supplied by contractor on requisitions, at contract rates, and so certified by the Officer Commanding Artillery Forces.

18/7/88.

C. SOLOMON,
Accountant.

The Board at this stage adjourned until a date to be hereafter named by the President.

On the 20th July, 1888, the Board reassembled (by order of the President) pursuant to adjournment.

Present—The same members as on the 18th instant.

Colonel Chas. F. Roberts, C.M.G., Commanding Artillery Forces, states: I am of opinion that the clothing should be obtained by the Treasury from the Pinlico Clothing Dépôt from size rolls submitted by the regiment, and that there should be no local contractor at all; in the majority of cases men joining the regiment fill out after a few months, and if clothing were supplied from individual measurements it would require as much, if not more alteration, when received as if supplied from size rolls; the supply of clothing and everything connected with it should be matters to be considered solely by Military Boards; owing to the heavy fatigue work that has to be done by the men of the regiment in clearing and painting and moving guns and stores when grease and paint are constantly handled, I am of opinion that each man on joining the regiment should be issued with two canvas working suits, and one annually after first issue; the issue of a patrol-jacket every two years and a tunic every year to sergeants is a matter which might be altered with satisfaction to the sergeants by issuing a patrol-jacket every year, and a tunic every second year; the clothing should reach the regiment not later than the 1st January in each year, in order that the necessary alterations may be made by the 1st April, the date on which it is due for issue to the men.

The witness withdraws.

Report.

THE Board having carefully considered the evidence adduced, prefer the following report, viz. :—

1. That the clothing appears to be considered of good quality.
2. That an annual issue of forage caps is needed.
3. That an annual issue of patrol-jackets and a biennial issue of tunics to sergeants would be more acceptable than the present arrangement of an annual issue of tunics and a biennial issue of patrol-jackets.
4. That canvas working suits should be issued, owing to the heavy wear on clothing in guard and fatigue duties; the amount of clothing to be issued to each rank might be assessed at a later period, when it is seen what saving can be effected by the issue of the canvas clothing.

The evidence points out that no books have been kept by the master-tailor (his accounts having been merely assessed by a warrant-officer), that he appears to have drawn a money allowance for fitting clothes, whether they needed alteration or not, and that his charges have been high, especially when coupled with the fact that the material is supplied at the public expense.

That the contractor, except in the cases of warrant-officers, who get full amount, as their uniforms are local manufacture, gives through one person cash compensation of two-thirds for non-supplied clothing, for which he receives full cost from the Government.

That the casualty clothing is not of much avail for reissue.

These items the Board venture to consider material evidence that the present system is costly, cumbersome, not equitable to the public or conducive to a good tone of economy or efficiency, besides offering opportunity for collusion, of which up to the present no advantage seems to have been taken.

The Board are not very assured whether a simple capitulation arrangement, or a contract managed by the Deputy Assistant Quartermaster-general's Department or by the regimental authorities offers the best results; but it is quite convinced that a distinct advantage would be secured by the conclusion of a contract which shall provide that all clothing be made to measure and to fit by a contractor, taking his own measurements, who shall be responsible as to time of delivery and fit. A contract of this nature would give little satisfaction to the public, the regiment, or he by whom it was undertaken unless it could extend over at least three years.

This manner of supply would involve a higher cost per article, but it would dismiss the existing high cost of alterations now manipulated in the regimental tailors' shop (which would then be but required for the ordinary repairs, met by regimental stoppages).

T. M. EDEN, Lieut.-Colonel, President;
A. H. P. SAVAGE, Captain, } Members.
J. LITTLE, Lieutenant, }

Signed at Victoria Barracks, this 27th July, 1888.

The Board have but partially done their duty in regard to the investigation of those matters upon which they were required to report—for instance, it would appear in regard to the annual supply of clothing that the contractor supplies (say) a tunic on account of a certain gunner, for which the former receives the contract price from the Government; but subsequently the gunner elects to take from the contractor two-thirds of the cost of the tunic in place of the tunic itself. It is thus evident that the contractor has supplied this tunic to the Government for one-third of its value; and so it is with all articles of clothing for which compensation is given by the contractor. It is folly to suppose that any firm

firm would conduct business on such lines, and it will be the duty of the Board to ascertain how, and to what extent, the contractor is enabled to recoup himself for the loss. The regimental authorities and the Brigade Quartermaster-sergeant should be able to furnish the required information, as the system seems to have been in vogue some considerable time. In the matter of the master-tailor's charges for making, re-making, and fitting and altering, further information would seem desirable. Garrison Orders of the 5th and 26th of June, 1883 (attached), specify that certain charges are allowed for making and for fitting and altering. By whose authority has the item of "re-making" been introduced and prices charged for that description of work similar to those authorized for making wholly from the piece; also, why does the master-tailor receive an all-round price for every suit of clothing issued, whether the same requires alteration or not, and this apparently in addition to charges for altering, &c. What supervision do officers commanding batteries exercise in regard to the fitting and alterations of clothing for their men (including recruits), and are the master-tailor's charges on this account checked by them? It should also be ascertained how the material supplied to the tailor's shop is expended, what accounts are kept as a check upon same, and how articles supplied on purchase to officers and others are recouped to the Government; also, how, and by whom, the Brigade Quartermaster-sergeant's and the master-tailor's accounts are checked? It would be well to record the quantity of clothing paid for by the Government and received by the Permanent Artillery for the years 1885-86, 1886-87, and 1887-88; and, in point of fact, that the investigation generally should embrace those periods. For the assistance of the Board, books, accounts, &c., as per list attached, are forwarded to the President. I have considered it desirable to substitute Captain Sparrow in lieu of Captain Savage as a member of the Board (copy of order attached), as the latter officer will be required as a witness. It will be incumbent on Captain Sparrow to make himself thoroughly conversant with the previous proceedings of the Board.

JOHN S. RICHARDSON,
Major-General.

4 September, 1888.

Victoria Barracks, Sydney, 11:20 a.m., 8 September, 1888.

THE Board having re-assembled, in pursuance of General Order, No. 164, of the 7th instant, and Captain Sparrow, of the Permanent Mounted Infantry being present as a member in place of Captain Savage, of the Permanent Artillery, in accordance with General Order, No. 160, of the 1st instant, and all other members being present, proceed to peruse and consider the former proceedings, together with the remarks thereon attached by the Major-General Commanding. Having completed a careful examination of the matter contained on the text of the former proceedings, and this re-assembling having been delayed until 11:20 a.m. this day, owing to the absence, until that hour, of the books under seal needed for the first sitting, the Board (it being now the dinner-hour, and Saturday) now adjourns until 11 a.m. on Monday the 10th instant.

Victoria Barracks, Sydney, 10 September, 1888.

THE Board having re-assembled pursuant to adjournment, same members being present as on the 8th inst., its last sitting, proceed to check certain books brought to its attention, and generally (if possible) to arrive at some understanding of the manner in which they appear to have been kept, &c. The Board now adjourns (at the dinner-hour) until to-morrow at 11 a.m., an adjournment being also imperative owing to the necessary "books" connected with the inquiry being required by the Deputy Assistant Quartermaster General before 2 p.m., as per memo. to that effect now sent off with them (for receipt) by Orderly, Staff-sergeant Warren.

Victoria Barracks, Sydney, 11 September, 1888.

THE Board having re-assembled-pursuant to adjournment, the same members being present as on yesterday, the 10th instant, proceed to call witnesses.

Captain and Adjutant Savage, of the Permanent Artillery, appears to give evidence, and is questioned by the Board:—

Q. Can similar accounts of receipts and issues for preceding years (or an abstract of same) be produced showing similar account to those in the new book (Stock Book) before the Board, showing a stock balance, dated 6th July, 1887?

A. I cannot produce other than what is now before the Board. The "Stock Book" before the Board is a commencement of a new system in the regiment, and was instituted because previously, to arrive at a true statement of stock on hand, one had to wade through an amount of clothing-boards and battery clothing-books, &c.; there was no "abstract" kept before this book, so far as I know; Mr. Warrant-officer Webster may better explain to the Board, for he, the Brigade Quartermaster-sergeant, is directly responsible to the Officer Commanding the Regiment so far as the clothing department goes.

Q. Can you produce a detailed account of the charges furnished on account of the master-tailor according with the statement furnished by Mr. Warrant-officer Webster for £765 15s. 2d., dated 15th August, 1888?

A. I cannot.

Q. Did you present any vouchers supporting the master-tailor's charges of £765 15s. 2d. to Colonel Spalding (who was commanding officer at the time) for signature?

A. No, otherwise than that which passed through me in order to reach Colonel Spalding; but in point of fact they arrived for signature from Brigade Quartermaster-sergeant Webster, I not being responsible for their correctness; Colonel Spalding was commanding officer at time of signature of vouchers alluded to, these vouchers being only presented to the commanding officer.

Captain Savage withdraws.

Mr. Warrant-officer Webster, Permanent Artillery, Brigade Quartermaster-sergeant, appears to give evidence:—

Question by the Board:—Can you produce any previous abstracts of receipts and issues to those now before the Board for 1887-88?

A. Yes, in the old clothing book now before the Board; the balance of clothing (1887) is shown in this book by proceedings of the usual Board, 6th July, 1887.

Q. How many tunics had you in store at end of each clothing taking, 1885, 1886, 1887?

A. I cannot state, because my books are not balanced until the Survey Board has been held, which has hitherto been held at uncertain and various dates, for instance, viz., 6th July, 1887, and 13th August, 1888; there was no survey previous to those dates; I may state that I balanced my books on 31st March, 1886; there was no survey in that year.

Q. Can you produce the result of balance arrived at by you, 31st March, 1886?

A. It is shown in the detailed account indicated by battery quartermaster-sergeants or individuals.

Q. Can you furnish the Board with the detailed account from which the tailor's bills vouched for by you have been compiled, that is to the amount of £765 15s. 2d., dated 15th August, 1888?

A. I cannot produce them—particulars are shown in vouchers now before the Board; the master tailor receipts no books except the measurement book.

Q. Can you give balance of tunics on charge in stock for commencement of the clothing years 1885, 1886, 1887, 1888?

A. I cannot for 1885, because that was the "Contingent" year, and issues, &c., got so mixed that I could only for 1886 take what appeared on hand, namely, 10 tunics. In 1887 there were 397 tunics on stock, and this year 136.

Mr. Warrant-officer Webster withdraws.

As it has taken this last witness considerable effort and time to extract, from frequent reference to his books (on the Board's table), the last items of his evidence, hence occupying the Board's attention until 1 p.m., the Board now adjourned until 10.45 a.m. to-morrow. This adjournment being also rendered necessary by the other military duties demanding attention of two officers of this Board.

Victoria Barracks, Sydney, 12 September, 1888.

THE Board having reassembled, pursuant to adjournment, and the same members being present as on yesterday, the 11th instant, proceed to check certain vouchers and books, and stock and issues, &c.

The Board adjourns for the dinner hour, and resumes checking, &c., at 2 p.m.

At 3.30 p.m., the Board adjourns until 10.45 a.m. to-morrow; all papers and books connected therewith are left under charge of Lieutenant and Brigade Quartermaster Little.

T. M. EDEN, Lieut.-Colonel,
President, 12/9/88.

Victoria Barracks, Sydney, 13 September, 1888.

THE Board having reassembled, pursuant to its adjournment yesterday, and the same members being present as at its last sitting—(the hour of reassembling having been delayed by Lieutenant Brigade Quartermaster Little being in attendance on the Deputy Assistant Quartermaster-General, at the Agricultural Society's Grounds)—proceed to check certain extracts made during yesterday's proceedings, from the books of the brigade quartermaster sergeant, Permanent Artillery, and some explanation thereon being necessary.

Mr. Warrant-officer Webster is recalled to give evidence, and reappearing, is questioned:—

Q. Can you explain the blue pencil marks, apparently an (R) in blue pencil on an ink (M), in the clothing book, 1st November, 1887, for recruits, on first page of same?

A. The pencil mark in blue is an (M), and the ink letter is same inked in afterwards, by order of Commanding Officer, Permanent Artillery; but my clerk, Acting Bombardier C. Loveless, Permanent Artillery, can explain.

Acting Bombardier C. Loveless appears, in response to *Mr. Webster's* wishes, and states that "the ink is an (M), and was put in first, and afterwards an (R) in blue pencil I put on top, because to agree with rest of books; the price of (R) remake and (M) make are the same, which explains the appearance."

Bombardier C. Loveless, Permanent Artillery, withdraws.

Question to Mr. Warrant-officer Webster:—By whose authority has the item "re-marking" been introduced?

A. The authority is quoted by garrison order of 5th June, 1883, signed J. A. Compton, Acting Brigade Major.

Q. Why does the master tailor receive an all-round price for every suit of clothing issued, whether same requires alteration or not, and is this given in addition to extra charges for altering?

A. When, as sometimes happens, a one "re-make" charge, 18s., is made up of alterations to two or three garments, the master tailor does not get the stipulated 1s. besides this 18s.; there is no charge between the 1s. and 18s.; whether the term "remake" is mentioned in garrison order, 5th June, 1883, or not, has, nevertheless, been used in preferring vouchers and acknowledged by the pay office; about 75 per cent. of tunics of those sent are of such a bad size that alterations are necessary to this extent.

Q. What supervision do battery officers exercise over "fitting" and "alterations," and do they check the master-tailor's charges?

A. They do not check the master-tailor's accounts, and I prefer the master-tailor's charges straight to the Commanding Officer, who naturally, on my initial as correct, signs and forwards to Pay Office. A battery officer witnesses the marking by master-tailors for alteration, and, when altered, inspects to see if satisfactory. Any further alteration needed, the master-tailor has to complete at his own expense.

Q. How is the material, supplied to the master-tailors' shop, expended?

A. It is supplied by Government, and is expended as directed by me. The whole of the master-tailor's shop is under my sole charge and direction.

Q.

- q. How are articles, supplied on purchase to officers and others, recouped to Government?
- a. The accounts are forwarded initialed by Colonel Roberts or the Commanding Officer present, or the Adjutant, to the Pay Office. There is no money transactions on this item passes through me.
- q. How are the brigade quarter-master sergeant's accounts checked?
- a. The only inspection or check on my accounts and books is the annual general inspection, except from time to time occasionally Colonel Roberts has conducted a similar formal inspection; but this cannot be regarded as an inspection amounting to a check.

This witness (Mr. Warrant-Officer Webster) withdraws until re-assembling to-morrow.

The Board, at 1-25 p.m., as members urge necessity of attention to other duties, does now adjourn until 10-45 a.m. to-morrow, 14th instant.

Victoria Barracks, Sydney, 14 September, 1888.

THE Board having reassembled pursuant to adjournment, and the same members being present, proceed to read over its proceedings to date and make certain references to books and accounts as bearing on the evidence.

The Board sends for Master-tailor Lyttleton, of the Permanent Artillery, to be questioned on certain points.

Sergeant Master-tailor J. Lyttleton, of the Permanent Artillery, appears to give evidence:—

- q. Can you read, write, and keep accounts?
- a. Yes, if necessary.
- q. Then why is it that you have kept no accounts of your tailor's shop transactions?
- a. There was no occasion; Mr. Webster said he would only pay me according to his books; he dealt out to me say enough for so many garments, and issued me no more until I had made the garments equal to amount of cloth he gave me; I handed in to Colonel Roberts a statement, as nearly correct as I could make it, showing amount of material and garments made since 1885 to date; I am not certain, but I believe I received the per man 1s. for alteration; indeed this could not in any case cover the cost of alteration of any tunic they being invariably of a bad cut; I am allowed 18s. for a remake, that is, an extensive alteration; same price for making from the piece, as 1s. won't cover, hence all tunics requiring alteration either are charged 1s. 6d. or 18s.; I have been thinking of proposing a scale of charges by which it would be clear that at least £100 could be saved every year to the public; this reduction on the expenses of my shop would make no difference to my pocket.

This, the above, at witness' request, is read over to him. He affirms the statement.

q. *From the Board*:—You employ labour on your own account; how then do you know at what cost you are unless you keep accounts or some book?

a. I can tell without keeping a book; I receive no cash payments from Mr. Webster on account of Government work.

q. *From the Board*:—How are articles supplied on purchase to officers and others recouped to the Government?

a. I merely bill an officer, as for instance Major Taunton and Major Mackenzie the other day for field jackets, for cost of workmanship only, and any trimming, braid, &c., which I supply myself; I never have bought any trimming, braid, &c., from Mr. Webster for this or similar purpose; he only has supplied the cloth; in fact the officers for this kind of work pays my bill to me for the workmanship, and their debts for cloth for same is charged them through their accounts at the pay office.

At his request the above is read over to Sergeant Lyttleton, who intimates its correctness, and then withdraws.

Other duties, and the dinner-hour being passed, the Board now adjourns until 10-30 a.m., to-morrow, the 15th instant. Mr. Little undertakes the safe care, under lock and key, of the books, vouchers, &c., before the Board, and the President that of the proceedings and their attachments until re-assembling to-morrow.

14 September, 1888.

T.M.E., Lt.-Colonel,
President.

Victoria Barracks, Sydney, 15 September, 1888.

THE Board having reassembled pursuant to its adjournment yesterday, and the same members being present, called on *Mr. George Whitehouse*, of Messrs. Henderson & Co., contractors, who appears in response to the Board's letter of yesterday requesting his attendance, and is questioned by the Board:—

q. What amount of money did you pay Mr. Webster, Quartermaster-sergeant of the Permanent Artillery, as compensation in lieu of clothing, for the years 1886-7 and 1887-8?

a. My firm had nothing to do with it for 1886-7, but for following year I produce Mr. Webster's receipt for £229 12s. 7d., dated 2 June, 1887; and Captain Savage's order to pay him, dated 3 June, 1887.

Mr. Whitehouse hands this document to the Board, by whom they are compared with the evidence and returned to this witness. Mr. Whitehouse resumes his evidence:—"The Treasury paid us this £229 12s. 7d., and it amounts to two-thirds of the contract-price for the number of garments it represents compensation for."

q. You do not pay this two-thirds compensation until your vouchers for the clothing it represents are paid to you?

a. Certainly not.

q. Then you give cheque in full to Mr. Webster for two-thirds of contract price; but of course, do not also, besides this compensation, deliver the clothing to the Artillery, that is, charged for in these vouchers that cover the compensation money?

a. No.

q. It is stated very clearly among the several papers on this table that you have delivered, or at any rate the public has had, or have had to pay for 500 suits or tunics, in 1887. Pray explain this item?

a. We send to Government Store all clothing we supply, and are paid for it by the Treasury; the compensation is charged for as for clothing delivered, but of course it is not delivered; this £229 15s. 2d. represents so many garments as full charged for; that is, we give two-thirds cash, and retain for ourselves one-third.

q.

- q. Your firm's papers appear to admit that 500 tunics or suits were charged for in 1887.
- a. This number covers the compensation charged for; after the contracts 23 per cent. is deducted, then this division, two-thirds and one-third, follows; the Treasury insist on first receipt of this discount.
- q. Do you supply Mr. Webster with material for the master-tailor's shop?
- a. I do, including anything required for the manufacture of garments, and to some considerable amount, and am paid for it in the usual manner.
- q. Of course, you consider something considerable in cost would be saved to the Government were there no need for so many "re-makes"; in fact, if this portion of the master-tailor's shop were done away with.
- a. I think were the master-tailor not to make suits as at present doing, and that a contract existed to make to fit, a very large saving to Government would be effected by doing away with the master-tailor's shop. The measurement roll is scarcely rendered in time to secure an absolute attention for imported stuff. A firm taking the contract of this nature, to secure equal colour and shade, and give satisfaction, should have it granted for four or five years, as is prevailing with the Police and Post Office contracts, and, I think, the Tram and Railway Departments.

His answers to the above questions being read over to Mr. Whitehouse, who intimates their correctness, now withdraws.

Mr. Warrant-officer Webster being recalled, is questioned by the Board:—

- q. Can you show to the Board where in your books is any account of issue of clothing to the band?
- a. I cannot just put my hand on it now in the books (the witness during reply to this question occupies himself in referring to his books—the books, &c., in the Board's custody), but the Board of Survey will show. I believe they are included in the rank and file issue. They have only been supplied in present manner for two years, and were formerly made in the Colony.
- q. The 500 tunics received by you for the Artillery in 1887, of course, included those under the head of compensation?
- a. These 500, and those charged for by Messrs. Henderson are for those actually delivered to the Artillery—in fact, the compensation and the clothing delivered are two separate accounts.
- q. Then, it may be taken for granted, you consider the contractor to be obtaining money, say, improperly, at any rate in a manner opposed to the interests of Government, and you, no doubt, have pointed this out as your duty demanded?
- a. Yes, he does, no doubt, and I spoke about it. I pointed it out to the Adjutant and to the Colonel when furnishing compensation lists—that for simply putting in his voucher and getting his cheque, he cleared one-third cost on every garment about which he gave compensation.
- q. Then as to material supplied to the master-tailor's shop, and the astounding number of "re-makes," a doing away with the master-tailor's department to this extent would bring about a very large saving to the country in the cost it has to meet in supplying your regiment with clothing?
- a. Certainly, it would—for if the clothing were made in the Colony by a contract framed to arrange a delivery to fit, the service would be benefited, and a saving to Government would follow.
- q. Then the master-tailor must be making a good thing of his business?
- a. I do not think he is making a very good thing of it, as for the last two or three years very extensive alterations have been necessary; but I am conscious the system as at present could be revised.
- q. Why have you not balanced your books at a fixed and regular period, instead of waiting for assembly of a "Board of Survey"?
- a. There are no regulations about this, and I saw no necessity for a fixed period for balancing my books—in fact I have been left to myself, to my own discretion, to conduct the Quartermaster's department as best I might; have tried many a time from the Quartermaster-General's department for books, but could get no help. I have stood alone, without check, left to do the best my discretion prompted me. I have also had to perform barrack-master's duty for the brigade. There may have been items that have not been entered in my books through absence from office on other duties; and further, I may state, that I have to inspect rations daily at Mr. Kidman's at 4 p.m.; also that I have to leave my store and books open to any one. My clerk, he has a duplicate key to my drawer, and has permission to sleep in the store.

These answers to questions were read over on completion of each.

It being time for this warrant-officer to attend some regimental duty, and it being about the dinner-hour and Saturday, Mr. Webster withdraws, and the Board proceeds to compare certain evidence, and at 1 o'clock adjourns until Monday, the 17th September, 1888, at 10:30 a.m.

T. M. EDEN, Lieut.-Colonel,
15/9/88.

Victoria Barracks, Sydney, 17 September, 1888.

THE Board having re-assembled pursuant to its adjournment, and the same members being present as previous to its last adjournment, proceed to call evidence.

Lieutenant-Colonel J. G. Airey, Permanent Artillery, appears to give evidence, and is questioned by the Board:—

- q. Can you furnish any list, or copy of one, showing alterations of clothing?
- a. I cannot, nor can my Battery Quartermaster-sergeant.
- q. State how your battery receives its compensation?
- a. I get the amount due to my battery from Mr. Webster—that is, two-thirds of the contract price. I may add that no note is taken of particular alterations, but when they are completed we satisfy ourselves that the coat or garment fits.
- q. By whose authority has the item 18s. for "re-making" been made?
- a. I do not know. All these things are under the Commanding Officer's and Quartermaster-sergeant's department. The Quartermaster-sergeant's department is entirely under the Colonel and the Adjutant.

This witness withdraws, his evidence having been read over to him as each answer was taken down.

Battery Pay and Quartermaster-sergeant John Taylor, Permanent Artillery, appears to give evidence:—

Q. Can you inform the Board of the particulars, or give them any information, regarding alterations to clothing?

A. No; I keep no notes of alterations; it is not a battery matter; alterations are made, and when completed are brought before the Officer Commanding the battery for approval; we know nothing of charges incurred; nothing connected with it goes through the battery; say I take a man to Mr. Webster, a recruit perhaps, for a coat, then he goes to the master tailor if Mr. Webster settles it is required that alterations are necessary; he, Mr. Webster, has the settling of the whole thing; I am aware that perhaps two-thirds of the annual clothing requires alteration; this I know from my own observation of the necessity; I think the general run of clothing comes out too large.

By the Board:—Just examine under head of Gunner B. Hough, a Norfolk jacket, 1888, in the Brigade Quartermaster-sergeant's Issue Book, with similar article and date in the Battery Book, and explain, if possible, the apparent discrepancy?

A. E. Hough is charged in Brigade Quartermaster-sergeant's Books, issue 1888, with a Norfolk jacket, which is purported to be signed for under the item with my initials, whereas the initials are not mine; comparison with other initials of mine in same book shows the difference; this entry of a Norfolk jacket compared with Battery Book shows a difference, for in the Battery Book, under this garment, is marked a C, which stands for compensation; I produce compensation lists for 1888-89, and hand them to the Board, taking receipt for same; these lists show that Gunner Hough claimed compensation for four articles; hence, and as he received, and I have signed for in the Brigade Quartermaster-sergeant's Clothing Book, a pair of serge trousers, he could not have had the Norfolk jacket entered against him, and purported to be initialled for by me, which initials I declare not to be mine.

Question by the Board:—Just look at this Clothing Book here marked with pencil cross and line to indicate its whereabouts, you see entry "1" and a red pencilled "a," as though for a Norfolk jacket issued, do you notice anything attractive?

A. I can see there has been an erasure, probably a scratching out with a knife.

Q. Is there any custom in the Permanent Artillery regarding alterations or erasures in books or on returns?

A. Yes; it is customary when an alteration to an entry is to be made to scratch out in ink, insert the alteration in ink, then the same is initialled by some one responsible for the alteration made.

This witness withdraws, his evidence having been read over to him as it was taken down.

The Master Tailor, *Sergeant J. Lyttleton*, re-appears to give evidence, and is questioned by the Board:—

Q. When it was found that the regimental scale for alterations was not sufficient was any representation made to the authorities for a higher remuneration?

A. No.

Q. How was it determined that 18s. for a remake should always be charged when found the 1s. would not cover?

A. I took over the custom of 1s. or 18s. which was prevailing when I joined.

Q. Who determines the amount of alteration required by a garment?

A. The master tailor.

Q. Is there any check on your determination. Suppose you settled a remake which was not perhaps quite necessary, who could stop you?

A. My decision has to be acquiesced in by the Brigade Quartermaster-sergeant, Mr. Webster.

Q. You stated that if a system you could suggest was adopted £100 per annum at least would be saved to the Government, and yet would not make any difference to your pocket—how do you explain so strange a fact?

A. According to the list I now produce it will be seen I had say for tunics to charge either 1s. or 18s., whereas I now propose four different charges, viz., 1s., 2s. 6d., 7s. 6d., and 13s. 6d. I have no doubt I can get work done to meet this reduced charge of 13s. 6d. for a remake. The Government would be a gainer.

Q. But how about the 4s. 6d. difference between 18s. and 13s. 6d.?

A. I see now I should not have the 4s. 6d. difference; I have hitherto been obliged to charge 18s. because: of course the 1s. was absurd.

Q. You have done work for warrant officers—did you ever make a patrol jacket for Mr. Webster?

A. I have made certain articles for warrant officers.

Q. How are these charged for?

A. I did not get any money for them, but Mr. Green paid £1; I got the materials from Mr. Webster.

Q. When you make a charge, what is it for?

A. For only the workmanship; in these cases Mr. Webster supplied me with only the serge or cloth; I have made none this year; though, now I recollect, it was during the last camp. I think were the Government to import cloth and contract with a tailor to make a fit, giving him only sufficient amount to make quantity required.

This witness withdraws, his evidence having been read over to him as taken down.

Captain Sparrow being required at the military staff office at 2 p.m., and it being now 1 p.m., the Board now adjourn until 10.30 a.m. to-morrow, the 18th September, 1888.

T.M.E., Lt.-Col.

Victoria Barracks, Sydney, 18 September, 1888.

THE Board having reassembled, pursuant to its adjournment, proceed (the same officers being present as on previous adjournment) to call on Mr. Webster for some explanation as to certain items for consideration.

Mr. Warrant-officer Webster, Brigade Quartermaster-sergeant, reappears, and is questioned by the Board:—

Q. Can you explain an apparent discrepancy of £9 12s. 2d. which appears between the cheque for £229 12s. 7d. and the amount you handed over to the Battery Commanders, of £220 0s. 5d. for compensation?

A. Yes; that sum represents my own "compensation," which Henderson, when paying me for the usual compensation, added on to the cheque as a convenient way of paying me.

Q. How is the money recovered to Government for garments made from material supplied at Government expense. Explain the whole arrangement?

A. Any article of clothing that has been made up by the master tailor for material supplied by the Government is charged against that man in his battery pay ledger in lump; it is stopped and charged against his battery; I presume the pay office recoup the Government; but I have nothing to do but render the proper charges, which I have always done; myself, Mr. Green, Mr. Bennett, and Mr. Griffith, for instance, they had serge fatigue jackets made, that is 2½ yards; the cost of this serge has been debited them through their battery accounts; the master tailor's charges for these garments were paid by themselves; this is during this year 1888; the cost of cloth supplied at Government expense is recovered by stoppage of pay against the interested individuals through their battery and pay-office accounts, I, myself, furnishing the items to be so charged for.

Mr. Webster withdraws, having, as taken down, had the evidence read to him.

Captain and Adjutant Savage, of the Permanent Artillery, arriving with some papers, "Boards of Survey, &c.," he deems may be useful to the Board, is questioned:—

Q. State how charges for articles made in the master tailor's shop are dealt with for payment?

A. They are of two kinds—that is, for work and for material, two separate charges; and the money is stopped through the battery pay-sheets. Mr. Webster furnishes the items to be charged for. A requisition for items of this nature is furnished from the battery commanding officer.

His evidence being read over, this witness withdraws.

Mr. Solomon, Military Accountant, having arrived in response to telephonic message, appears to give evidence, and is questioned by the Board:—

Q. Has any charge for material used in making warrant-officers' clothing been credited to the public this year?

A. It has not. The only amounts that have been recovered through the battery pay lists are shown on the statements I handed to the General, and which I believe you will find amongst the papers rendered to your Board. There is a list for material regarding officers' clothing outstanding only, and so far as the individual officers have not yet had the amounts stopped from their pay.

This evidence being read over, Mr. Solomon withdraws.

Mr. Warrant-officer Webster, being recalled, is questioned by the Board:—

Q. Can you show the Board how the materials used in making up certain garments for warrant-officers has been accounted for?

A. I cannot now; but with the permission of Colonel can refer to ledgers, &c., and supply the information at next meeting of the Board.

Q. Can you explain why a Norfolk jacket has been debited against Gunner Hough, No. 1 Battery for the present year, and compensation is about being claimed by him?

A. This man was originally in for compensation and then got permission from officer commanding No. 1 Battery to receive a Norfolk jacket. This Norfolk jacket was fitted to the man in the brigade store and noted for alteration. I may state that with reference to this clothing book the compensation is not yet dealt with.

Q. Whose are the initials under this receipt for a Norfolk jacket to Gunner Hough?

A. They are those of Battery Quartermaster-sergeant J. Taylor. The erasure by knife was done by me, and was necessitated by having to remove the C, which was for compensation, in order to insert Ia. for the issue of a Norfolk jacket for alteration.

Q. Did Quartermaster-sergeant Jno. Taylor initial, as now appears in the Norfolk jacket column in your presence?

A. He, the Battery Quartermaster-sergeant J. Taylor put those initials in my presence.

Q. Is it general to get a requisition from battery officers?

A. I get a requisition, and give the orders to the master tailor—say cloth for instance at end of month is balanced, no one can go to the master tailor for anything required to be done by him with Government staff without my permission.

Captain Sparrow being required for mounted infantry duties this afternoon, and it being 1 o'clock, and this officer being for court-martial duty to-morrow the 19th instant, the Board now adjourned until 11 a.m. the 20th instant.

Victoria Barracks, Sydney, 20th September.

THE Board having met pursuant to its adjournment, and the same officers being present as on last assembly proceed to compare certain evidence and documents, and then the paper promised by Mr. Whitehouse not being to hand, and the Permanent Artillery being absent at Newcastle with Mr. Webster, and other evidence, adjourns pending instructions from the general officer commanding. The President to report this stage to the convening officer.

The President having received the Major-General's instructions to proceed as far as possible the absence of the Artillery nevertheless, re-assembles the Board at 11 a.m. this day, the 25th September, 1888.

Victoria Barracks, 25 September, 1888.

THE Board having re-assembled, and the same members being present as at the last meeting, proceed to take evidence—and call the master-tailor, *Sergeant Jno. Lyttleton*, of the Permanent Artillery, to re-appear. This non-commissioned officer having kept the Board waiting over a quarter of an hour, re-appears and is questioned by the Board.

Q. Were you aware at the time you sent in your bills that you could have done the work at a less price.

A. I was not.

Q. But you have proposed a scale representing a less price for work: how then is this answer to be explained; and did you demand the 18s. for re-make?

A. I demanded the 18s. for re-make, and am the person who assessed the charge—indeed I do all charges. It only came into my head to reduce charges the other day. I do not say I can make the scale I gave the Board pay me, but it might be tried. I reckon I make about 25s. to 30s. a week by my shop. I have run some times as much as seven months without payment due to me being paid, the accounts not being made out—not that it made me hard up at the time.

Q. Had you to estimate, say for twelve months, what your weekly wage account would amount to—what do you think would be a fair average for a week that you should reckon as likely you would have to meet?

A. Never less than £9 as an average. I keep no wage-book, but I know what I spend for workmen.

Q. State an amount representing the average sum you take per month for private work, such as, for instance, work done for officers and warrant-officers?

A. Some months I take £2 5s., seldom £3. It has never amounted to £1 a month at outside, including everything; sometimes only 15s. a battery—well, say £4 a month as an outside figure.

Q. Had this scale of charges for alterations you have proposed existed, a great loss to the public would not have taken place. Explain yourself?

A. The alterations at these charges could have been done of course; a larger alteration could have been made for 2s. 6d. than for 1s. charged for, and a larger alteration still for 7s. 6d., and the extreme price would have been 13s. 6d.—that is, it may possibly be done for that.

Q. Did it never strike you when occupied over re-makes that you could do them for less than the charges you have demanded?

A. I only say it could be done. Perhaps it might suit other people; but I would only give it a trial at these reduced rates, as proposed on my scale, which I handed to the Board the other day. If all were re-makes, say £350 suits, £271 5s. would be saved the Government. This list will show what I mean. [The Board receives this list, which is signed by the President and attached.]

Difference between	£	s.	d.
350 tunics at 18/-	}
350 " 13/6-			
350 Norfolks at 11/-	}
350 " 7/6-			
350 Jumpers at 6/6	}
350 " 3/6			
350 Cloth trousers at 7/6	}
350 " 5/-			
350 Serge trousers at 7/-	}
350 " 5/-			
			£271 5 0

Handed in by master-tailor to Board:—T. M. Ebert, Lieutenant-Colonel, 25 Sept., 1888.

Q. Well, you appear by your signatures and evidence to have only had some £345 profit on your business for twelve months?

A. I do not get £300 clear for my pocket. I only cleared about £140 to £150.

Q. Then who got the balance. You could not be mistaken as to the profit you make, which you say was about £150 or £140?

A. I acknowledge that were my work done direct with the batteries, and no other department between, the work would be cheaper to Government.

Q. What department?

A. Well, the Brigade Quartermaster's. As to the amount you show as my profit, I cannot account for it, unless it is that I must have paid for more work than I have said.

Q. But that will not, even if you have spent another £2 a week for wages, as you now are endeavouring to allege, account for all the money you appear to have received?

A. I think on consideration it would take £11, not £9 for weekly wages. I had in my first and second years, that is 1885-86, and 1886 to 1887, for I took over about time of the Contingent, £150 profit, and I think I may a few times have made £2 a week. I do not spend—I should think not!—£300 a year on private expenses when I wait for my money for my bills. 'Tis all right, for my wife has a tidy bit of money—I married a woman with a little money. I cannot account for this profit being figured out to so much.

Q. Explain how it is that during the time of the previous master-tailor there was a less percentage of re-makes?

A. Oh, in his time they were all big men, so no need for many alterations; now the men are smaller, so there is plenty of alterations—nearly every tunic is too large.

Q. Your bill of £765 14s. 2d. for the last twelve months, added to what you admit as gained for private work in the same period, viz., £48, makes a total of £813 odd s. d. Take the average wage account you have in evidence alleged to be £468, totalled, from this £813, and £345 remains, which you should be able to show where it has gone. To this £345 add your totalled pay and allowances,

viz.,

viz., £122, and £467 is the result. You assert you only clear £150 profit, which, added to your £122 pay, makes £272. This £272, taken from the £467, leaves a balance of £195 not accounted for. Will you explain this strange result?

A. I cannot.

The Board is now constrained to adjourn by its members being required for other duties.

Sergeant John Lyttleton is advised to take a few hours reconsideration in order that he may offer to-morrow some explanation of an item ignorance of which is not to his credit; and he then withdraws, and the Board adjourns until 11 a.m. to-morrow, the 26th instant.

Victoria Barracks, Sydney, 26 September, 1888.

THE Board having reassembled pursuant to its adjournment, and the same members being present as on its last meeting, proceed to take evidence, and send for Sergeant John Lyttleton, of the Permanent Artillery, who after some delay responds to the demand, and is questioned by the Court.

Q. With reference to the sum of £195 evidently received by your department, but which you said yesterday you were unable to account for, have you given this matter any further consideration so that the whereabouts of this profit clearly gotten by your department can be shown?

A. I could not if I was to try; I cannot explain; but them vouchers for £765 can't be right, I only had two payments this year.

By the Board:—Now, look at them one by one as they are marked (A to K) by Captain Sparrow, and see if the signatures to the receipts and correctness are yours.

This inspection completed, *Sergeant John Lyttleton* is questioned:—

Q. Do you admit the signatures on those vouchers marked A to K, which go to make up the sum £765 14s. 2d., which is the amount of the master-tailor's account for last twelve months, as furnished by Mr. Webster—you have admitted receiving this money—then, are the signatures you have inspected yours or not?

A. They are mine. I have inspected each on the vouchers marked A to K.

Q. Look at this book, called by its heading, "Clothing made by master-tailor"—did you keep this book?

A. No; a clerk of Mr. Webster's does. I have kept no books.

Q. When you first began to charge 18s. for "Remake," whether from the piece cloth provided for same or by altering tunics from store, who told you to make this exorbitant charge; remember you have admitted the price to be high?

A. Mr. Webster.

This witness withdraws.

Inspection of this book, just shown to the master-tailor, proves to the Board that the careless manner and its incompleteness is quite on a par with some of the other books laid before the Board.

There being to-day no other evidence available, the Board adjourned until Friday, 28th instant, at 11 a.m., when some more may have been arranged for record.

Victoria Barracks, Sydney, 28 September, 1888.

THE Board having reassembled, pursuant to its adjournment, proceeded to take evidence.

Mr. Daniel Beahan appears to give evidence, and is questioned by the Board:—

Q. Did you occupy the position of master-tailor of the New South Wales Artillery previous to the present, Sergeant John Lyttleton?

A. I was master-tailor to the Artillery seven years and about nine months; during that time I did not have for the first five years the clothing entirely under me.

Q. Can you give number of tunics in a twelvemonth required to be remade for the purpose of fitting?

A. If accurate clothing roll were sent Home there would be little clothing need alteration—according to clothing come out in 1883, I did not have many remakes, but in 1884, I had more, as very large tunics came up from Henderson, which had to be used up some way.

Q. How many hands had you employed during the busy altering time in the year 1883-4 and 1884-5, that is, perhaps, say, three months of each year at an outside?

A. About four inside and two outside, costing during the busy time, that is the fitting and altering time, I should say, about £15, so far as I can recollect, per week; for remainder of the year perhaps only a man and a woman were employed, that is, about £6 a week would be about the average costs for wages.

Q. What portion of your receipts would be absorbed by wages?

A. I consider I pay about three-quarters of my receipts in wages, and with my regimental pay and allowances it paid me.

Q. Sometimes it seems you paid 6s. for alteration, and yet could only charge 1s. How could that pay you?

A. It did not, but I had to do it, and contrived to make it pay by putting one with the other—for instance—sleeves out-side-out, &c., would not pay at 1s., but working all round it paid in the lump.

Q. What authority had you for charging 18s. for remake of tunic?

A. None; I showed job to Mr. Webster, then he would give the order.

Q. Say, out of 100 tunics in your time, how many would need alteration?

A. Not more than ten per cent. required alteration; I generally contrived to make them fit without much alteration. Norfolk jackets needed 15 per cent. as generally had cut at the necks. But in my time everything had to be "A 1" fit. As to jumpers, only once in a way, seldom had anything to be done but to shorten sleeves. As to cloth and serge trousers, little or none, say 10 per cent., except at that time there was a lot of bad clothing, awkward sizes, say, 44 waist and 33 chest men; tunic, 34 chest to 6 feet and 5 feet 10 inches height. A tailor to make to measure and fit, would, I think, be cheapest, as less tailor's shop. I could easily make tunics for 18s., all material found, and make good profit.

This witness withdraws.

There being no further evidence available to day, the Board adjourns until a date, notice of which to be issued to members by the President.

Victoria Barracks, Sydney, 3rd October, 1888.

The Board having re-assembled, pursuant to notice, and all members being present proceed to take evidence.

Captain and Adjutant P. Savage, Permanent Artillery, appears to give evidence, and is questioned by the Board:—

Q. On what basis is the calculation made which amounts to £16 7s. 6d. as compensations to warrant officers in lieu of clothing for the current and preceding year. For the battery sergeants for same articles cost only £7 10s. 1d.?

A. It is made on the average of the prices charged for clothing for warrant officers, whose clothing is made in the Colony. The battery sergeants are computed in the same way, but in accordance with last schedule rates.

Q. Can you furnish the Board with a return of decreased casualties for the years 1886-87-88. to date, say 30 September last, showing name and date of casualty causing a decrease in the force? (This information is necessary to enable the Board to form an estimate of the part worn clothing to be accounted for.)

A. I can do so, but it will take a little time, and I will furnish it as soon as possible—to morrow if possible.

Q. Can you inform the Board why the clothing indented for on contractor, for the year 1886-87 was not issued to Mr. Green and other warrant officers, instead of compensation—thus leaving the clothing to go to loss, and charging an exorbitant price for it?

A. I cannot, other than they applied for compensation. The clothing rolls are made up some six or eight months before the clothing is actually in the Colony and compensation claims are only received from batteries within a short time, or sometimes after the clothing has been received in bulk, from the contractor. The warrant officers clothing being made in Colony, I presume they get their compensation at once, as it has nothing to do with clothing from "Home". Mr. Green's clothing could not have been received, from the fact that he got compensation for it.

Q. It has been stated in evidence, I think, that the canteen sergeant is not clothed as a sergeant; how then is it he has been returned for sergeants clothing in 1886?

A. Because the canteen sergeant of that date was one of the rank and file sergeants. On his time of limited engagement being up he was re-engaged as a gunner, and allowed the privilege of lance sergeant's rank, and to wear sergeant's clothing. The difference between value of gunner's and sergeant's clothing borne by the man himself or the canteen committee.

Q. Do you consider him entitled to sergeant's clothing?

A. No.

Q. What amount of compensation did he receive, in lieu of clothing, for year 1886-7?

A. I do not know, but I can find out. He, as to his present rank, is only entitled to compensation as a gunner.

Q. Is the warrant officers' clothing yet in store for which compensation appears to have been drawn during year 1886-7?

A. I do not think so, but will ascertain.

Q. If the warrant officers' clothing is made in the Colony, how is it that the amount indented for is at a price much less than the amount claimed for compensation?

A. Because clothing made in the Colony is more expensive than that made in England, and is of the the quality called A for warrant officers and sergeants.

Q. When you signed the warrant officers' compensation claims you did so as certifying to their correctness for Colonel Commanding's convenience, as a surety for his attaching his initials?

A. Yes; I sign as to their correctness on the quartermaster-sergeant's certificate, holding him responsible for correctness of the compensations, computation of them, &c. I have really nothing whatever to do with the clothing. I simply sign because Mr. Webster has to pass all his papers through me.

This witness's answers were read to him at his request.

This evidence Captain Savage withdraws.

Brigade Quartermaster-Sergeant Webster Warrant Officer, reappears to give evidence, and is questioned by the Board:—

Q. How do you calculate the amount of compensation due to warrant officers. Are they allowed a higher rate than staff-sergeants; and are they entitled to a patrol jacket annually.

A. According to schedule for contract price 1886-7, tunics, £5; warrant officer and staff-sergeant patrol jacket, £4; cloth trousers, 23s. 6d.; serge trousers, 14s. They are entitled to a patrol jacket annually.

Q. Did Sergeant Woodbridge, No. 3 Battery, receive a patrol jacket in 1887, and who signed for it?

A. Yes; The battery quartermaster-sergeant signed for it in the clothing book for the year 1887-8. It is usual, on any occasion, for the battery quartermaster-sergeant to receive any clothing for his battery by signing the clothing book, when the recipient of the clothing is not there to sign for it himself.

Q. Is he entitled to one annually?

A. He is not (he, Woodbridge) to one patrol jacket annually.

Q. Did you receive the sum of £16 7s. 6d. as compensation in lieu of clothing for the year 1887-88; if so, how do you account for the discrepancy of £9 12s. 2d. between the amount shown as received from contractor and handed over to officers commanding batteries for the same year?

A. No, I did not; I received my clothing. On reconsideration, I find I did receive the sum £16 7s. 6d. for year 1887-88. The amounts I received from the contractor to pay the officers commanding batteries was deducted from my account for compensation for £16 7s. 6d.

Q. What number of part-worn tunics were issued during the years 1886-87-88?

A. I can give that; but absence at Newcastle has prevented my attention to this matter. I may tell the Board that the part-worn clothing is not worth re-issue.

Q. You prefer a demand—say, like this one marked H, signed by yourself, to effect that items were paid (or due, &c.), to meet claims to compensation for 1887-88; why does this document need Captain Savage's signature?

a. Captain Savage's signature was attached prior to mine, which was subscribed at a later date, when it was referred to me for explanation. My signature is simply in confirmation of my minute above it, which is result of reference to me. Captain Savage's signature I consider to mean that he has approved as to correctness. I should suppose that the Colonel Commanding the Artillery Force seeing his Adjutant's signature is satisfied therewith, as an assurance that the document needing his initials is correct, and the matter is forwarded in the usual way.

Mr. Webster being required on brigade quartermaster-sergeant's duties, the Board adjourned until 11 a.m. to-morrow, the 4th instant.

Victoria Barracks, October 4, 1888.

THE Board having reassembled pursuant to its adjournment, and the same members being present, recalls Mr. Webster to give evidence, who is questioned as follows:—

q. When was the last issue of part-worn clothing?

a. There has been none since 1886.

q. State numbers received new from the contractors during 1886, 1887, and 1888?

a. Tunics, 1886-87, from Riley Brothers, 548; 517 cloth trousers; serge trousers, 540; jumpers, 541; Norfolk jackets, 540; patrol jackets, 9. That is all received from Riley Brothers. This does not include staff, merely gunners and band, except the 9 patrol jackets. The staff garments are not shown. In 1887-88, from Messrs. Henderson, 396 tunics were received, 425 cloth trousers, 438 serge trousers, 417 serge jumpers, and 8 patrol jackets for sergeants, 433 Norfolk jackets for all ranks. 1888-89; 8 patrol jackets for sergeants, 50 cloth trousers, and 50 serge trousers.

q. By whose authority do Staff-sergeants Goodall and Breakspear draw compensation annually for patrol jackets, not being warrant-officers?

a. They do not receive compensation except by the Colonel's authority. Lists for compensation are forwarded to the Colonel, and he gives the authority. In this year, 1888-89, is the first time the compensation list has gone through the General. Previously Colonel Roberts' signature was sufficient. The reason it went to the General this time was because, the contract only being for a small number of trousers, cloth and serge, the Colonel said the matter had better go to the General.

q. Has the contractor or the master tailor, since 1886, furnished to warrant-officers any articles of uniform?

a. I can only answer by reference to the master tailor's books and my slips attached to the master tailor's vouchers.

q. How are the prices mentioned in the compensation list for those officers higher than the last contract referred to by you yesterday.

a. The amount of compensation was referred to the contractor to determine. He fixed the price for each garment, as shown in the compensation list. He sent his vouchers to Colonel Roberts, by whom they were forwarded to the paymaster and submitted to the General, and being returned to my Department for reply to certain questions, I therefore knew they had been through these channels. Before the amount was duly paid by the contractor, the amount (some £65 odd shillings and pence) was authorized by the Colonial Secretary to be paid. Hence same amount for individuals has been submitted for the current year. There was a great deal of correspondence before these amounts were put through and got sanctioned.

q. Warrant-officer Griffith is marked in the clothing roll of No. 3 Battery for the year 1887-88 for both clothing and compensation in lieu of clothing. Which is correct?

a. Compensation.

q. Can you explain why some issues of clothing have not the usual initials, and others appear to have a spurious initial attached as though in receipt (*vide* Sergeants Woodbridge and Taylor)?

a. In case that any man belonging to a battery the non-commissioned officer or other that is entitled to clothing the battery quartermaster-sergeant is authorized to sign or initial for said clothing. If the man is present, of course he signs for the stuff himself.

q. Can you show the Board where the clothing for staff-sergeants and sergeants and the band clothing are entered in your books as received from the contractor for the current year and for 1886?

a. I cannot show this information in the books before the Board.

q. Had you any of the above mentioned on hand on 1st April, 1886; if so, how many of each, and where are they accounted for?

a. None whatever. The clothing for staff and sergeants—there were none in stock on 1st April, 1886. They were supplied in the following November by the contractor. Previous to April, 1886, the staff and other sergeants' clothing was made in the Colony, and the band's too.

q. Can you inform the Board as to the number of garments made from materials supplied by Government during the three years 1886-88, and to date in detail showing the number of each?

a. I cannot without reference to the documents that left my office, and which, I presume, are before the Board, and it would take a long time. But, as you say, of course the Board could add this up from these documents.

q. Will you furnish the Board with any items of information likely to be of use in aiding the investigation in hand. All papers now before the Board are at your disposal for this purpose while referred to in the presence of the Board. At present, you may as well be informed that the investigation so far does not point a fact that you or the master tailor have conducted your business with any credit to yourselves, or that the interests of the public purse have had proper consideration?

a. I shall be happy to supply all I can, and I have, I think, done so. All papers of use have been sent in from my office, and there is no information I have kept back.

[The answers made by this witness having been, during the course of his evidence, read to him on taking down of each, he withdraws.]

Captain Sparrow being required at the Military Staff Office with recruits at 2 p.m., the Board adjourns until 10.30 a.m. to-morrow, when Captain Savage's returns, promised in his evidence yesterday, will probably be forthcoming.

Victoria Barracks, Sydney, 5 October, 1888.

THE Board having re-assembled pursuant to its adjournment, proceed to receive evidence, and to receive certain returns from Captain Savage. The same members are present as yesterday.

Captain Savage re-appears, and hands in to the Board the "return" of "decreased casualties" 1886 to 1888, which is attached to these proceedings, and endorses his evidence regarding other items marked in proceedings (x), which were to stand over until to-day.

Captain Savage withdraws, and Mr. Whitehouse, of the firm of Henderson & Co., contractors for clothing, re-appears, and is questioned by the Board.

Q. You stated in your evidence before this Board, and produced receipts and an order to pay, that you gave Mr. Webster, of the Permanent Artillery, a cheque for some £229 odd shillings and pence to cover an account for compensation—did any portion of this cover compensation for clothing to warrant-officers? The Board considers it will be best if you distinctly tell it the full particulars, as the outcome of this investigation may result in an inquiry which will constrain you to give evidence on oath.

A. None of that amount of £229 odd shillings and pence was for compensation to warrant-officers, merely what I understand as rank and file. Some six weeks after this transaction I gave Webster another cheque for some £62 odd for compensation for warrant-officers in lieu of clothing.

Q. Would you substantiate and repeat this on oath, were you required to give evidence on oath?

A. I would, and I can produce the documents in support.

Q. Can you furnish any further elucidation of this matter?

A. I shall be willing to assist at any further inquiry that may crop up out of this.

Mr. Whitehouse withdraws.

NOTE.—A reference to some papers points to some items of material supplied by Government to the master-tailor, as, for instance, for a period when it is not likely all could have been needed: 25lb. linen thread, 11 reels of silk twist at 5s. a reel, 852 reels cotton, besides 7lb. machine silk at 38s. the lb.

Mr. Webster, warrant-officer, Permanent Artillery, appears to produce the statement promised in his previous evidence, which is taken down amongst the Board's figure calculations with a view to its report in these proceedings.

NOTE.—It seems the master-tailor has in an instance charged 11s. for altering a Norfolk jacket, the cost of which is about 14s.

No other evidence being available, and Captain Sparrow being required on a Board at the Ordnance Stores at noon, the Board now adjourns until 11 a.m. to-morrow, when its report will be considered, in order that the proceedings may, if possible, be sent to the convening officer on Monday, the 8th instant, previous to his departure on inspection duty.

Victoria Barracks, Sydney, 6 October, 1888.

THE Board having re-assembled pursuant to its adjournment, and the same members being present, proceed to weigh over the evidence, and decide to meet on Monday, the 8th instant, with each member's opinion for amalgamation into one.

The Board now adjourns until 10:30 a.m., 8th instant.

Victoria Barracks, Sydney, 8 October, 1888.

THE Board having re-assembled pursuant to its adjournment, proceed to revise the several individual opinions preferred by each member.

The Board at present being unable to obtain any further evidence, and having carefully weighed such as it has recorded, prefers its report, in paragraphs 1-12, as herewith below, in anticipation of its proceedings, illustrating to the convening officer that this investigation has discovered sufficient grounds for any further inquiry he may deem necessary to institute.

Report.

1. That there has been during the period brought under the Board's investigation a great want of supervision over the Brigade Quartermaster-sergeant's department, the books of which have been kept in a disgraceful fashion, and are utterly unreliable. The management of issue and fitting appears to have been at the discretion of the Brigade Quartermaster-sergeant and master-tailor, and at the option of the latter whether he would charge 3s. 7d. or £2 10s. per suit for fitting. The Board considers one of the worst phases under its investigation to exist in the very large number of men annually allowed to receive compensation, involving a continuous increase of unfitting garments, ultimately to be "remade" in order to fit men of different stature. This appears to have been carried on without any regard to conserving the public interest. This is shown by the fact that fully two-thirds of the clothing issued is charged for as having been "remade" at the full price of making garments from the web; so that each tunic of this class costs the Government from 17s. to 21s., in addition to the original price of the garment, and plus the 1s. allowed for alteration, and of course other garments in like proportion. The following example will illustrate the reckless expenditure. In the indent on contractor for 1886, warrant-officers and 1st-class staff-sergeants are included. The clothing was made to measure and forwarded to the barracks, but was not issued to them; they received compensation instead. The clothing remained in store until utilized for men of smaller size at an enormous expense to the public, caused in the following manner, viz.:—A sergeant's tunic and patrol jacket would be supplied by the contractor for £3 6s. 2d. and £2 16s. 6d., respectively; but the public pays the staff-sergeant £8 5s. for his tunic, and £6 1s. for his patrol jacket, and subsequently pays 22s. for altering the tunic, and 30s. for altering the patrol jacket, thus bringing up the price of these articles to £9 7s. and £7 11s. when finally issued. Nor does the expense end here, as all material used in the alterations are charged against the Government. Indeed it is astonishing the quantity of silk thread, linings, and other articles requisitioned for the use of the master-tailor's shop, of which the Board has not yet had an opportunity of inquiring into more fully.

Marginal note by
Convening
Officer:—Re-
quires explana-
tion. I cannot
understand it.
Referred to on
p. 21.

The

The Board has not yet had time to ascertain the number of garments which should have been recovered over discharges, desertions, and other casualties. The number of such articles accounted for in the books as fit for re-issue is nil.

2. A comparison of the master-tailor's receipts with those of his predecessor (Beahan) show that the former drew in one year as much as the latter did in two years.

3. The Board desires to record its dissatisfaction with the manner in which Sergeant Lyttleton gave his evidence, especially with regard to the number of hands he employed and his weekly wage account.

4. The Board having carefully gone over the books and other documents have compiled an abstract of receipts, issues, and compensations, up to 31st July last, but have been unable to compare the result with the quantity of articles now in stock.

5. The recommendation already preferred that clothing should be made by "contract to fit" the Board is now convinced would bring about a saving of 75 per cent. on fitting as now carried out.

6. It seems to the Board that no compensation should be allowed to men for whom clothing has already been requisitioned.

7. The compensation list for 1887, when compared with the amount of money paid by the contractor (£229 12s. 7d.), shows a discrepancy of £9 12s. 2d. which Mr. Webster states was part of his compensation for the year 1887-88. But the contractor's manager denies this and affirms that he is ready to swear he paid Mr. Webster's compensation (£16 14s. 2d.) in full, together with similar amounts for other warrant-officers in one sum (about £65) some six weeks after giving the cheque for £229 12s. 7d., which was for rank and file compensation, hence this £9 12s. 2d. is not clearly accounted for.

8. A comparison of the master tailors' statement (*See* page 15) of the wages he paid and the only profit he insists he made, with the amount he reluctantly admitted having received during a twelve month from the Pay Office, displays an unaccounted for balance of some £195, after allowing for his qualified second statement as to weekly wages, thus provoking a suspicion that collusion antagonistic to the public interest has existed. The Board probably in this and other items of evidence had to contend with the fact that witnesses were conscious of not being on their oath.

9. Though in his after evidence he attempted to qualify his statement, the master tailor shows that "alterations" might be effected at a cheaper rate. Yet he kept this to himself, and continued, by Mr. Webster's authority he says, to extort the exorbitant charges that did not obtain in Mr. Beahan's time.

10. If the statements of Mr. Whitehouse, Q. M. S. Taylor, and Bombardier Lovelace are worthy of belief, no complete confidence in the veracity of Mr. Webster can be entertained.

11. The Board views with astonishment the repeated evidence of all absence of supervision by the adjutant of the brigade quartermaster-sergeant's costly department.

12. Mr. Webster asserts he brought to the notice of his superior officers the improper manner of obtaining money the contractor enjoyed through the compensation system.

Signed at Sydney, this 8th day of October, 1888,—

T. M. EDEN, Lt.-Col, President.

Members { HENRY G. B. SPARROW, Captain.
JAMES LITTLE, Lieut.

Memorandum from The President of the Board on the Clothing and Compensation Systems of the New South Wales Artillery to The Major-General Commanding New South Wales Forces.

9 October, 1888.

As a supplement to the report of the Board, dated 8th instant, I have the honor to point out that it was the intention of the Board to suggest that, "in consideration of the apparently exorbitant charges of the master-tailor, no further bills be paid him until an adjustment be made recouping the public as far as possible at the following rates, viz. :—For each tunic 'remade,' 8s.; each Norfolk jacket, 5s.; each patrol jacket, 10s.; and all trousers, 3s. 6d.; these amounts being considered by the Board to be of the nature of surcharges by this non-commissioned officer."

T. M. EDEN, Lieutenant-Colonel,
President.

NOTE.—This was detained for the General's return, as letters posted would not overtake him.—
T.M.E., Lieutenant-Colonel.

THE COURT will reassemble for the purpose of eliciting full information and reporting on the following points. This would seem not only due to individuals, but necessary for the clear exposition of the matter in the interests of the public.

1. The authority for "remaking" and charging as for making from the piece.

2. The chief paymaster's authority for passing such charge, and debiting same against the public, noting commencement of the practice.

3. The channel through which the tailor's charges were preferred to the paymaster, and the authority vouching for correctness of same.

4. Sergt. Lyttleton, p. 4, says he only receives payment according to a certain scale, which differs from that given by Mr. Webster p. 2. What becomes of the difference, viz., 1s. 6d. sergeants tunics, 2s. gunners tunics, and 3s. Norfolk jackets each? There should be no difficulty in clearing up this point, as the master tailor states, page 4, that all his vouchers go through the pay office, and Mr. Webster, p. 3, states that copies of these accounts are filed in his office.

5. The expenditure of material supplied by the Government to the master tailor, and refund of cost of same to the Government. To this and the stock in hand must be verified and deducted from total supply, and the balance accounted for by quotation of the several recoups to the Government.

6.

6. Sergeant Lyttleton, pp. 11-13, states he charges for workmanship only, and that he personally purchases all trimmings, &c., but not through Mr. Webster. Mr. Webster, p. 10, states that the whole of the tailor's shop is under his sole charge and direction, and that the materials are supplied by Government, and expended as directed by him. Note on p. 19 indicates that the master-tailor has been supplied with expensive material by the Government. How can these contradictory statements be reconciled?

7. The number of tunics paid for by the Government, both in the shape of contractors' deliveries and those made from the piece by master-tailor, and the whole compared with stock in hand.

8. Sergeant Lyttleton, p. 4, states that he fits the men before officers commanding batteries, who determine the work to be done, and that Mr. Webster assesses the charges; on p. 13, that Mr. Webster and himself alone determine amount of alteration; and on p. 15 that he himself assesses all charges. On p. 2, Mr. Webster says he personally does so.

9. An example quoted on p. 19 indicates that the contract price for sergeants' tunics is £3 6s. 2d., and patrol jackets, £2 16s. 6d. In return 25/4/88 attached, warrant-officers' tunics and patrol jackets are assessed for compensation at £8 5s. and £6 1s. respectively. Who fixed this assessment, and on what basis?

10. The discrepancy of £9 12s. 2d., as noted on p. 20. As probably bearing on this point, it would be well to call upon Mr. Whitehouse to furnish details as to the sum of £65 which he asserts was paid to warrant-officers for compensation. Mr. Webster asserts, on p. 14, that he deducted £9 12s. 2d. on account of his own compensation, yet in return 25/4/88 he quotes his and other warrant-officers' compensation at £16 7s. 6d. each.

11. The discrepancy of £195, or thereabouts, quoted by Sergeant Lyttleton as existing between his actual receipts, and since purporting to have been paid to him for work done. A thorough sifting of this matter would seem to be especially necessary, seeing that on pp. 15 and 16 he implies that the quartermaster-sergeant's department has appropriated this sum.

12. Mr. Webster states, p. 12, that when submitting compensation lists he has drawn the attention of Colonel Roberts and Captain Savage to the improper way in which the contractor obtained money, viz., that by simply putting in vouchers and getting his cheque he cleared one-third of the cost of every garment for which he gave compensation in lieu of supply in kind. This statement given behind the backs of these officers should not remain as a record without giving them the opportunity of reply.

13. Mr. Webster, p. 12, states that he has many times applied to Quartermaster-general's department for books, but could get no help.

JOHN S. RICHARDSON,
Major-General.

Casino, 15/10/88.

Received, 22/10/88.—T. M. Bux, Lieut.-Colonel, President.

Second Re-assemble by order of Convening Officer, *i.e.*, Third Meeting.

Victoria Barracks, Sydney, 23 October, 1888.

THE Board having re-assembled in pursuance of the convening officer's direction, as conveyed in his remarks on its second report, dated Casino, 15th instant (received 22nd instant), and the same members being present as at last meeting, proceed to consider the said notes of the Major-General on this report of the 8th instant, and to carefully re-read all evidence recorded on its former proceedings.

The Board decide, on the necessary notices for the attendance of the evidences it requires at 10:30 a.m., to-morrow, the 24th instant, until when it now adjourns.

Victoria Barracks, Sydney, 24 October, 1888.

THE Board having re-assembled pursuant to its adjournment, proceed to take evidence.

Colonel C. F. Roberts, C.M.G., Commanding the Permanent Artillery, appears to give evidence, and the nature of the convening officer's minute, No. 12, of his remarks on the Board's second report being made known to him, states:—Mr. Webster did not draw my attention to the contractor getting one-third of the cost of the compensation until I personally asked him the question what became of the balance the men did not receive. This occurred when payment of compensation was refused—some three or four months back.

This witness withdraws.

Mr. C. Solomon, Accountant at the Military Pay Office, appears to give evidence, and is questioned by the Board:—

Q. Can you produce any authority for paying the charges made by the master-tailor for re-making garments?

A. The authority that we have in the office is for making, under a general order, not re-making. The Chief Paymaster cannot produce any authority for paying for re-makes, but could adduce the fact of the vouchers containing these charges having been endorsed by the officer commanding the corps previous to his paying them. The practice has been in vogue since January, 1885. Mr. T. Beahan, the previous master-tailor, charged for remaking at first in solitary instances, but towards the end of his career pretty often. The practice has been continued by his successor to a very much greater extent.

This witness withdraws.

Captain and Adjutant P. Savage, of the Permanent Artillery, appears to give evidence, and the nature of the Major-General's minute, No. 12, of his remarks on the Board's second report being made known to him, states:—I have no recollection of Mr. Webster ever having drawn my attention to the improper

improper manner in which the contractor cleared a third of the cost of every garment for which compensation was given in lieu of clothing until after the present Board assembled, of which I was an original member, and it was only then on Mr. Whitehouse's evidence that I was made aware of the manner in which the compensation claims were paid. I had thought these claims were paid by the Paymaster—on this I informed Colonel Roberts. It was at my suggestion that Mr. Webster has the present general ledger.

Q. Did he ever apply for the necessary books from the quartermaster-general, for his department, in order that his accounts should present a less doubtful appearance than you seem to admit they hitherto have had?

A. Had he applied through me—the only way he would have been likely to get any—I should not be likely to have forgotten his request for a set of books calculated to render his accounts more satisfactory.

Q. Who fixed the assessment for warrant-officers' compensation?

A. The amount of compensation for warrant-officers was forwarded for sanction, based upon the amount which Mr. Webster informed me the contractor stated he would charge for the articles if made in the country. This amount was eventually sanctioned by the Colonial Secretary, as there was no fixed amount for warrant-officers compensation, the claim was again made out this year in the same manner and forwarded to the Major-General for sanction. I desire to hand into the Board three papers indicating the system laid down for the issue of clothing, and checking of the quartermaster-sergeants' accounts, and the means adopted for accounting for annual expenditure of clothing. I have never considered it any part of my duty to interfere with the system I found obtaining in the quartermaster-sergeants' department when I took over the adjutantcy. I have at all times consistently brought to the knowledge of the officer commanding any matters which I thought should be amended in the interest of the public service in that department, and have got him to approve of orders, from time to time, to meet my suggestions, as in some measure indicated by the three papers I have handed in to the Board.

These three documents are now marked X, and numbered 1, 2, 3, signed by the President, and attached to the proceedings of this second reassembling of the Board being so indicated on top of each.

This witness withdraws.

Warrant-officer William Webster, brigade quartermaster-sergeant, appears to give evidence, and is questioned by the Board:—

Q. What number of the undermentioned garments were made from the material furnished by the Government during the period Sergeant Lyttleton has been master tailor, viz., tunics, patrol jackets, Norfolk jackets, jumpers, cloth trousers, and serge trousers?

A. I can tell by making it up from my books and the master-tailor's measurement book, and will produce it when the Board meets to take stock.

Q. You stated in evidence that you had informed Colonel Roberts and the Adjutant of the improper manner in which the contractor was obtaining money; when did you do so?

A. On two or three occasions I have mentioned this to the Colonel when presenting the compensation lists for his signature.

Q. Well, they are annual; hence it must have been at least a year since you first drew his attention to this matter; is it not so?

A. On the separate occasions when presenting these lists I mentioned this; yes, so it must be over a twelve month, I suppose.

This witness withdraws after his answers are read over to him.

The Board now decides to adjourn until its members receive notice from Mr. Little that he has worked out the calculations it intends to prefer as part of its report, when it will reassemble for the purpose of taking stock of garments and material.

The Board adjourns.

Victoria Barracks, Sydney, 27 October, 1888.

THE Board having reassembled in accordance with an intimation from Mr. Little that the working out of his calculations as to stock that ought to be on hand, as shown by the documents before the Board, is ready for comparing with actual amount in Mr. Webster's charge, and the same members being present as at its last meeting, proceeds to the quartermaster-sergeant's store and check over articles in store in Mr. Webster's charge with the following result, viz.:—

yds. sergts. tunic cloth, none; yds. scarlet cloth, none; trousers cloth d. width, 70 yds; trousers cloth single width, nil; serge d. width, nil; serge single, nil; Italian cloth, nil; linen cloth, nil; silicia cloth, nil; calico cloth, nil; osnaburgh cloth, nil; canvas cloth, nil; buckram, nil; 12 doz. sheets wadding; 12 oz. thread; 2½ oz. silk, machine; 7 doz. reels cotton; 1 (4 oz.) reel twist silk; ¾ oz. 1 doz. drab thread; 14 sergts. tunics; 92 gunners tunics; 19 Norfolk jackets; 28 jumpers; 4 band tunics; 1 patrol jacket. Part worn clothing fit for issue; 6 gunners tunics; 1 band tunic; 6 serge Norfolk; 7 serge jumpers. Unserviceable; 32 gunners tunics; 22 Norfolk jackets; 2 jumpers; 1 cloth trousers; 2 serge trousers; 1 patrol jacket; 1 serge tunic; some part worn clothing not yet returned from batteries.

This being completed, the Board adjourned until 30th instant, at 11 a.m., for further information to be offered by Mr. Webster.

Victoria Barracks, Sydney, 30 October, 1888.

THE Board having reassembled, pursuant to its adjournment, proceed to compare certain papers and accounts in reference to the Major-General's minutes on the Board's last report, and find that some further information is required which Mr. Webster has promised to supply by the 1st proximo. The Board now adjourns until 11 a.m., the 1st November, 1888.

Victoria Barracks, Sydney, 1 November, 1888.

The Board having reassembled, pursuant to adjournment, and all members being present, proceed to take evidence.

Sergt. Lyttleton, Master-tailor, being recalled, is questioned by the Board:—

Q. Have you any further charges to make from July last to date, and when can you furnish the Board with this account?

A. Yes, I have; but I cannot give them till I get numbers from the battery pay-sergeants.

Q. Why not before?

A. Because I do not know how many badges I have sewn on.

Mr. Webster is recalled—the above witness being apparently reluctant to aid the Board—and is questioned by the Board.

Q. Have you any charges to prefer from the master-tailor for work on hand from July to date, and when can you produce a state of them?

A. I can get them from my books, but it will take some time—some day or two or more.

From the Board to witnesses:—The Board desires you will exercise the utmost despatch, for it will submit to no further delay, and recommends you to consider its business has a prior demand to any ordinary duty, and warns you that should it consider its time to be in any way lost by your inattention the matter will be forthwith reported to the Major-General. Also *Mr. Webster* is to understand that he must produce this information by 2 p.m. this day.

Q. Can you let the Board have these items in an hour?

A. I will go and do it at once.

This witness retires, and the following question is put to the master-tailor:—

Q. You state in evidence that your authority for “re-making charges” was *Mr. Webster*—do you adhere to this?

A. I do; he was my only authority.

Q. The officers commanding batteries are supposed, it is understood, to inspect and approve of alterations previous to and after completion;—is this strictly attended to?

A. Some of my work has been done before any battery officer has seen the garments. Sometimes they don't come, as they say they don't know anything about fitting; but when completed they inspect and send it back for the least fault they can find.

Q. Look at these vouchers—can you explain what appears in them as an extraordinary coincidence—viz., 662 garments for one battery agreeing exactly with another battery—that these charges for alteration, re-making, &c., &c., in 1887 should be exactly the same in Nos. 1 and 3 Batteries needs explanation;—what have you to say about it—are they separate accounts?

A. They are separate accounts. I cannot explain it, unless it be that the batteries were equal in numbers, and all garments wanted re-making or alterations.

Q. You had in 1887 for two batteries (Nos. 1 and 3) fifteen tunics in each, and the other garments equally corresponding in quantity one battery with the other, how did this occur? Included in the 662 garments

A. I can only say I cannot explain.

Q. Do you get receipts for labour wages you say you employ outside?

A. No; it is not usual.

Q. Have you made out about that extra profit, some £195, yours and other evidence go to show that has accrued to you over what you asserted was the maximum you enjoyed?

A. I have not, and I don't agree with the calculation, its footed out wrong some how, or I must have spent more on outside labour.

Q. Suppose you did, how then?

A. Well, I expect my shop labour is quite £14 or £15 a week, and the rest of the money went outside.

Q. Well, suppose that to be correct, though it conflicts with what you have stated before, tell the Board what is your busy time, and how much labour wage spent then over and above slack times?

A. I say my average labour is over £15.

Q. Has it exceeded that?

A. It has. I cannot exactly say how much.

This witness withdraws.

Mr. William Webster, Warrant-officer, and Brigade Quartermaster-Sergeant, New South Wales Artillery, being recalled, is questioned by the Board:—

Q. You stated in evidence that the £9 12s. 2d., money not accounted for by the battery officer's receipts, was your own compensation due to you; do you adhere to this statement?

A. Yes, I do.

Q. The sum of £65 10s. paid you some little while after the £229 compensation for battery had been received was for compensation for four warrant-officers, was it not, and including yourself as one of these favoured recipients?

A. The £9 12s. 2d. was deducted from the £65 10s.

Q. Stay a moment. Here are certified copies of this transaction by which it is clear you received both—explain?

A. Well, at any rate the £9 12s. 2d. should have been deducted from the £65 10s., for this £9 12s. 2d. was given me as a kind of advance on my personal compensation, when I asked Henderson could he advance my compensation, which he said he could not pay all until the amount was authorized. It must have been an oversight of mine not to mention when getting the £65 that I had had this advance.

Mr. Webster withdraws.

The papers* alluded to in third question (this page) put to *Mr. Webster*, together with one memorandum from Messrs. Henderson (indicating Captain Savage's responsibility as by this firm regarded), are now marked (O¹, 1—7). Signed by the President and attached hereto.

It being impossible to frame a “Report” until to-morrow, so many items requiring classification and checking for a clear opinion (it being now 5 p.m.), the Board now adjourns until 11 a.m. to-morrow, the 2nd November, 1888.

£16 7s. 6d. for four W. O. compensation—£65 10s. Copies Henderson's papers attached.

* These papers are not apparently with this printed matter.—A.H.

Victoria Barracks, Sydney, 2 November, 1888.

THE Board having reassembled pursuant to adjournment, and same members being present, proceed to recall Warrant Officer Webster.

Mr. Webster appears and is questioned:—

Q. You stated you had applied to the Deputy Assistant Quartermaster-General for books for your department; did you do so verbally or by usual channel?

A. When three or four times at Quartermaster General's department I asked Major Taunton for books for my department, he replied that on arrival from England he would let me have them.

Report, 2 Nov. 1888.

THE Board having carefully again perused its former proceedings, and those of its third assembling together with the remarks of the convening officer, prefer the following report—that first, in reply to the Major-General's remarks dated 15 October, 1888, they submit the hereunder answers—

- To Minute No. 1. There is no authority for "remaking" garments; but the custom has never hitherto been challenged, and all charges of this nature have previously been paid on the signature of the officer commanding the corps.
- No. 2. The Paymaster cannot produce any authority for passing these "remake" charges; but appears to have taken the signature of the officer commanding the Artillery Forces as sufficient. The practice commenced in January, 1885.
- No. 3. The vouchers are made out by Mr. Webster's clerk for Sergeant Lyttleton from a book kept in the Brigade Stores by the clerk under Mr. Webster's supervision. Sergeant Lyttleton puts his name on them as the claimant, Mr. Webster initials them as correct. They are then presented by Captain Savage (the Adjutant), to the officer commanding for signature, and are then forwarded to the Paymaster, who signs as to "castings," &c. Hence it would appear that "the authority vouching for correctness" devolves on the officer commanding, in the first instance, and in the second the Chief Paymaster.
- No. 4. Mr. Webster's statement is correct, the master-tailor's is only from memory. The master-tailor denies that he meant to insinuate that any one but himself got any of the amounts paid.
- No. 5. Sergeant Lyttleton states that for certain work done for officers and warrant-officers he purchased his materials privately, and did not get them from Mr. Webster; but for all other work such as making, remaking, altering, &c., he was supplied by Mr. Webster with Government material.
- No. 6. The quantity of the several materials supplied by Government to the Permanent Artillery during the time Sergeant Lyttleton has been master-tailor is shown on one of the attached "tabular forms," and has been all along in Mr. Webster's custody for issue to the master-tailor as required.
- No. 7. is answered in the account of "stock taking," of which mention is made on page 22.
- No. 8. The statements of Mr. Webster and Sergeant Lyttleton vary so much and so often that little reliance can be placed on either. Their evidence only proves that they had a free hand as to expenditure and manipulation of Government property, and that there was no check to their charges for labour.
- No. 9. The question of who fixed the prices for warrant-officers' clothing, and on what basis, was put to Captain Savage, as that officer had signed the demand for compensation. His answer is in the Proceedings, but not quite satisfactory.
- No. 10. Mr. Whitehouse states that he paid the sum of £65 10s. over to Mr. Webster, independently of the larger sum in which the discrepancy of £9 12s. 2d. is included, so that Mr. Webster's statement that it, the £9 12s. 2d., was part of his own compensation for the year needs proof, as his several assertions are in conflict with the evidence of attested documents. See page 23.
- No. 11. Sergeant Lyttleton acknowledges to having received the whole of the money, viz., £765 14s. 2d., from the Pay Office, but is at a loss to account for its disposition. He would make believe that he paid upwards of £600 in wages, but cannot produce receipts from his employes. He also avers that he alone had the handling of the money. He appeared "staggered" by the question as to whether he had received the several sums amounting to this £765 14s. 2d., and denied the receipt of one item of £108, but on the vouchers purporting to bear his signature being shown to him *seriatim* and marked "A.B.C.," &c., he acknowledged the signatures as genuine, and that he had received the whole sum. There can, therefore, be no doubt as to who drew the money from the Paymaster; but what became of the money, or how it was distributed, is yet a secret.
- No. 12. Mr. Webster's statement appears to be untrue, as both Colonel Roberts and Captain Savage deny the assertion.
- No. 13. Mr. Webster's application was evidently not formal, nor through his Adjutant.

With reference to the convening officer's marginal remark on page 19 of the Board's report, dated 8th October, 1888, the following is submitted as an explanatory illustration:—For instance, a warrant-officer virtually sells his tunic (which cost £3 6s. 2d.) to the Government for £8 5s. This tunic now lies in store until required for another man, when the tailor charges 22s. for cutting it down to fit; so that this tunic actually costs the public £9 7s. by the time it is taken into wear, instead of £3 6s. 2d. Of course the other articles of clothing have been similarly dealt with.

A study of the tables attached to these proceedings will show that the master-tailor cannot possibly have done all the work he has charged for, even supposing that all the garments *said* to be made were made. The Board is of opinion that garments to a very large number *said* to be made *have not* been

Tabular form alluded to apparently not with this printed matter; nor also the tables alluded to below.

been made, as they cannot be accounted for, nor are they in store, and they have not been issued; but the tables of figures will show the discrepancies, together with the probable amount overcharged by the master-tailor, and the number of garments and other material to be accounted for by the Artillery Quartermaster's Department.

The Board attaches „Tables" I—IV inclusive, signed by the President, which are a synopsis of all the documents and matter produced for its information and report, to be considered a portion of this report, dated at Sydney, this 6th day of November, 1888.

T. M. EDEN,
Lieutenant-Colonel, President.
HENRY G. B. SPARROW,
Captain.
JAMES LITTLE,
Lieutenant.

Signed at Sydney, this 12th day of November, 1888.

THE Board will re-assemble, as I must have a definite reply to query contained in paragraph 9 of my remarks of 15th October, 1888. It should also be ascertained when this excessive rate of compensation was first paid. The D.A.Q.-M.G. should also be questioned as to the matter referred to in paragraph 13 of remarks above quoted. Certified copies of Brigade Orders issued by me on 9th February, 1883, and 7th March, 1883, directing certain procedure to be adopted in regard to annual issue of clothing, are attached for information. The Board will ascertain if the instructions contained therein have been carried out to date, and will also require the production of documents in confirmation thereof.

JOHN S. RICHARDSON, M.-G.

12 November, 1888.

Dawes Battery, Sydney, 12 November, 1888.

THE Board having re-assembled pursuant to remarks of the convening officer, dated 12th November, 1888, same members being present, proceed to take evidence suggested by said remarks.

Captain and Adjutant Savage, New South Wales Artillery, appears to give evidence, and is questioned by the Board:—

Q. Having heard from the Board the nature of the paragraph 9, 15th October, 1888, of the Major-General's remarks, please give the information required?

A. I cannot say from memory; but on reference to previous correspondence laid before the Board, I see that certain warrant-officers received compensation on the 16th April, 1886. Who assessed the amount I cannot say, but was led by Mr. Webster to understand that the amount assessed was based on the offer of the contractor as to what he would charge for making warrant-officers' clothing in the Colony. On reference to paper marked H, now shown me by the Board, with letter attached, signed by Major Mackenzie, I note that the item £16 7s. 6d. is stated to have been paid to Messrs. Henderson & Co. as compensation for clothing for each of the following warrant-officers—Griffith, Green, Bennett, and Webster—for 1887. This would be the first instance of the larger amount having been paid. Warrant-officers Tristram, Griffith, Green, Bennett, and Webster received compensation in 1886, but at what rate I am unable to tell you. With regard to my statement as to who assessed the amount, I wish to explain that this refers solely to the compensation claims 1887–1888 and 1888–1889. To the best of my knowledge the first apparently excessive amount of compensation paid to warrant-officers was in 1887.

Captain Savage withdraws.

Mr. Solomon, Military Accountant, appears to give evidence, and is questioned by the Board:—

Q. Having read the remarks of the Major-General, date 12/11/88, please give the information invited thereby?

A. I can give no information whatever about compensation, no question of compensation ever having been referred to Pay Office. All vouchers for clothing have been paid upon the signature of Officer Commanding Artillery Forces, whose signature has been taken as a guarantee of the correctness of same. Copy of Brigade Order of 9/2/83 is in the Pay Office, but I have never seen during my time, "that is to say, to the best of my knowledge," any requisitions for clothing, or any rolls showing the several articles of uniform each man has received, or any certificate from the officers commanding batteries of the number of suits fitted and altered, as well as the number of garments made up from material. With regard to Brigade Order 7/3/83, to the best of my knowledge, I have never known clothing rules furnished.

Q. You stated in evidence that the Paymaster considered it sufficient warrant for him to pay certain accounts because they were endorsed by Colonel Roberts;—will you state to the Board any instances of corroborated examples?

A. Yes. A similar matter has cropped up in the last few days, in a memo. asking for information with regard to checking ration returns. The Officer Commanding Artillery Forces, in reply to the D.A.Q.-M. General states, that hitherto his signature has been taken as sufficient guarantee as to correctness. It has hitherto been the custom, as far as I know, in the Pay Office to take the signature of the Officer Commanding the Artillery Forces as guaranteed as to the correctness.

Mr. Solomon here withdraws.

Major Taunton, D.A.Q.-M. General appears to give evidence, and is questioned by the Board:—

Q. The remarks of the convening officer, dated to-day (12/11/88), having been read over to you by the Board, please state all you know regarding the matter in question?

A. Once or twice when Mr. Webster has been sent for to my office with reference to certain matters he has stated he has not been able to obtain certain books in connection with clothing, and has asked me to supply them. I have stated that I should be glad to let him have any books that I might be in possession of, provided he sent in the usual requisition through his commanding officer.

Q. Did you receive any requisition from the Officer Commanding Artillery for clothing account books?

A. I have no recollection of having received any. I will refer to my books.

Major Taunton withdraws to refer to books.

Major Taunton reappears and states: I find a requisition was forwarded through my office on 15 August, 1887, to the Government Printer, for 6 clothing ledgers and 6 issue and receipt books. I cannot say whether they have been received, as they would be delivered direct.

Major Taunton withdraws.

The Board having carefully weighed and considered the evidence adduced at this its last meeting, together with the remarks of the convening officer, dated 12/11/88, would submit the following as its addendum report, viz.:—The first payment of the larger amount of compensation to warrant-officers was made in 1887. Major Taunton, Deputy Assistant Quartermaster-General, received requisition from officer commanding New South Wales Artillery for clothing account books; but this was subsequently to the first sitting of this Board.

The Board also find that the instructions alluded to in the convening officer's minute with reference to B.O. 9/2/83 and 7/3/83 have not been carried out since 1885.

Signed this 12th November, 1888,
at Sydney.

T. M. EDEN, Lieutenant-Colonel.
Members { HENRY G. B. SPARROW, Captain.
 { JAS. LITTLE, Lieutenant.

THE Court will reassemble to afford the brigade quartermaster-sergeant and the master-tailor an opportunity of explaining deficits.
19/11/88.

JOHN S. RICHARDSON, Major-General.

Victoria Barracks, Sydney, 15 November, 1888.

THE Board having reassembled in accordance with the order of the convening officer, dated 14 November, 1888, proceed to take the evidence suggested.

Mr. Wm. Webster, Warrant-officer, appears to give evidence and is questioned by the Board:—

Q. The Board is reassembled for the purpose of giving you and the master-tailor an opportunity of explaining the deficiencies as shown on these tables I-IV, attached to these proceedings. Can you give to the Board any account of these items?

A. I would like a copy of these documents to enable me to furnish an explanation. I shall require the receipts of all materials supplied to my department. The clerk, my assistant, Acting Bombardier Loveless has been supplied with a duplicate key of the clothing store by a verbal order from the adjutant, and is allowed to sleep in my store. Having to go every day, Sunday excepted, to Mr. Kidman's to inspect the next day's rations. This is by a brigade order. I made no proposition that any one should have a duplicate key of my store. Having to leave my store open I cannot be held responsible for what was issued during my absence. I know for a fact that things have been issued and received without my knowledge. I have noticed that in looking round my store I have found articles of necessaries especially, and clothing received from the master-tailor made up from material irregularly delivered to my store through the Clerk Loveless, and no entry to have been made of them until I had made inquiries. Hence the new books I compiled to get a more proper receipt and issue account.

Mr. Webster withdraws, the Board having promised him a copy of Tables I, II, III, on the understanding he furnishes a written explanation by the 19th instant.

Sergeant Lyttleton, Master-tailor, appears and is questioned by the Board:—

Q. The object of this assembly of the Board is to give you and Mr. Webster an opportunity of explaining the deficiencies shown on these Tables I-IV, attached to the Proceedings. As to No. IV, can you offer any explanation?

A. I decline to answer this question, as I kept no books; I will furnish on Monday next, 19th inst., a written statement in company with the one, I understand, Mr. Webster will send in on that day.

Q. Is it not a fact that you had an actuary in to examine your books?

A. No; I kept no books, except the measurement book.

Q. Will you swear that you kept no other books but the measurement book?

A. No; I won't swear, for I did keep another book, in which I kept charges against the men; I did have a man in to examine my books.

Sergeant Lyttleton withdraws.

The Board now adjourns until Monday the 19th inst., in order that Mr. Webster and the Master-tailor may on that date produce their written statements as to the deficiencies shown on Tables I to IV, attached to the proceedings ending 6th instant.

Victoria Barracks, Sydney, 19 November, 1888.

THE Board having reassembled pursuant to its adjournment, and the same members being present, proceeds to call on Mr. Webster for the statements as to deficiencies, he promised on the 15th inst., to furnish this day.

Mr. Webster appears to give evidence and is questioned by the Board:—

Q. Have you the statements ready regarding the deficiencies shown on the Tables, of which you have copies, and which you promised to hand to the Board?

A. I have not; my reason for not furnishing it is that I had employed an actuary and a solicitor to thoroughly examine my books; their examination is not completely concluded; the solicitor has communicated with the General asking for extension of time for the actuary to give a correct report; this is all the explanation I can give.

Q. Where are your books?

A. They have not left my office; Colonel Roberts recommended me to employ an actuary and a solicitor, the cost of whom I shall have to pay.

Q.

Q. You complained in your former evidence that your responsibility was not complete; in fact that it was not the same since your clerk had been furnished with a duplicate key of and allowed to sleep in your store;—to whom then did you first complain, and when and to whom did you raise an objection to this arrangement, which, you allege, reduced your responsibility for the store, previously admitted to be under your sole charge?

A. I never objected to this arrangement.

Q. Did you propose it?

A. Yes, I did propose it, that he should have a duplicate key, that he could answer any question, or give references to any of the store books, and give any issue of clothing or necessaries during my absence. During my absence I have frequently found that things have been issued and not entered in the books. I have had to take steps afterwards to enter these issues.

Q. On the 15th instant you stated you had made no proposition that anyone should have a duplicate key of the store, but now you have just admitted having made this proposition;—to which statement are you going to adhere?

A. I made no proposition; the proposition was in the first place made by the Adjutant in order that during my absence he could refer to books, &c., in the Brigade Store. My statement made on last assembly of this Board is the correct one.

Q. Considering your responsibility interfered with, why did you fail to make objection to this sleeping in your store and the duplicate key arrangement?

A. I failed to do that because I thought my clerk was an honorable and a trustworthy man. According to the Imperial Service the stores are locked at night, and the key given to the quartermaster.

Q. You think your clerk careless, you say;—then why did you retain him?

A. Simply because I should have to teach a new clerk, and thought it better to keep on an old one not good enough rather than go teaching a new one through all the routine of my office. On several occasions I have spoken to Captain Savage about the carelessness of my clerk—this Acting Bombardier Loveless.

Mr. Webster withdraws.

Captain and Adjutant H. P. Savage, New South Wales Artillery, appears to give evidence, and is questioned by the Board:—

Q. Did you direct that Mr. Webster's clerk should be supplied with a duplicate key to the Brigade store and sleep in the store?

A. Certainly not. All I know of the case is this: That Mr. Webster obtained permission of the Colonel Commanding some time ago to reside at Ashfield in a house that he had built himself. He stated that he had made arrangements with the battery quartermaster-sergeants that they would do his duty with regard to the issue of the morning rations, and he mentioned that it would be an additional security to his store if his clerk, whom he had himself selected, were allowed to sleep in the store. This indulgence was granted. Some time after this Mr. Webster applied for a storeman to be struck off duty. This was also granted. This man's duties were to overhaul the articles in store day by day, and brush the clothes, &c. On going into the store one morning I saw another bed in Mr. Webster's inner office. I asked him whose it was, and by whose authority it was there. Mr. Webster informed me it was the storeman's, and that he had obtained Colonel Spalding's authority for his sleeping in the store as the barrack-rooms were so crowded. I told him it was not desirable for more than one man to be in the store, and that Gunner Haggerty had better go back to his barrack-room. This man shortly after went on "leave," and Mr. Webster applied for another man in his place. Gunner Fleming was detailed, and on Mr. Webster's representation that Fleming did work so much better than Haggerty, Fleming was retained in place of Haggerty. I know nothing at all about a duplicate key, but I have on more than one occasion spoken to Mr. Webster about seeing non-commissioned officers and others in his store in conversation with his clerk, after he, Webster, had left the Barracks, which he does daily at 3.30 p.m. in order to inspect rations at Kidman's store at 4 p.m. Mr. Webster lives out of Barracks at Ashfield, entirely to suit his own convenience.

Q. Has Mr. Webster ever drawn your attention to any carelessness on the part of his clerk, Acting Bombardier Loveless?

A. Yes; but only since the proceedings of this Board commenced, and I advised him if he did not suit to get another and send him about his business. He replied, I will give him a good talking to as it is a bother to teach a new one.

Q. Has Mr. Webster ever pointed out to you, that he considered his responsibility reduced by the fact of there being permission for his clerk to have a duplicate key and to sleep in the store?

A. No, never. It was to suit his own convenience that the man slept there.

Captain Savage withdraws.

Sergeant Jno. Lyttleton, master-tailor, New South Wales Artillery appears to give evidence, and is questioned by the Board:—

Q. Have you the explanation ready which you on the 15th instant promised to furnish to the Board to-day?

A. I have, and I hand in this statement: This "statement," written on one whole sheet of foolscap paper is received, marked M.T., signed by the President and attached to these proceedings. It is then read aloud by Captain Sparrow.

Q. Did you ever hand in to the brigade quartermaster's store any clothing made from Government material, or "remakes," as you call them, during the absence of Mr. Webster?

A. Yes; I did, often, as he used to get away after dinner and there was no finding him, for he would not return till the next day. It is only lately, since the Board first sat, that I thought it better to be more cautious, and so when making these "deliveries" during Mr. Webster's absence that I took up the plan of handing in with them a "slip" showing numbers.

Q. Is there anything more you would like to say in explanation of your conduct, that you may think relieafter you would wish you had taken this opportunity for making more clear?

A. No, there is not.

5th Report.

THE Board, having given the opportunity suggested by the convening officer's remarks, dated 13th instant, desire to add the following to their previous reports.

1. That Mr. Webster's statement respecting the key of his store and the man sleeping in his store are untrue, and that he has declined the opportunity given him of explaining the deficiencies the Board considers him responsible for.

2. The master-tailor's alleged explanation is herewith attached, and appears to be of a most unsatisfactory and equivocal nature.

T. M. EDEN, Lt.-Col., President.
HENRY G. B. SPARROW, Capt., } Members.
JAS. LITTLE, Lieut., }

Signed at Sydney this 19th November, 1888.

THE Court will reassemble to receive Mr. Webster's written explanation as to clothing deficit, and will, if necessary, amend tables 1 to 4 inclusive.
29 March, 1888.

JOHN S. RICHARDSON, M.-G.

Victoria Barracks, Sydney, 3 December, 1888.

THE Board, having reassembled in accordance with the convening officer's minute, dated 29th November, 1888, proceed to call Mr. Webster, of the Permanent Artillery, to produce any explanation he may have to offer regarding the deficit shown on tables 1 to 4, furnished in a previous report, dated 12th November, 1888.

Mr. Webster appears, and the remarks of the convening officer, dated 29th November, 1888, being read to him, states:—I produce the following documents and will read them over to the Board, commencing with the memorandum dated 27th November, 1888, and the one dated 30th November last, addressed to Colonel Roberts and the Officer Commanding the Permanent Artillery, and also a letter from my solicitor and one from my actuary, Messrs. Roberts and Blomfield, and the latter's statement and report on my accounts, which in one case actually shows a balance credit in my favour of thirty garments.

These documents being read to the Board the Board suggests to Mr. Webster that he hand them into the Board, or copies of them signed by himself, in explanation of what he has to advance, as the Board's time would be unduly occupied were it to devote so much of it to making copies of documents proposed to be set up as an alleged refutation of deficits, for which ample time has been given on previous occasions.

Mr. Webster, resuming, states:—I will hand in the original documents, taking a receipt for same, viz., five documents as my final explanation; in all comprising seven half sheets of foolscap, and being a letter from my actuary covering his report and examination of my books, also the solicitor's letter thereon. A receipt is given to Mr. Webster for these documents, which are marked R.B., initialled by the President, and attached hereto.

Q. Mr. Webster, have you anything further to state in explanation of the deficit you appear accountable for?

A. No, I have nothing further to advance, and these documents I have handed in represent my final statement and explanation. I should like to say that I am satisfied with the attention paid by the Board towards me when giving my evidence. [Mr. Webster withdraws.]

Captain Savage, Adjutant Permanent Artillery, appears in response to a message for his quick attention and is questioned by the Board.

Q. You have heard the convening officer's minute of 29th ultimo read over, and noticed that the instructions dated 27th and 30th ultimo, addressed to Colonel Roberts, do not mention that Mr. Webster is instructed that the Board will receive his (Mr. Webster's) written explanation as to clothing deficit. Did any directions come through you intimating the Board could confine itself to an explanation in writing?

A. The documents you mention are correct, and the instructions that reached Mr. Webster through me.

Q. Have you any item that will promote an explanation of the alleged deficit, which, as you are aware, the Board has intimated Mr. Webster to be responsible for?

No; I can say, though, that no time has been lost in producing the explanations Mr. Webster has produced.

6th Report.

There being no further evidence forthcoming the Board proceeds to check the tables 1 to 4 it furnished in its report of 12th ultimo with the figures in Messrs. Roberts and Blomfield's report, which Mr. Webster has preferred as part of his final explanation of the deficit apparently attributed to his conduct of the Government stores, he admitted at a former meeting of this Board, to be under his charge. The result of this examination, compared with the entries in books, show that the tables 1 to 4 already submitted on 12th ultimo are correct. It appears that the data given the actuary to work upon must have been such as to have mislead him, for he could not have seen a copy of the attached document marked E., nor those marked (also attached) W.W., viz., a list of clothing made by the master-tailor from material, but probably took all marked in red (*i.e.*, which stands for compensation) as issue of clothing. On comparing the battery clothing books for the year 1886 with Mr. Webster's for the same period, taking the item "tunics" only, the Board finds that No. 2 Battery shows an issue of eight tunics, and No. 3 Battery an issue of four less than Mr. Webster's book accounts for. On going over the whole of the issues in Mr. Webster's book for 1886, it is clear that the items shown in table No. 1 are substantially correct; and, taking that year as a test, the Board sees no reason to alter the tables already submitted. Taking into consideration the slight discrepancies between the regimental and battery books, the Board is of opinion that certain alterations have been made in the former since the books were last before the Board.

T. M. EDEN, Lieut.-Colonel, President.
HENRY G. B. SPARROW, Capt., } Members.
JAS. LITTLE, Lieut., }

Signed at Sydney this 3rd December, 1888.

THE

THE Court will reassemble for the purpose of checking and reporting upon Mr. Webster's explanations in regard to the alleged deficits noted in tables 2, 3, and 4, as prepared by the Court. Taking No. 1 table as a test case for the others is hardly just to Mr. Webster, seeing his liability to be called upon to make good the deficiencies referred to.

JOHN S. RICHARDSON, M.-G.

5th December, 1888.

Victoria Barracks, Sydney, 7th December, 1888.

THE Board having reassembled, in accordance with the convening officer's minute dated 5th instant, and the same members being present, proceed to draw up the extra statements required.

Report.

After further comparison of books, &c., &c., the Board prefers the following as an addendum Report:— On going over the whole of the battery clothing books the Board finds a slight discrepancy between the numbers shown as issues and the numbers shown in table 1. The statements now tabled as 5, and herewith attached, explains where the differences occur. That is, the figures at bottom of said table 5, viz., 6.3.9.3.9, are items which may be set against Mr. Webster's deficiencies quoted in table 1.

T. M. EDEN, Lieut.-Colonel, President,
HENRY G. B. SPARROW, Capt., } Members.
JAS. LITTLE, Lieut., }

Signed at Sydney this 7th December, 1888.

Memorandum by The President.

Military Staff Office, Sydney, 11 January, 1889.

By direction of the General Officer Commanding the Forces, the Battery officers, and their quartermaster-sergeants, the Adjutant, and Mr. Webster, of the N.S.W. Artillery, attend with reference to certain compensation claims under investigation of the Board ordered in June, 1888.

Lieut.-Col. Airey produces compensation lists for his battery.

Copies of other lists for compensation are produced with battery officer's receipts attached, similar to those as already exhibited to the Board.

A comparison of these with amount £229 12s. 7d. received by Mr. Webster from Messrs. Henderson, demonstrate that this warrant-officer is unlawfully in possession of £9 12s. 2d., the property of the Government, and that Messrs. Henderson have acquired £3 4s. beyond what should have been issued by the Treasury.

Mr. Webster states: "The list sent on to the Treasury is really a mere voucher. The "compensation lists" are received from batteries with each man's name thereon. The items are recapitulated on to another list, showing merely number of the garments, so many trousers, &c., &c.; this list is then signed by the Commanding officer and forwarded to the contractor, who therefrom makes out the vouchers, which are in like manner signed by the Colonel-Commanding, who returns them to the contractor, who then gets the full amount from the Treasury and then pays the two-thirds to Mr. Webster (myself), and keeps one-third for themselves. I issue the amount due to each battery and get the receipts now again—shown to Board. The discrepancy the Board discovered of £9 12s. 2d. would not have escaped my notice had I had my books checked and properly kept. It may have arose during recapitulation for the contractor's list. This amount is of course due to the Government. I cannot recollect how it came about; neither can I produce the list or a copy of this for 1887-8. The contractor may have the original."

Mr. Whitehouse, in response to a question from myself, says he has no copy of this list at his firm's office, that is Messrs. Henderson.

I desire to suggest the items in x{ on amended table 3, marked x, under my signature, should not form any part of a charge, as, though unaccounted for, there is no authorized scale for amounts of material required to make up garments, thus the figures could be disputed.

T. M. EDEN, Lieut.-Col., President.

11th Jan., 1889.

PROCEEDINGS of a General Court-martial, held at Sydney, New South Wales, on the 26th day of February, 1889, by order of His Excellency the Governor and Commander-in-Chief, bearing date the 2nd day of March, 1889, pursuant to order signed by His Excellency Charles Robert, Baron Carrington, P.C., G.C.M.G., Governor and Commander-in-Chief, dated the 23rd day of February, 1889.

President :—

Colonel EDMUND GEORGE HENRY BINGHAM, General Staff (Lieut.-Colonel Royal Artillery).

Members :—

Lieut.-Colonel COOPER PENROSE, General Staff, Commanding Submarine Mining Forces (Major, Royal Engineers).

Major HENRY PARK AILEY, New South Wales Artillery.

Captain FREDERICK THOMAS BENDOE BAYNES, New South Wales Artillery.

Captain WILLIAM ANDREW CUTHELL, General Staff, Instructor of Musketry.

Judge-Advocate :—

Major HARRY BEAUCHAMP LASSETTER, Permanent Mounted Infantry (Major, 2nd Battalion South Staffordshire Regiment of Foot).

At 10 o'clock a.m. the Court opens.—Trial of No. 95 Brigade Quartermaster-Sergeant William Webster, Warrant-officer of the New South Wales Artillery.

The orders convening the Court are read, and copies thereof are marked A, signed by the President and attached to the proceedings.

The Court satisfy themselves as provided by the Rules of Procedures 22 and 23.

Lieut.-Colonel Henry Douglas Mackenzie, Assistant Adjutant-General, appears as prosecutor, and takes his place.

The abovenamed prisoner is brought before the Court.

Mr. Heydon appears as counsel for the prosecution.

Mr. G. B. Simpson, Q.C., appears as counsel for the defence.

The names of the President and Members of the Court are read over in the hearing of the prisoner, and they severally answer to their names.

1. Do you object to be tried by me as President, or by any of the Officers whose names you have heard read over? No, sir.

The President, Members, and Judge-Advocate are duly sworn. The following officer, attending for instruction, Lieutenant Leslie Herbert Kyngdon, New South Wales Artillery, is duly sworn.

2. Do you object to Mr. Earnest Blackwell as a shorthand-writer? No, sir.

The shorthand-writer is duly sworn.

*Mr. Simpson :—*Before a note is made of the prisoner's reply I desire to object entirely to the jurisdiction of this Court.

*The President :—*I think that comes a little later on, sir.

*Mr. Simpson :—*Then I would ask you not to note the reply of the prisoner, as it was made under a misapprehension.

*The President :—*I think, sir, that the prisoner is assenting to the names of the officers individually; the question of the jurisdiction of the Court comes later on.

The Judge-Advocate read the first charge as follows:—"The prisoner, Warrant-officer William Webster, New South Wales Artillery, a soldier of the Permanent Forces of the Colony, is charged with embezzling public money, in that he, at Sydney, New South Wales, on the 2nd June, 1887, when entrusted by the Government contractors, Messrs. Henderson & Co., with the sum of £229 12s. 7d., public money, for the purpose of paying for compensation for clothing for 1887-88, applied a portion thereof, viz., the sum of £9 12s. 2d., for his own use."

*Mr. Simpson :—*The proper time has now arrived for me to object to the jurisdiction of the Court?

*The President :—*Yes, that is so.

*Mr. Simpson :—*Well, Mr. President, the first point that I take is that the Court has no jurisdiction, inasmuch as it has not been properly convened. And I call the attention of the Court to our local Act, 34 Vic. No. 19, sec. 8—"An Act to provide for the Discipline of Military and Naval Forces in the Service of Her Majesty's Government in New South Wales." This Court is constituted, as I hear stated, for the trial of Warrant-officer Webster, of the New South Wales Artillery. The New South Wales Artillery is a corps called into existence by virtue of this Act. And he is charged before this general Court-martial with having committed certain offences under the Army Act of 1881. Outside the Army Act of 1881 no offences have been committed by him at all. The first point, as to whether this Court has been properly, legally, or illegally convened, will depend upon the consideration of clause 8 of this Act. "It shall be lawful"—these are the words of the Act—"for the Governor from time to time to convene courts of inquiry, and to

so that the Governor must convene a Court-martial himself, or delegate to somebody else the power to convene a Court-martial. As far as I understand the order of the Governor in this instance does not give distinct authority to convene, nor does it delegate the power of convening this Court-martial to General Richardson. That is my impression of the instrument by which this Court was convened. If I am wrong I shall be glad to save the time of the Court by being corrected.

*The President :—*We can produce the order to Major-General Richardson convening the Court.

*Mr. Simpson :—*There is such an order?

*The President :—*Yes, there is.

*Mr. Simpson :—*Well, then, I am perfectly satisfied. Have you any objection to my seeing it?

[Document produced.]

*Lieutenant-Colonel Mackenzie :—*This document is the approval of the Governor that the Court should be convened.

*Mr. Simpson :—*Well, that is not in accordance with the Act. I submit that the Governor must either convene the Court himself or delegate the power to some other officer,—“It shall be lawful for the Governor to convene at any time, and to delegate power to convene, a Court-martial.” So that unless the

the Governor has either convened this Court-martial himself, or delegated the power of convening it to some gentleman, I submit that this Court has not been properly convened, indeed, there is no Court at all.

The President :—We will have the point settled before we proceed any further.

Mr. Simpson :—Mr. President, I make this suggestion to the Court. I am perfectly willing that, as a matter of form, the Court should decide this point against me. Personally, I should prefer such a course being adopted if the Court thought fit, so that there might be a formal decision against me in order that I might subsequently have the benefit of the point. I do not wish to delay the proceedings, only I wish to have reserved to me the right of appeal on this point. Sometimes a Judge will give a formal decision against a counsel, "taking" the point so that that counsel might, if it became necessary, have the opinion of the Full Court.

Mr. Heydon :—I have never known that to be done precisely as my learned friend suggests. I have never known such a course adopted without the Court being fully informed of the counsel's objections. No Court of law would place itself in the position that my learned friend is asking this Court to place itself in, with regard to the particular point. Personally I am not aware even of the facts to which he would appeal in support of his objection; and if the case was allowed to proceed, and in the end the objections was sustained, a great deal of time would be wasted. It seems a great pity that the Court should waste its time in that way. If the Court has not been properly convened then I think that it should say so in order that without further delay the proceedings may begin again from the beginning, and the Court be properly convened. I have here a document which seems to me to be a delegation of the power to convene a Court. I refer to a letter from the Governor, dated the 21st February, 1889, and reading as follows :—

There is no form given in fact for the delegation of power by the Governor to convene a Court-martial. Any form may be adopted. As long as a document showing the consent of the Governor to the convention of such a Court has been received that is quite sufficient.

The President :—Mr. Simpson, you have heard this letter read by the counsel of the prosecution. Do you consider that is sufficient authority from the Governor and Commander-in-Chief?

Mr. Simpson :—Well, sir, if the Court will forgive me. I cannot answer a question of that kind. You will at once see that it is not the right thing for a counsel to express his opinion at all.

The President :—Certainly. The Court is closed to consider its decision.

The Court is cleared.

Upon the re-opening of the Court Mr. Heydon said: Perhaps I may be allowed to make a suggestion with reference to this matter. Of course I do not know which way the Court is about to decide the point. But I would make two suggestions; that if the Court feel any doubt at all about it a message might be sent to His Excellency the Governor in order that he might now give power in the words of the Act or might himself convene the Court, and the process of swearing the members in might be gone through again. I would suggest also that it would be an advisable thing if my learned friend were to state at once what his objections to the Court are, because if this first point were decided in his favour either now or ultimately after hearing the whole case, it would be unfortunate if any point were kept in reserve which might render necessary the convening of a second Court-martial.

Mr. Simpson :—The Court will remember that I myself suggested that I should take all my points one after the other. It was at your suggestion, sir, that I refrained, and only mentioned one. But, with the permission of the Court, I will be perfectly willing to mention all my points, and have them decided by the Court, because, even if this point were suggested in my favour, a Court would be properly convened by-and-by, and more time spent and expense incurred. I can only say that I am perfectly willing that the Court should decide it against me formally, so that we might go on and consider more important matters. With reference to the suggestion of my friend that the Governor should be asked to convene the Court formally again, I submit that that cannot be done.

The President :—The Court would like to hear your other points Mr. Simpson.

Mr. Simpson :—My next point, then, is this. The Governor has here to appoint either three or five commissioned officers under this Act to form a Court-martial, and, as far as I have been able to ascertain, you, sir, the President, and Colonel Penrose, one of the members of the Court, at all events, are not commissioned officers under this Act. I do not know positively how that is. I have been unable to ascertain it. Perhaps you would be good enough to tell me whether you are commissioned officers under this Act or not?

The President :—I have received a commission from the Government of this country, signed by the Governor and by the Colonial Secretary for the time being. So also has Major Penrose.

Mr. Simpson :—As officers under this Act?

The President :—Yes; and we have also subscribed by oath under this Act.

Mr. Simpson :—I am informed, sir, that your commission was for three years only, and that that commission has expired. If your commission is only for three years, and the oath you took was only for that time, then I submit you are not commissioned officers under this Act.

Lieutenant-Colonel Mackenzie (to the President) :—There was no time mentioned when you took service. At least I should be very surprised if there was, for it would be a most unusual course.

Mr. Simpson :—All I want to know is whether you are at present holding commissions in the Military Forces of New South Wales. If your commissions have expired I think you are not now officers under this Act.

Lieutenant-Colonel Mackenzie (to the President) :—Your commission does not state that you are appointed for any length of time. That commission holds good until you are relieved.

Mr. Simpson :—If you could state formally that you hold a commission under this Act, then that point falls to the ground.

The President :—As far as I am concerned I do hold a commission under the Act.

Mr. Simpson :—And Colonel Penrose also?

The President :—Yes; and Colonel Penrose also.

Mr. Simpson :—Although I took this point, I beg to say that we have not the least objection to your sitting. Now I submit that the Court has only jurisdiction over offences coming within the Army Act of 1881. The Act of our local Legislature says, "It may be lawful for the Governor to convene at any time a Court-martial. But these charges against the prisoner allude to offences against the Army Regulation

Regulation Act of 1881; and the prisoner is not charged before this Court with having committed any offence against the Act of the New South Wales Legislature, 34 Vic. No. 19. Then I have some more points, sir. There is another which I formally take and it is this, the President of the Court must be appointed by the Governor.

The President :—I have the answer to that objection. I was appointed by the Governor. [*Document handed to Mr. Simpson.*]

Mr. Simpson :—I submit that that is not a sufficient appointment by the Governor. Another point I take is this, that the prisoner is not a soldier amenable to military law at all; and that of course is an important point. The Army Act of 1881, specifies who are subject to military law as soldiers—(1) "All soldiers of the regular forces." It is evident that the prisoner is not included there. (2) "All non-commissioned officers and men of the permanent staff of any auxiliary forces, who are not otherwise subject to military law." Neither is the prisoner included in that category. (3) "All non-commissioned officers and men serving in a force raised by order of Her Majesty beyond the limits of the United Kingdom and of India, and serving under the command of an officer of the regular forces." Now although we may be honoured by the presence of Imperial officers in this Colony, no one can say that the Permanent Artillery of New South Wales is under the command of an officer of the regular forces. Now it is perfectly clear that the prisoner does not come within any of these definitions. Therefore he was not subject to military law, within the meaning of the Act of 1881. He was a warrant-officer in the New South Wales Artillery, and being a warrant-officer in the New South Wales Artillery, he submitted that he was beyond the power of the Army Act of 1881. On page 530 there was a note to subsection 3, which I have already read. The note says "this is not intended to include strictly Colonial forces, but only forces raised at the Imperial expense." For example—it will include the West Indian regiments, the Malta Fencibles, and the *Lascars* of Hong Kong and Ceylon, whose maintenance is voted annually by Parliament. It might, however, extend to a force raised under a Colonial Act, but under the Imperial control. Really it is hardly necessary to state that, because it is clearly beyond all doubt that a person in the New South Wales Artillery is not within the limits of the United Kingdom, or India, or yet serving under an officer of the regular forces. Therefore the prisoner is not a soldier within the meaning of the Act of 1881, but merely a soldier within the meaning of the Colonial Act of 34 Vic. No. 19.

The President :—You admit that he is a soldier under that Act?

Mr. Simpson :—I admit that he is a man, whether he is a soldier, or a sailor, or a lawyer, but a man (subject to their proving it—I want to be clear and distinct about that). A man who has subscribed the oath of engagement for a period of service under 34 Vic. No. 19. But I submit that he is not a soldier within the meaning of the Army Act of 1881. Now the first offence with which he is charged—are the offences indeed, are offences under the Army Act of 1881. Section 18 does not use the words "if a person subject to military law" does so and so, but if "any soldier" commits certain offences he shall be tried by Court-martial. And I submit that that means a soldier under the Army Act of 1881, and not under our own Colonial Army Act. Further, I submit that the Army Act of 1881 as far as this Colony is concerned, has no application whatever. The Act under which this man has entered into an engagement to serve in the military or naval forces of New South Wales provides in section 56 "Every person who shall have taken and subscribed the oath of engagement aforesaid."

In May, 1871, there was an Imperial Mutiny Act in force, and I think that that Act was an Annual Act passed from year to year up to 1879, and that after 1879, there was no such thing as an Imperial Mutiny Act at all. It was abolished. At all events we are dealing with the year 1881, when there was no Imperial Mutiny Act at all, and there is none in existence now. That is a fault of somebody; I do not say who. It might be that when the Imperial Mutiny Act was done away with in England this Act of our local Legislature was not amended, and persons serving in the forces of New South Wales not made subject to the provisions of the Army Act. There are I believe very grave differences between this Army Act and the Mutiny Act. Whether that Army Act of 1881 was the first or not it certainly did away with the Mutiny Act. Neither in 1886, 1887, or 1888, the years during which the prisoner was charged with having committed certain offences, was there a Mutiny Act in force. Undoubtedly he is not subject to the Army Act of 1881, under which these charges are framed. Now let me read section 5 of our local Act again.

I will not trouble the Court any further. In England the Army Act provides that it shall take the place of the Mutiny Act. I believe there is a provision to that effect.

The President :—There is in England an Annual Army Act. It provides from year to year for the discipline of the army.

Mr. Simpson :—But there is no Mutiny Act at all?

The President :—No; there is not.

Mr. Simpson :—Then, even supposing that there is a provision in this Act that the Army Act shall take the place of the Mutiny Act, that does not say that members of the New South Wales Permanent Artillery should be subject to the provisions of the Act at all. It would be perfectly monstrous that a member of the New South Wales Permanent Artillery, who has never assented by his representatives in Parliament, should be subject to the Army Act of 1881. You cannot make a man amenable to an Act by which he is not bound. Some gentlemen will remember that when our corps was despatched to the Soudan it was doubtful even then whether the provisions of this Army Act applied to them. I should not have thought that there was much doubt about it myself, because I should have thought that there is sufficient provision made in the Act that members of Colonial Forces serving with Her Majesty's Imperial Forces were subject to the Army Act of 1881. But never mind how that may be, there was a doubt in the minds of people here whether the Army Act of 1881 had any reference to Colonial Forces serving with Her Majesty's troops abroad, and the very fact that Parliament thought it necessary to make special provision for that strengthens the position I am taking before this Court. This Court seems to be constituted under the provisions of 34 Vic. No. 19, and yet we find the oath administered to yourself and the other members of the Court is the oath administered by the Judge-Advocate under the provisions of the Army Act of 1881. Of course it is unnecessary for me to take up the time of the Court by citing authorities to show that, if the Court has no jurisdiction, and if this person is not amenable to the Court, the whole thing collapses. At least if my argument is correct, that if he, a member of the New South Wales Artillery, is not subject to the provisions of the Army Act, under which the charges against him are made, then this Court is improperly constituted. If you, sir, and Major Penrose, are subject to the

Army

Army Act of 1881, I submit that the other gentlemen are not, and that indeed they have no authority to sit on a Court-martial at all. It is necessary for me to point out that if even he were subject to the Imperial Mutiny Act, if such an Act were in force, he would still only be subject to it in so far as it was consistent with the Act of our Colonial Legislature. As the matter stands, I submit that not only can the prisoner not be tried now but he cannot be tried at any time by a Court-martial, and detaining him in custody any longer, either now or afterwards, would be illegal. Will you allow me to add one further remark? It is this, that, although this Court is called a General Court-martial, a very high Court, the highest Court-martial, perhaps exceptional, still it is an inferior Court, one subject to the High Court of Judicature, in England, if it were being held in England. There is no doubt about that—there is authority for it in this book. And so, supposing this Court were properly constituted it is subject to the authority of the Supreme Court here which takes the place of the Court of Queen's Bench in England. Thus, although it is a high Court, and a very high Court indeed, still, and I am sure my friend will agree with me, nothing is to be presumed in favor of an inferior Court.

Mr. Heydon :—I understand that the first and second points have fallen to the ground; and also the point raised by my learned friend to the effect that it is necessary that the President of the Court should be appointed by the Governor, that having been actually done. Then my friend goes on to say that, not only cannot his client be tried by Court-martial at all, but that no other member of the Permanent Artillery of New South Wales can be tried by Court-martial either.

Mr. Simpson :—I did not say that. I said that you could not try by Court-martial in this Colony for offences committed under the Army Act.

Mr. Heydon :—Just so; but as the offences mentioned in our own Act are really insufficient for the maintenance of discipline, then there is no provision for punishing offences coming within the scope of the Army Act of 1881. My friend says that, a Court-martial may be convened for the purpose of hearing and determining all offences committed under the local Act, but that these offences are not committed under that Act, and that therefore the Court has no right to try them. In other words he says that, soldiers committing offences in this Colony under the Army Act of 1881 cannot be tried by Court-martial. Now the 5th section 34 Vic., No. 19 says that, any man who shall subscribe to the oath shall be subject to the provisions of the Imperial Mutiny Act in force for the time being. Passing over, for the time, my friend's objection, that the Army Act has superseded the Imperial Mutiny Act, the question arises, whether, if a man in these forces commits an offence against the Mutiny Act he has not committed an offence against the Army Act also. I submit that he has. What the Court has to look to is the intention of those who framed the local Act; and I maintain that the intention of that Act was to bring the members of the force under the provisions of the English Mutiny Act. Then an offence against the Army Act of 1881 applied through the Mutiny Act to the members of our forces becomes an offence against the local Act. To hold otherwise would be to hold that Parliament intended that there should be no disciplinary code applied to the members of our forces for offences under the Mutiny Act, and that is simply absurd. To put it shortly, the Imperial Mutiny Act for the time being is a portion of our own Act. The same argument I will submit to the Court answers the objection of my friend that the prisoner is not a soldier within the meaning of the Army Act of 1881. There can be no doubt whatever that he is a soldier in our forces, and in section 5 it says that every man who has subscribed the oath of engagement shall remain subject to the provisions of the Imperial Mutiny Act. Yes, says my friend but that only applies to persons in the English forces.

Mr. Simpson :—I never said anything of the kind. I said that the Army Act does not apply to members of our forces.

Mr. Heydon :—Yes; but at present I am treating the Army Act of 1881, and the Mutiny Act as practically the same. My learned friend says that the prisoner is not a soldier under the meaning of the Army Act of 1881. But he is a soldier in our forces, and I submit that that is to be read as a soldier under the Imperial Act of 1881. Otherwise the whole thing is absolutely meaningless; for, whilst the Imperial Act says that a soldier serving in the regular forces is to be subject to certain penalties for certain offences, and our Act says that a soldier in our forces is to be subject to the English Act, the last argument of my friend has more force than any of the others—viz., that there is no Mutiny Act in existence at all, because I find that the Army Act of 1881 is not a re-enactment under another name of the old Mutiny Act, but that it is the old Mutiny Act with other provisions imported into it. It seems to me, however, that those provisions apply to the soldiers here. I take it that the Army Act includes the Mutiny Act, which section 5 of our own Act says the forces here should be subject to. Therefore I submit that the change in the name of the Act will really not make any difference. The Court has to look at the intention of the Legislature; and so far as these charges are concerned I don't know that any change has been made at all. I may point out that the consent of the prisoner was obtained to serve under the new Act when it came into force. Each member of the force was asked if he would serve under the Act of 1879 when it came into force, and amongst others the prisoner Webster gave his consent to do so. That can be proved.

Mr. Simpson :—The argument of my learned friend, if I may call it an argument at all—the assertion of my learned friend that if I am right in this matter the members of the New South Wales Artillery may commit a great many offences without being subject to punishment by Court-martial for them, goes for nothing. My learned friend knows that Judges of the Supreme Court are constantly delivering judgments which they regret—compelled by the peculiarities of the law to do so. The remedy in this instance is very simple. Those who are in command of the Military Forces here ought to have seen that provision was made to amend our Act from the time the Mutiny Act ceased to exist. It has not been done, but Mr. Heydon tells us that Webster agreed to become subject to the provisions of the Act of 1879. That has nothing to do with it at all. Will the consent of an ignorant man to bind himself to certain rules give a Court-martial power to hang him? The proper course would have been to have our own Act amended. As it is, the persons who comprise our forces are only subject to the local Act. The fact that it had occurred to the Military authorities to swear the men to subjection to the Act of 1879 was a strong point in his favour. It showed clearly that they had their doubts whether the Army Act was binding upon men in this Colony.

The Judge Advocate :—I am of opinion that the Court have jurisdiction. It is true, as stated by the prisoner's counsel, that the Mutiny Act was repealed in 1879, but under 43 Vic. chap. 32 it is specially enacted that any reference in any Act of Parliament or other document to the Army Mutiny Act shall

be deemed to refer to the corresponding provisions of the Army Discipline and Regulation Act of 1879. The prisoner is now arraigned under the Army Act of 1881, and therefore I deem that the Court has jurisdiction.

Mr. Simpson :—That is not in force in the Colony and it cannot bind or control in any way persons who hold positions in this Colony.

[The Court cleared.]

Upon the reopening of the Court *Mr. Heydon* said :—Since the closing of the Court I have been put in possession of certain facts which appear to me to be material to the points under consideration.

The President :—If they bear upon the objections raised by the counsel for the prisoner, I have no objection.

Mr. Heydon :—It seems that upon the passing of the English Army Act of 1879 it was pointed out by the General Commanding the Forces that there —

Mr. Simpson :—I think that my learned friend has no right to point out what was the opinion of the General Commanding the Forces.

Mr. Heydon :—This question was brought before the Attorney-General of the day.

Mr. Simpson :—Really, it is a monstrous thing. If even my learned friend were addressing a bench of magistrates he would not dare to say what was the opinion of an Attorney-General. When our present Chief Justice was at the bar he gave opinions, and do we ever venture to mention the fact to the Court that Sir Frederick Darley, when counsel, said such and such a thing?

Mr. Heydon :—My friend says that the Imperial Mutiny Act cannot apply to the Army Act of 1881, and he says that it has been an oversight not to have a new Act passed. Now I wish to point out to the Court that at the time it was considered whether it was necessary to pass a new Act.

Mr. Simpson :—I desire to say that this Court cannot be in any way overawed by the opinion of an Attorney-General. My learned friend does not even say who the Attorney-General was.

Mr. Heydon :—It was Mr. Wisdom.

The President (to *Mr. Heydon*) :—I don't think we can take those papers; and the Court has now decided to adjourn until further orders.

Mr. Simpson :—Before the Court adjourns I should like to point out that the prisoner is at present under arrest. Is there any reason why he should remain under arrest?

The President :—Oh, certainly.

[At 12:40 p.m. the Court adjourned until further orders.]

Proceedings before the Full Court on Friday, 1st March, 1889.

Sitting Judges :—

Their Honors Sir P. M. Darley, Chief Justice; Mr. Justice Windeyer, and Mr. Justice Foster.

Mr. Simpson :—I beg to move that the rule nisi for which I applied yesterday, restraining the General Court-martial from proceeding further against Warrant-officer William Webster, may be made absolute. I submit that beyond all doubt the Court must not only be properly and legally convened, but that it must have jurisdiction to try this particular prisoner for the offences charged against him, so that although the Court-martial might have authority to try the prisoner for certain offences they ought to be restrained, unless they are entitled to try this particular prisoner for these particular offences. I think his Honor, Mr. Justice Windeyer, has put the matter most forcibly. If the Court will hold that the Mutiny Act for the time being means the Army Act of 1881, then the case is practically at an end, as far as the main issue is concerned, at all events. In answer to the question which his Honor, the Chief Justice, asked me as to the authority upon which I appeared before the Court-martial, I must say that I appeared there as counsel, and the President allowed me to appear there.

The Chief Justice :—Yes, but you must have appeared there under some Act of Parliament?

Mr. Simpson :—I simply appeared as counsel. It is a matter for the President of the Court as to the authority upon which I appeared. He allowed me to appear under the Army Act of 1881, I imagine. Supposing it had been any other species of Court-martial, I could have appeared.

The Chief Justice :—Yes, but you could not have been heard.

Mr. Simpson :—I could have been heard if the Court had been willing to hear me. If the Court had not been willing to hear me all that I could do would have been to suggest questions to the prisoner.

The Chief Justice :—I have been concerned myself as counsel for a prisoner at a Court-martial, and then I had to write down suggestions for the prisoner which were passed from one to another, and the process was a very lengthy one.

Mr. Simpson :—We found the Judge Advocate very useful in this instance. He is a gentleman who appears to be very familiar indeed with military law, and rendered us great assistance in conducting the case through in this matter, which the Court did not think it well to adopt. Your Honor has perhaps looked at the Army Act of 1881. That Act appears to have reference to soldiers of the Imperial forces, to certain Reserve forces, to auxiliary forces, and in certain cases to forces serving in any of the Colonial possessions raised under the authority of Her Majesty, and under the control of an officer of the Imperial forces. It has no reference, except as far as section 177 is concerned, to any Colonial forces.

The Chief Justice :—Are not the troops in this Colony Her Majesty's troops?

Mr. Simpson :—They are under a separate Act of Parliament, and subject to the provisions of that Act, but apart from that they are not. No doubt they are Her Majesty's troops in the same way that we are Her Majesty's subjects; but the Army Act of 1881 has reference not simply to soldiers who are raised under the provisions of a local Act, and who for certain purposes are soldiers of Her Majesty, but it has reference in direct terms to forces raised in England, governed by Her Majesty, and under officers appointed by Her Majesty.

Mr. Justice Windeyer :—So it was under the old Imperial Mutiny Act.

The Chief Justice :—The question is whether the Army Act of 1881 is, in the meaning of the local Act, the same as the Mutiny Act. The question is,—Is not this Army Discipline Act the Imperial Mutiny Act now in force?

Mr.

Mr. Simpson :—Yes, your Honor, that is it. And what I wish to point out is that the Army Act of 1881 contains a great many provisions which are not to be found in the old Mutiny Act.

The Chief Justice :—The Army Act seems to combine the regulations of the Mutiny Act with several other regulations; but does that make it less a Mutiny Act?

Mr. Simpson :—It is not the Mutiny Act, your Honor. It may be a Mutiny Act, but the question is whether it is the Mutiny Act which the Legislature of New South Wales had in view when they passed our local Act.

Mr. Justice Windeyer :—Well, but in the light of the Constitution you know what the local Act means.

Mr. Simpson :—The Legislature in England have taken a different view from that which your Honors appear to be inclined to take at present. They passed an Act of Parliament—the Army Discipline Act of 1879—saying that for certain reasons and up to a certain time the provisions of the Mutiny Act of 1878 are applied to the Army Discipline Act of 1879. Now, if the Legislature of England had regarded the old Mutiny Act and the Army Discipline Act as practically the same Act it would have been unnecessary to do this, and if it had not appeared to them necessary to do it they surely would not have done it. And not only that, they passed an Act called the Army Discipline Act Commencement Act, 42 or 43 Vic., chap. 33, section 5, says that any reference in any Act of Parliament or other document to the Army Mutiny Act or the Marine Mutiny Act shall, after the commencement of the Army Discipline Act of 1879 be deemed to refer to the provisions of that Act. So that it is evident that in England it was not thought that the Army Discipline Act of 1879 was the Mutiny Act. If it had been so, if the argument that in our Act the words Mutiny Act mean the Army Discipline Act of 1879 there would have been absolutely no need to say that the provisions of the Mutiny Act were extended to this Act. Not only did they do that, but when they passed the Army Act of 1881 they said the same thing again in fact.

Mr. Justice Windeyer :—The Army Act is passed from year to year, I believe.

Mr. Simpson :—Not passed from year to year, your Honor, but continued from year to year.

Mr. Justice Foster :—If in any document in England the Mutiny Act is referred to, do you admit that that reference applies to the Army Act of 1881?

Mr. Simpson :—I say that section 5 of the Army Discipline Amendment Act of 1879 has no reference to any Act of the colonial Legislature.

Mr. Justice Foster :—Have they not used the strongest words to say that one Act takes the provisions of the other?

Mr. Simpson :—Yes, your Honor, in England that is so, but not here. Supposing the Imperial Mutiny Act in force at the time we passed our Act said that for certain offences soldiers should be liable to imprisonment for two years, and the Army Act of one year afterwards said that for that offence they should be hanged, would they have to be hanged here?

Mr. Pilcher :—Certainly.

The Chief Justice :—If the Army Act is not the Imperial Mutiny Act then there is no Imperial Mutiny Act in existence.

Mr. Simpson :—That is what I say, your Honor. There is no Mutiny Act in existence.

Mr. Justice Windeyer :—The preamble of the Act for the current year is exactly the same as that of the Mutiny Act to all intents and purposes.

Mr. Simpson :—But, your Honor, the two Acts have quite different names.

Mr. Justice Windeyer :—The title is no part of an Act of Parliament in point of law.

The Chief Justice :—At present it would require a very strong argument to convince me that the Army Act is not the same as the old Mutiny Act.

Mr. Justice Foster :—Are not the sections the same in the two Acts.

Mr. Simpson :—No, your Honor, they are entirely different.

The Chief Justice :—The old Mutiny Act provided for the passing of articles of war, and I think that was done under the sign manual of the Queen, whilst in the Army Discipline Act they were introduced into the Act itself, so that instead of each year fresh regulations being signed by Her Majesty they become part of the statute law. So that practically the difference is only an apparent and not a real difference. When our Act was passed the troops here became subject to the Imperial Mutiny Act.

Mr. Simpson :—Not only by virtue of the Mutiny Act, but under section 5 of our local Act itself.

The Chief Justice :—If you look at section 5 of the local Act you will find that the soldiers here became subject to the same discipline as Her Majesty's army, and the troops in the navy here are subject to any Act regulating the troops in Her Majesty's navy.

Mr. Simpson :—There is no doubt that that is so as far as the navy is concerned, but as far as the army is concerned the troops of New South Wales are subject to one Act—the Imperial Mutiny Act for the time being. If the Imperial Act for the time being, under our Act, meant the Army Act of 1881, or the Army Discipline Act of 1879, it would have meant the same in England. But if that was so, why did the English Parliament pass section 5 of the Army Discipline Commencement Act of 1879, or section 191 of the Army Act of 1881? We must presume that an Act of Parliament is not passed without occasion. Really, what they did in England was to re-enact the Army Act. The members of our local forces only take the oath to serve for a number of years; they take the oath to serve under the provisions of the Imperial Mutiny Act, and they know what the provisions of the Imperial Mutiny Act are; they know that if they commit certain offences under that Act they may be tried and punished in a certain way. They have agreed to that, but have never agreed to be subject to the Army Discipline Act of 1881, which creates several offences that were not included in the Mutiny Act at all. This charge of what they call "embezzlement" was included I admit, but there were several other charges, such as the careless signing of vouchers, and so forth, that were not.

Mr. Pilcher :—They are in the articles of war, which are a part of the Mutiny Act.

Mr. Simpson :—We are not here to answer a charge of having committed offences against the articles of war. If we were, and if they were in force, we should be bound by them. Now, I wish to call your Honor's attention to this, that under section 5 of the Army Discipline Commencement Act of 1879 the Mutiny Act is referred to. Any reference in any Act of Parliament to the Army Mutiny Act is to apply to the Army Act of 1881. The Army Mutiny Act means one particular Act, 41 and 42 Vic., chap. 10, and that Act expired long ago.

Mr. Justice Windeyer :—Then, according to your argument, this Act had no meaning in 1874; there was no Act known as the Mutiny Act then.

The

The Chief Justice :—There was no such legal term ; there was no short title to the Mutiny Act.

Mr. Simpson :—Excuse me, your Honor, it is called an Army Mutiny Act in the section to which I am referring.

The Chief Justice :—There never was an Act passed called the Mutiny Act. There have been Acts passed to deal with mutiny in the army. An army Act dealing with mutiny in the army is called, when spoken of generally, a Mutiny Act.

Mr. Simpson :—To prevent any conflict the Army Discipline Commencement Act was passed, and maintain that it was the duty of the Legislature here to have altered our local Act when the Army Act came into existence. The Army Act contains a great many provisions which the Mutiny Act did not contain ; it alters the punishment in a great many cases, and I think it alters the constitution of a Court-martial.

The Chief Justice :—As there was no Act of Parliament called the Mutiny Act are not the words " Mutiny Act " in our Local Act indicative merely of a code of law rather than of any particular Act ?

Mr. Simpson :—Then if your Honors decide that the Army Act is the same as the Mutiny Act, and that our local Act is applicable to either of them, then my main objection falls to the ground. Now, supposing this Court is properly convened and assembled, then I maintain that it has only jurisdiction to determine offences under this Act, 34 Vic. No. 19. We find that that is so by section 18.

Mr. Justice Windeyer :—But if the Imperial Army Act is part of this Act, then an offence against it is an offence against this Act.

Mr. Simpson :—But I say that our Legislature have not provided for that. At all events, if he is subject to the Army Act of 1881, then I submit that the Governor only can convene a Court for the purpose of trying him. That much is clear under 34 Vic. No. 19, and no offence for which he is tried must be offences committed against this Act or against the regulations thereunder. But as I have already said, the Governor only has power to convene this Court, and we maintain that in this instance the Governor did not convene it. On the 21st February, Major-General Richardson wrote a letter to the Governor in which he asked for His Excellency's approval for the convening of a Court-martial for the " investigation " of certain offences. He does not even ask for a Court-martial for the trial of those offences.

The Chief Justice :—You say that the Governor has only sanctioned a Court-martial, and that he ought to have convened one ?

Mr. Simpson :—Yes, your Honor ; that is it exactly. His Excellency must convene a Court-martial to try the prisoner for these offences ; but Major-General Richardson has not even asked for one.

The Chief Justice :—He has power to convene and he has also power to delegate power to convene.

Mr. Simpson :—Has he done that ? If it is contended that he has delegated his power to convene, how has he done it ? He has only written the word " approved " over a request to hold an investigation.

Mr. Justice Windeyer :—After this approval of His Excellency what did the General do ?

Mr. Simpson :—He recommended the appointment of a President.

The Chief Justice :—But did the Governor appoint the President ?

Mr. Simpson :—We say not.

The Chief Justice :—It is a very important matter that this Court should be properly convened.

Mr. Simpson :—It is like the appointment of Judges. Indeed these gentlemen hold the position of Judges.

The Chief Justice :—Yes ; and Judges of a very high Court too. In England under section 122, Her Majesty may by warrant under her sign-manual, convene or authorize any qualified officer to convene. If the Court decides that these men are under the provisions of the Army Act, they certainly are entitled to be surrounded by all the protections that the Army Act provides.

Mr. Simpson :—Exactly so, your Honor ; that is what we hold. And in this instance the requirements of the Army Act have not been complied with. Nothing but His Excellency's sanction for a preliminary investigation has been obtained.

The Chief Justice :—Undoubtedly His Excellency ought to have signed an order.

Mr. Simpson :—Then comes the appointment of the President. Now, although there seems to have been a general conversation between the Governor and General Richardson, I maintain that the Governor did not legally appoint the President.

The Chief Justice :—The Governor can delegate his power to convene ; he cannot delegate his power to appoint ; he must do that personally.

Mr. Justice Foster :—Does not the power to convene in England include the power to appoint ?

Mr. Heydon :—I maintain that that is so, your Honor.

Mr. Justice Windeyer :—Surely the power to convene must include the power to appoint. Supposing that an army was in the field in Africa ; the first man who had been appointed might be killed in action.

Mr. Simpson :—I submit, your Honor, that the President must be appointed by the Governor, and he has not been so appointed. It is perfectly clear that the Governor is the person to appoint the President, and in this instance it is evident that nothing of the kind was done.

Mr. O'Connor then addressed the Court. He argued that the Mutiny Act, which was contemplated on the passing of the local Act, was not any general code of laws dealing with the conduct of soldiers, but was a particular Act to which reference had been made. They found that in 1879, after the passing of the New South Wales Act the whole constitution of the law dealing with soldiers was altered. Whilst it would be very justifiable to make the troops of New South Wales subject to any re-enactment of the Mutiny Act, still, when an Act is passed embodying provisions which were not contained in the Mutiny Act, the question arose whether it was fair to subject them to those provisions.

Mr. Justice Windeyer :—Does not our Act contemplate the alteration of the law from time to time by the Imperial Parliament ?

The Chief Justice :—You see Mr. O'Connor the Mutiny Act did deal with these offences. The only difference is that at first they were embodied by reference, whilst now they are embodied as part of the Act itself.

Mr. Pilcher, who was informed by the Chief Justice that it was unnecessary to address the Court upon the question of whether the Court-martial had jurisdiction over offenders under the Army Act, said : I think it is conceded that the convening of the Court is a very unimportant matter, because

we can convene another to-morrow, but it is important thus far that General Richardson has been convening Courts-martial in this way for years, and it follows that the Legislature must at once pass an Act of Parliament making all the previous convictions by Courts-martial that have been convened in this way legal. I admit that that is only a matter for the Court to take into consideration this way; that where, for instance, a particular view of a Statute has for years been taken and acted upon, the Court will not, unless they are constrained to do it, take a view of the law different from what has been taken in the past.

The Chief Justice :—I do not know, Mr. Pilcher, that it would be necessary to bring in an Act of Parliament such as you mention.

Mr. Pilcher :—Oh, I think so, your Honor; supposing that I was a soldier and was tried last year by Court-martial and put in prison, would I have no remedy then?

The Chief Justice :—None.

Mr. Pilcher :—But then supposing that the Court had no right to sit as a Court. Supposing that I am sent to gaol by a person who is not a magistrate, should I not have a claim for false imprisonment?

The Chief Justice :—You would in that instance.

Mr. Pilcher :—And I think that this is a similar case. But what I want to point out is this, that section 8 nowhere requires any appointment or any convening of the Governor to be in writing.

Mr. Justice Foster :—Whatever the Governor has to do in this way that something must be in writing.

Mr. Pilcher :—The Imperial Act may say in the case of the Queen that Her Majesty has to do it under her sign manual, but our Act makes no such regulations for the Governor.

The Chief Justice :—The Act of the King must be under the Great Seal of the King, and it appears to me that where a Governor makes an appointment of this nature that appointment must be made under his signature.

Mr. Pilcher :—These appointments no doubt should not be made haphazard and in a loose way, but the question is does the Act of Parliament require that they should be in writing. I am here upon the rigid construction of an Act of Parliament, and nothing else, and I say that if the appointment was made by word of mouth that is quite sufficient. Then they say that the power to convene the Court was not delegated. My learned friend draws no distinction between convening and assembling. If that is so, then the paragraph in General Richardson's statement saying that the Governor requested him to appoint a Court-martial, is not that sufficient as long as the delegation need not be in writing? With regard to the appointment of Colonel Bingham, you see here is a document asking the Governor to appoint that officer as President, and there is the word "approved" upon it.

Mr. Justice Foster :—But the question is, supposing after writing on that document the word "Approved," the Governor had chosen to remove Colonel Bingham and to appoint somebody else he could have done so, because no appointment was made.

Mr. Pilcher :—Do your Honors hold it necessary to say "I sanction Colonel Bingham's appointment"?

Mr. Justice Foster :—He might say "I appoint Colonel Bingham to be President."

The Chief Justice :—I clearly think that approving of a suggestion is not making an appointment.

Mr. Pilcher :—Then supposing that Court had awarded a decision, I conclude that your Honors would have thought it necessary to upset that decision. But I should like to point this out to your Honors that it was the main point that they came here upon, and even if they succeeded on these technical points they certainly ought not to get the costs of this application.

Mr. Heydon then addressed the Court, submitting that under section 47 of the Army Act of 1881 it was really unnecessary for the Governor to appoint the President of the Court. Her Majesty delegates the powers of convening, and that included the appointment of President and the appointment of members of the Court.

The Chief Justice, in delivering judgment, said :—Were it not that this matter is one of urgency I should have preferred to have taken some time to consider the judgment which I shall deliver in the case, not because I have any doubt what that judgment ought to be, but that I should like to have had time to put my observations in the proper form in a case of so great importance. It appears to me that the first point that has been argued by Mr. Simpson in support of this application must be decided against his client. Mr. Simpson contends that in the 5th section of the Act, 34 Vic. No. 19—the Colonial Act—the words "the Imperial Mutiny Act" have reference only to the Imperial Mutiny Act—the so-called Mutiny Act which was in force at the date of the passing of that Act—and to such Acts as followed that Act and were known under the designation of "Mutiny Act." If Mr. Simpson be right in his contention, it follows that, certainly, since the year 1870 the Permanent Forces enrolled in this Colony have been under no code of discipline whatever, and that we have been in this Colony in a very dangerous position, because, as pointed out in the judgment to which I shall presently refer, the Mutiny Act was passed not merely in reference to the soldier, but also for the protection of the citizen. It was felt and pointed out that the citizens of a country where there was a standing army were in extreme danger unless there were prompt means of exercising severe discipline, it may be, over the body of troops that were enrolled. In the case of Grant against Sir Charles Gould, reported in the second of Henry Blackstone's reports, at page 69, Lord Loughborough, the Chief Justice of the Common Pleas, in delivering the judgment of the Court, at page 100, deals with this question, and I think his remarks are worthy of consideration in dealing with the case now in hand. In that case a man had been brought up before a Court-martial under these circumstances: He had been in the pay of the army, not as attached to any particular regiment, but as enlisting officer, and he had induced two men of Her Majesty's Guards to desert their regiment in order to enlist in the East India Company's service. He was tried and found guilty and sentenced to a penalty that possibly may be scarcely conceived in these days—to receive a thousand lashes. He moved the Court of Common Pleas for a prohibition, just as is done here, on the ground that he was not a soldier. It was held that, inasmuch as he received military pay-money out of the military chest, he was a soldier, or at least came within the Mutiny Acts. This is what Lord Loughborough says with respect to this case at page 100 :—

But there is by the providence and wisdom of the Legislature an army established in this country of which it is necessary to keep up the establishment. The army being established by the authority of the Legislature, it is an indispensable requisite of that establishment that there should be order and discipline kept up in it, and that the persons who compose the army, for all offences in their military capacity, should be subject to a trial by their officers. That has induced

induced the absolute necessity of a Mutiny Act accompanying the army. It has happened, indeed, at different periods of the Government that there has been a strong opposition to the establishment of the army. But the army being established and voted, that led to the establishment of a Mutiny Act. A remarkable circumstance happened in the reign of George the First, when there was a division of parties on the vote of the army. The vote passed and the army was established, but from some political incidents which had happened the party who opposed the establishment of the army would have thrown out the Mutiny Bill. Sir Robert Walpole was at the head of that opposition, and then some of their most sanguine friends proposed it to them. They said as there was an army established, and even if the army was to be disbanded, there must be a Mutiny Act for the safety of the country. It is one object of that Act to provide for the army, but there is a much greater cause for the existence of a Mutiny Act, and that is the preservation of the peace and safety of the kingdom, for there is nothing so dangerous to the civil establishment of a State as a licentious and undisciplined army; and every country which has a standing army in it is guarded and protected by a Mutiny Act. An undisciplined soldiery are apt to be too many for the civil power; but under the command of officers those officers are answerable to the civil power that they are kept in good order and discipline.

According to the argument, there is no Mutiny Act existing in England. It is said that since the year 1879, when the Mutiny Act first acquired a legal name—first acquired the name of "The Army Discipline Act"—the Act so-called "The Army Discipline Act" ceased to be a Mutiny Act. That argument, I think, cannot be supported. It is only necessary, in order to give an answer to that argument, to read the Acts themselves—to read the Mutiny Acts which passed previous to 1879, to read the preambles to those Acts, the necessity for their being passed, the necessity for strict discipline which is all recited on the face of the Act, and then the provisions in the Act establishing that discipline and embodying in the Act, by reference, the articles of war which provided for the crimes which might be committed by military men and for the punishment incidental or attached to those crimes. There is no difference in the Acts which passed previous to 1879 and the Acts which passed since, except this, that in the Acts which passed since 1879 the articles of war are not embodied by reference, but do actually now become part of the statute law of the kingdom. Curiously enough, in looking back so far as the time in which Mr. Blackstone published his "Commentaries on the Laws of England," we find that he actually in his day recommended that that course should be pursued—the course pursued in 1879 was recommended by the writer of the "Commentaries on the Laws of England." In speaking of these Acts and the power of the Sovereign he says this at page 415 of the first volume:—

This discretionary power of the Court-martial is indeed to be guided by the directions of the Crown, which, with regard to military offences, has almost an absolute legislative power. "His Majesty," says the Act, "may form articles of war and constitute Courts-martial, with power to try any crime by such articles, and inflict penalties by sentence or judgment of the same." A vast and most important trust! an unlimited power to create crimes, and annex to them any punishments, not extending to life or limb! These are indeed forbidden to be inflicted, except for crimes declared to be so punishable by this Act, which crimes we have just enumerated, and among which we may observe that any disobedience to lawful commands is one. Perhaps in some future revision of this Act, which is in many respects hastily penned, it may be thought worthy the wisdom of Parliament to ascertain the limits of military subjection, and to enact express articles of war for the government of the army, as is done for the government of the navy, especially as, by our present Constitution, the nobility and gentry of the kingdom, who serve their country as militia officers, are annually subjected to the same arbitrary rule during their time of exercise.

That was written so far back as 1765, and that suggestion was carried into effect by the embodying of the articles of war in the Mutiny Act of 1879. Then it is said that is not a Mutiny Act. What is it if it be not? If it be not a Mutiny Act, then there is no Mutiny Act existing in England. Another Act which regulates in this important way the control of Her Majesty's forces in England is called the "Army Discipline Act." It is only another name for a Mutiny Act. As has been pointed out during the argument, there never was a time when there was any such an Act known legally as "The Mutiny Act." It is a popular and convenient name to give to the Act of Parliament; but the Act of Parliament was legally known by its number and, in reciting it in documents, by its title. That is the only way in which it was legally known. Calling it an "Army Discipline Act" does not render it less a Mutiny Act. I am therefore of opinion, looking at the nature of the case, at the necessity of the case, and at the 5th section of 34 Vic. No. 19, where it speaks of persons serving in the military forces, making them subject "to the provisions of the Imperial Mutiny Act in force for the time being for Her Majesty's Army," that these several Acts of Parliament—call them Army Discipline Acts, or Army Regulation Acts, call them what you will—if they are in point of fact the Acts which provide for the discipline of Her Majesty's forces, they are Mutiny Acts within the meaning of this section. Therefore, so far as that point is concerned, I think that the application must fail, and that the person who has committed a crime—an offence against the Act of 1881, which is continued by annual Acts—may be tried for an offence as against that Act. Now we come to points which are of strictly a technical nature, but which yet, I regret to say, are fatal to the contention put forward here by those who desire to support the jurisdiction of this Court-martial. I say I regret to say it because it merely involves a little further time. They are points which, now being decided by this Court, of course can be rectified in a day, or in a reasonable time. In my opinion this Court has not been properly convened, and therefore the Court does not possess the jurisdiction to try every offence under the Act of 1881. The section of the Act which is applicable to the convening of these Courts is the 8th section, 34 Vic. No. 19. That section provides—

It shall be lawful for the Governor from time to time to convene courts of inquiry, and to appoint any three or five commissioned officers under this Act to be a court of inquiry for the purpose of investigating and reporting to him on any matter connected with the government or discipline of the force embodied under this Act, or with the conduct of an officer, non-commissioned, warrant, or petty officer, or other member of the said force, and also to convene at any time and to delegate power to convene a Court-martial, and to appoint any like number of officers as aforesaid to constitute such Court for the purpose of hearing and determining all offences committed against this Act, or the regulations made in pursuance thereof; provided that it shall be lawful for the Government to appoint any officer of Her Majesty's navy in command of any of her ships of war then being in Port Jackson to act as President of any naval Court-martial, and to appoint in every case one of the said officers to be the President of such court of inquiry or Court-martial.

It is clear that that section casts on the Governor the duty of either convening a Court-martial or of delegating the power to some individual to convene a Court-martial. The question here is whether, on the evidence before us, we can say the Governor has either convened or delegated the power of convening; and that entirely depends upon a letter, with the Governor's endorsement thereon, of 21st February, 1889. It is a letter written by Major-General Richardson to the Governor, in which he states this:—

I have the honor to forward herewith charges preferred against the warrant-officer named in the margin, which I have found it necessary should be submitted to your Excellency, and to request you will be pleased to sanction the assembly of a general Court-martial for their investigation.

Now, the Governor has written on the margin of that "approved." Therefore, he has sanctioned the assembly of a general Court-martial. But he has not convened it; nor has he by sanctioning the assembly

of a general Court-martial, delegated the power to any other person to convene it. His sanctioning the assembly of a general Court-martial does not delegate to General Richardson the power to convene a court-martial, and it is perfectly clear he has not convened it himself. Therefore, this Court-martial has not been properly convened—it has not been convened by the Governor nor by any person delegated by him. What ought to have taken place was this: This was a very proper letter in the first instance, and the approval of the Governor was right; but upon that, if it was inconvenient for the Governor himself to convene—possibly it is—or to appoint or name the members of the Court-martial—and probably that was a duty which could be more properly cast on General Richardson—there ought to have been a document laid before the Governor by which he could distinctly authorize General Richardson to convene this Court-martial, and that followed up by some such document as has been placed before us; but, even then, it ought to bear the signature of General Richardson himself. He, as the officer delegated to convene, ought to convene by writing under his own hand, and not simply give an order to some subordinate officer. It ought to be done by General Richardson himself if the Governor places the duty upon him. I will not go further. That would be sufficient to show that this Court has not been convened properly under the statute; but, independently of that, the statute casts on the Governor alone the power of appointing the President of this Court. Here, General Richardson suggests that Colonel Bingham should be the officer appointed. The Governor approves of that suggestion, but there is no appointment following that. This duty being there, and the duty being cast on the Governor by this Act of Parliament to make the appointment, there ought then to have been placed before the Governor, a document distinctly appointing, in the name of the Governor, Colonel Bingham to be the President of the Court-martial, and that ought to have been signed by the Governor. These matters ought to be carried out strictly and in order, because the Court here appointed is a very high court—perhaps as high a court as could exist in this Colony subordinate to this Court, because they possess enormous powers—powers of life and death—they possessed powers of imprisonment, and of inflicting penal servitude to a very great extent. I am not certain they do not possess the power of penal servitude for life under certain circumstances; at any rate, they have very large powers over the liberty of the subject, and we must suppose and assume that those appointed to exercise such powers would be only men who could be well trusted, and in whom such powers could be confided; and it seems to me, therefore, that—in the interests of the public and of the prisoner who is to be tried before them—every precaution should be taken that everything is done strictly in order, and these gentlemen should hold as clear a commission to carry out their duties as I hold to carry out mine. It is argued further, that the Court is only appointed with the power to determine offences committed under the Act, 39 Vic., No. 19. I do not know that that argument was very much pressed; but, if it be, it appears to me that the Act, 39 Vic. No. 19, embodies within itself the Army Discipline Act—in other words, the English Mutiny Act—and, embodying it within itself, all offences committed against the Mutiny Act in England are offences committed against the Act, 34 Vic. No. 19. Therefore, everything which is an offence under the Army Discipline Act in England is equally an offence under the Act, 34 Vic. No. 19. I think, therefore, that in this case, prohibition must go on these last points; but, seeing that the respondents here are officers called upon to discharge a public duty, I do not understand Mr. Simpson asks for costs, and, of course, the prohibition goes without costs.

Mr. Justice Windayer, in delivering judgment, said:—The question we have to argue in this case is, what is the meaning of the expression in the 5th section of 34 Vic., chap. 19, of these words, “Every man who subscribes the oath

”
The contention on behalf of the applicant is, that inasmuch as there is no Mutiny Act in existence at the present time in the Mother country, that we cannot be made amenable to the jurisdiction of this Court-martial. This, of course, raises the question: “What is the exact meaning of the expression, ‘Imperial Mutiny Act in force for the time being’?” The contention can be narrowed down to this, that as there is no Act bearing the name of the Imperial Mutiny Act in force in the Mother country, this Act has no validity. It is quite clear that there was not, at the time of the passing of this 34 Vic., chap. 19, an Act known as the Imperial Mutiny Act; and if full effect were given to the argument of the learned counsel, it would follow that at the time of the passing of this local Act the reference was utterly meaningless. The question, of course, is, what was the intention of the Legislature in using those words? We can only judge of the intentions of the Legislature in cases of this kind by looking at the objects of the Act, and examining it by the light of Constitutional law applicable to this subject, and by reference to the Acts which have been passed in the Mother country from time to time for maintaining and regulating the discipline of the army. This Act was drawn by one of the best Constitutional lawyers that this country has ever known. It was drawn under the immediate supervision of Sir James Martin, and it is not to be supposed that a lawyer such as he was would have left the force in this Colony in a state of utter want of discipline, such as would be the case if this Act did not apply to the Army Act. There is no short title to the Acts which have been referred to as the Mutiny Acts of the Mother country. There the law knows no such thing as martial law in the ordinary sense; but it is of course necessary that law should be constantly maintained in the army, and we know that Parliament has from time to time passed certain Acts to provide discipline for the army; and although these Acts have not been known by any short title, we generally understand what are alluded to when they are called Mutiny Acts. This expression was first given by Blaxton. In point of fact, however, there is no such name given to any Act of Parliament and known to the law, and we are thrown back again to find what is the intention of our Legislature in using that expression. To my mind it was the intention of the Legislature to provide that discipline should be maintained in our forces by the same Acts that it was maintained in Her Majesty’s forces in the Mother country. The Legislature at the time this Act was passed, was about to establish for the first time a regular military force in this Colony, and what could have been more natural than that the law for the regulation of those forces should be placed in the same position here as in England. Accordingly the Act refers, in my opinion, in these words to the Act which was in force in the Mother country from year to year. The old annual Mutiny Acts, as they were called, seem to be described in the same way always up to the year 1878. In 1879, an Act was passed called the Army Discipline Regulation Commencement Act, there being passed about the same time the Army Discipline and Regulation Act, which embodied in a collective form all the laws with reference to military offences, and instead of the old Acts, which were passed before from year to year, an Act was passed called the Army Regulation Act, which provides that this code of law should only continue in force for one year, the annual Act keeping it alive from time to time. This went on until 1881, when the law was again consolidated, and then we had another

another Act passed embodying the whole code with various amendments. Therefore I think that when the Parliament of this country decided that the forces of this country should be under the same code of discipline as was in force in the Mother country, it meant that they should be subject to any particular Act that might be in force at any particular time. If that were not so, well, then there is really no military control over our military force. The Imperial Parliament contemplated the passing of some Act for the control of the forces of the Colonies, and that when they came into contact with any of Her Majesty's forces they should be under the same discipline as the Imperial forces. What, therefore, can be more natural than for our Parliament to make its Act reciprocal. With reference to the other question that has been raised, I quite agree with His Honor the Chief Justice in thinking that the 8th section of our Act, with reference to the convening of this Court-martial, and the appointment of its President has not been followed. In the first place I would say that it is not necessary for his Excellency, when acting under this section, to act in consort with the Executive Council. He is to act as Commander-in-Chief of the forces of the Colony. It appears to me, however, that the evidence before us shows that although His Excellency authorized the drawing up of an order convening the Court-martial and probably intended to delegate to General Richardson the appointment of the President, he has not, as the Act requires, either convened the Court-martial or appointed its President. It has been said that the law does not require any written order from the Governor for the convening of this Court, and that no order is required designating the persons whom he appoints. It appears to me, however, that it would be a most dangerous thing to allow a Court of this high character to be appointed without the express written authority of His Excellency. A Court of this kind, which has the power of inflicting punishments as severe as those of any of the Civil Courts in this country, to be appointed in this manner. To allow a Court of this kind to be appointed as a result of a conversation between the Governor and Commander of the Forces, it appears to me would be a most dangerous thing. Supposing the Governor to die, or the Commander to die, it might be a matter of the utmost difficulty to prove that this Court was properly appointed. It seems to me, therefore, that the amount of care which is exercised in the appointing of other Courts should be extended to this one. For these reasons it appears to me that there must be written authority under the hand of His Excellency convening the Court-martial, and I think appointing its members, or authorizing somebody else to act for him. The appointment of the President appears to me to stand in the same position. There should be an express authority under the hand of the Governor.

Mr. Justice Foster, in delivering judgment, said:—I have no doubt that the Act relating to the discipline of the English Forces is the Imperial Mutiny Act for the time being, and as that is the Army Act of 1881 I agree with their Honors that that Act is the Act mentioned in 34 Vic., chap. 19, under which these proceedings appear to have been taken. Therefore, upon the first point I agree with their Honors that the applicant fails. I agree also with their Honors that upon the other points he must be successful. I do not think that we are called upon to determine whether the acts of the Governor should be in writing. It appears to me that I should be prepared to hold that solemn acts of the Governor must be evidenced by writing of some sort, either by a *Gazette*, or by writing under his own hand, or by some other record. At all events, it would never do to allow Courts of this nature to be convened by word of mouth. There might be two persons present and each might give a different version of what was said. Supposing, however, that we did allow acts such as this to be performed by word of mouth, in this instance there is not even sufficient evidence from General Richardson that the Governor did authorize him to convene this Court-martial. He says that in the course of conversation with him the Governor intimated that he would like him to

With regard to the other matters, the appointment of the President and the appointment of the members, and the actual convening of the Court-martial itself, I think the evidence is entirely insufficient. By the signature of the Governor that he approved when it was submitted to him, that he approved of a Court-martial being nominated for the trial of Quartermaster-sergeant Webster of the Permanent Artillery, and he was asked to sanction the assembling of a general Court martial for the investigation of the charges. It appears to me that that is simply a preliminary step; that the propriety of holding a Court-martial was submitted to him, and that he approved of it; but there is nothing to show that he authorized the convening of a general Court-martial. And it also seems to me that he has not authorized any person to appoint Colonel Bingham as President of the Court-martial. It would be necessary that he should state distinctly that he had appointed the President as well as the other officers, and the words ought to convey unmistakably that the Governor had appointed or delegated some other person to convene a Court-martial to try the offences for which the prisoner was brought up. It is a Court of high powers, almost irresponsible powers, and therefore it is all the more necessary that the preliminaries attending its formation should be carefully carried out. It is the duty of this Court to see that this is properly done, and it is the duty of this Court also to grant prohibition, as we have done, to the carrying on of the Court-martial.

The Chief Justice:—Rule absolute, without costs.

A.

WHEREAS I, The Right Honorable Charles Robert Baron Carrington, a member of Her Majesty's Most Honorable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies, am empowered by an Act passed in the thirty-fourth year of Her Majesty's reign, intituled "An Act for the Regulation and Discipline of the Military and Naval Forces in the service of Her Majesty's Government in New South Wales," do hereby convene a General Court-martial to assemble at Dawes' Battery, at ten o'clock in the forenoon, on Tuesday, the fifth day of March instant, for the trial of No. 95, Brigade Quartermaster-Sergeant William Webster, Warrant-officer of the New South Wales Artillery, a soldier of the Permanent Forces of New South Wales. And I do hereby appoint Colonel Edmund Henry George Bingham, General Staff (Lieutenant-Colonel Royal Artillery), Lieutenant-Colonel Cooper Penrose, General Staff, commanding Submarine Mining Forces (Major Royal Engineers), Major Henry Park Airey, D.S.O. New South Wales Artillery, Captain Frederick Thomas Bendge Baynes, New South Wales Artillery, and Captain William Andrew Cuthell, General Staff, Instructor of Musketry, to be members of the said General Court-martial; and Surgeon Major William Daniel Campbell Williams, General Staff, to be waiting member of the said General Court-martial. And I hereby appoint Colonel Edmund Henry George Bingham, General Staff (Lieutenant Colonel Royal Artillery), to be President of the same. And that there may not in any case be a failure of justice from the want of a proper person authorized to act as Judge-Advocate, I do hereby appoint Major Harry Beauchamp Lassetter, New South Wales Permanent Mounted Infantry (Major, 2nd Battalion South Staffordshire Regiment of Foot), to execute the office of Judge-Advocate of the said General Court-martial, for the more orderly proceedings of the same.

The prisoner will be warned, and all witnesses duly required to attend.

The proceedings will be forwarded to me.

In witness whereof I have hereunto set my hand at Hill View, Sutton Forest, in the Colony of New South Wales, this 2nd day of March, in the year of our Lord One thousand eight hundred and eighty-nine.

CARRINGTON.

General Morning Order No. 42.

Head Quarters, Sydney, 4 March, 1889.

THE following general order, issued by His Excellency the Commander-in-Chief, is published for information:—

Head Quarters, Sydney, 2 March, 1889.

The detail of officers as mentioned below will assemble at Dawes' Battery, Sydney, on the 5th day of March, 1889, at 10 a.m., for the purpose of trying, by General Court-martial, the prisoner named in the margin.

New South Wales
Artillery,
No. 95 Brigade
Quartermaster-
Sergeant
William Webster
Warrant Officer.

President:—

Colonel Edmund George Henry Bingham, General Staff (Lieut.-Col., R.A.)

Members:—

Lieut.-Colonel Cooper Penrose, General Staff, Commanding Sub-marine Mining Forces (Major, Royal Engineers).

Major Henry Park Airey, D.S.O., New South Wales Artillery.

Captain Frederick Thomas Bendge Baynes, New South Wales Artillery.

Captain William Andrew Cuthell, General Staff, Instructor of Musketry.

Waiting Member.

Surgeon-Major William Daniel Campbell Williams, General Staff.

Officiating Judge-Advocate.

Major Harry Beauchamp Lassetter, Permanent Mounted Infantry (Major, 2nd Battalion South Staffordshire Regiment of Foot), has been appointed Officiating Judge-Advocate.

Lieut.-Colonel Henry Douglas Mackenzie, Assistant Adjutant-General, will attend as prosecutor.

The prisoner will be warned, and all witnesses duly required to attend.

The proceedings will be forwarded to His Excellency the Commander-in-Chief.

Lieut. Leslie Herbert Kyngdon, New South Wales Artillery, will attend for instruction.

By command,—

JOHN S. RICHARDSON,

Major-General Commanding Military Forces.

By command,—H. D. MACKENZIE, Lieut.-Col., A.A.G.

PROCEEDINGS of a General Court-martial, held at Sydney, New South Wales, on the 5th day of March, 1889, by order of His Excellency the Governor and Commander-in-Chief, bearing date the 2nd day of March, 1889, pursuant to order signed by His Excellency Charles Robert, Baron Carrington, P.C., G.C.M.G., Governor and Commander-in-Chief, dated the 2nd day of March, 1889.

President :—

Colonel EDMUND GEORGE HENRY BINGHAM, General Staff (Lieut.-Colonel Royal Artillery).

Members :—

Lieut.-Colonel COOPER PENROSE, General Staff, Commanding Submarine Mining Forces (Major, Royal Engineers).

Major HENRY PARK AIREY, New South Wales Artillery.

Captain FREDERICK THOMAS BENDOE BAYNES, New South Wales Artillery.

Captain WILLIAM ANDREW CUTHELL, General Staff, Instructor of Musketry.

Judge-Advocate :—

Major HARRY BEAUCHAMP LASSETTER, Permanent Mounted Infantry (Major, 2nd Battalion South Staffordshire Regiment of Foot).

At 10 o'clock a.m. the Court opens.—Trial of No. 95 Brigade Quartermaster-Sergeant William Webster, Warrant-officer of the New South Wales Artillery.

The orders convening the Court are read, and copies thereof are marked A, signed by the President and attached to the proceedings.

The Court satisfy themselves as provided by the Rules of Procedures 22 and 23.

Lieut.-Colonel Henry Douglas Mackenzie, Assistant Adjutant-General, appears as prosecutor, and takes his place.

The above-named prisoner is brought before the Court.

Mr. Heydon appears as counsel for the prosecution.

Mr. G. B. Simpson, Q.C., appears as counsel for the defence.

The names of the President and Members of the Court are read over in the hearing of the prisoner and they severally answer to their names.

1. Do you object to be tried by me as President, or by any of the Officers whose names you have heard read over? No, sir.

The President, Members, and Judge-Advocate are duly sworn. The following officer, attending for instruction, Lieutenant Leslie Herbert Kyngdon, New South Wales Artillery, is duly sworn.

2. Do you object to Mr. Earnest Blackwell as a shorthand-writer? No, sir.

The shorthand-writer is duly sworn.

B.

Head-quarters, Sydney, 2 March, 1889.

CHARGE SHEET.

THE prisoner No. 95 Brigade Quartermaster-sergeant William Webster, Warrant-officer of the New South Wales Artillery, a soldier of the Permanent Forces of the Colony, is charged with embezzling public money in that he, at Sydney, New South Wales, on the 2nd June, 1887, when entrusted by the Government contractors Messrs. Henderson and Co., with the sum of £229 12s. 7d. public money, for the purpose of paying for compensation for clothing for 1887-88, applied a portion thereof, viz.:—the sum of £9 12s. 2d. for his own use. An act to the prejudice of good order and military discipline in that he, at Sydney, New South Wales, between the 2nd of June, 1887, and 8th October, 1888, did, without due authority, pay away a portion of certain public moneys to wit, the public money mentioned in the first charge, to the amount of £9 12s. 2d., or thereabouts, in a certain pay voucher of the contents of which it was his duty to ascertain the accuracy, being privy to the making of a false statement in that he, on the 20th May, 1887, initialled as correct, a certain pay-voucher for the compensation for clothing to the New South Wales Artillery, in which pay-voucher an overcharge was made to the amount £15 13s. 4d., or thereabouts.

1st Charge—
Army Act, 1881,
Sec. 38.

2nd Charge—
Army Act, 1881,
Sec. 40.

3rd Charge—
Army Act, 1881,
Sec. 25.

4th charge—
Army Act, 1881,
Sec. 40.

Neglect to the prejudice of good order and military discipline in that he, at Sydney, New South Wales, was culpably negligent in keeping the compensation accounts for clothing of the New South Wales Artillery, and in the care of the money on account thereof, entrusted to his charge on the 2nd June, 1887, in consequence of which neglect, on the 8th day of October, 1888, there was a deficiency of £9 12s. 2d. of such money, for which the prisoner could not account.

5th charge—
Army Act, 1881,
Sec. 17.

When charged with the care of public goods, embezzling the same in that he, at Sydney, New South Wales, after the 1st March, 1886, and during the years 1886, 1887, and 1888, being then entrusted with the care of the regimental clothing of the New South Wales Artillery, embezzled:—15 tunics, 347 cloth trousers, 335 serge trousers, 69 Norfolk jackets, 113 jumpers, or thereabouts, to the value of £800 or thereabouts.

6th charge—
Army Act, 1881,
Sec. 17.

When charged with the care of public goods, conniving at the embezzlement thereof in that he, at Sydney, New South Wales, after the 1st March, 1886, and during the years 1886, 1887 and 1888, being then entrusted with the care of the regimental clothing of the New South Wales Artillery, connived at the embezzlement of the articles specified in the fifth charge, to the value of £800, or thereabouts.

Neglect

Neglect to the prejudice of good order and military discipline in that he, at Sydney, New South Wales, was culpably negligent in keeping the clothing of the New South Wales Artillery, of which he was in charge, in consequence of which neglect, on or about the 27th of October, 1888, there appeared a deficiency of 15 tunics, 347 cloth trousers, 335 serge trousers, 69 Norfolk jackets, 113 jumpers, or thereabouts, valued at £800, or thereabouts, for which he, the prisoner, could not account. 7th Charge—
Army Act, 1881,
Sec. 40.

Neglect to the prejudice of good order and military discipline in that he, at Sydney, New South Wales, was culpably negligent in keeping the clothing books of New South Wales Artillery, of which he was in charge, in consequence of which neglect, on or about the 27th of October, 1888, there appeared a deficiency of 15 tunics, 347 cloth trousers, 335 serge trousers, 69 Norfolk jackets, 113 jumpers, or thereabouts, valued at £800 or thereabouts, for which he, the prisoner, could not account. 8th Charge—
Army Act, 1881,
Sec. 40.

Conduct to the prejudice of good order and military discipline in that he, at Sydney, New South Wales, during the years 1886, 1887, and 1888, directed and connived at excessive and exorbitant charges and payment of public moneys to the Sergeant Master-tailor, John Lyttleton, New South Wales Artillery, to the amount of £300 or thereabouts, and gave no sufficient or proper information, or warning, to his superior officers concerning the same. 9th charge.—
Army Act, 1881,
sec. 40.

Conduct to the prejudice of good order and military discipline in that he, at Sydney, New South Wales, during the year 1887, being aware that a large sum of public money, to wit, the sum of £114 16s. 3d., was being obtained by the contractor for the supply of clothing to the New South Wales Artillery, without any right thereto, and without having given any value therefor, concealed the said fact from his superior officers, and connived at the payment of the said money, and assisted the said contractor to obtain the same. 10th charge.—
Army Act, 1881,
sec. 40.

Conduct to the prejudice of good order and military discipline in that he, at Sydney, New South Wales, in the year 1887, procured the payment of an exorbitant and excessive sum of public money to himself and certain other warrant-officers of the New South Wales Artillery by way of compensation for clothing. 11th charge.—
Army Act, 1881,
sec. 40.

EVIDENCES.

Prosecution.

Captain Arthur Henry Patrick Savage, Colonel Warner Wright Spalding, C.M.G., Lieut.-Colonel Michael Murphy, Lieut.-Colonel George John Airey, Brevet-Major Pembroke Lathrop Murray, Lieut.-Colonel Thomas Millard Benton Eden, Permanent Staff; Lieut. James Little, Quartermaster, General Staff; Sergeant Master-tailor John Lyttleton, New South Wales Artillery; Claude Solomon, Esquire, Military Accountant; Battery Quartermaster-Sergeant William M'Millan, New South Wales Artillery; Gunner (Acting Bombardier) Robert Loveless, New South Wales Artillery; Mr. William Henderson, Mr. George Whitehouse, Mr. Thomas Kennedy, Mr. Riley.	}	New South Wales Artillery;
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Defence.

Major-General John Soame Richardson, C.B.;
 Colonel Charles Fyshe Roberts, C.M.G.;
 Master-gunner Joseph Thomas Lynch, New South Wales Artillery;
 Mr. Roberts, Actuary.

JOHN S. RICHARDSON, Major-General,
 Commanding Military Forces,
 New South Wales.

Approved.—CARRINGTON, 2/3/89. E. BINGHAM, Col., R.A., President, 5/3/89.

CHARGE SHEET.

The Charge Sheet is signed by the President, marked "B," and annexed to the proceedings. The prisoner is arraigned upon each charge in abovementioned Charge Sheet.

QUESTIONS AND ANSWERS.

- | | |
|--|-------------|
| 3. Are you guilty or not guilty of the first charge against you which you have heard read? | Not guilty. |
| 4. Are you guilty or not guilty of the second charge against you which you have heard read? | Not guilty. |
| 5. Are you guilty or not guilty of the third charge against you which you have heard read? | Not guilty. |
| 6. Are you guilty or not guilty of the fourth charge against you which you have heard read? | Not guilty. |
| 7. Are you guilty or not guilty of the fifth charge against you which you have heard read? | Not guilty. |
| 8. Are you guilty or not guilty of the sixth charge against you which you have heard read? | Not guilty. |
| 9. Are you guilty or not guilty of the seventh charge against you which you have heard read? | Not guilty. |
| 10. Are you guilty or not guilty of the eighth charge against you which you have heard read? | Not guilty. |
| 11. Are you guilty or not guilty of the ninth charge against you which you have heard read? | Not guilty. |
| 12. Are you guilty or not guilty of the tenth charge against you which you have heard read? | Not guilty. |
| 13. Are you guilty or not guilty of the eleventh charge against you which you have heard read? | Not guilty. |

FIRST DAY.

TUESDAY, 5th MARCH.

Mr. Simpson :—Before my learned friend addresses the Court I have an application for postponement to make; of course the matter is entirely in the hands of the Court; the Court is assumed to be properly convened; for the purpose of my argument I will assume that it is. Before the Court was convened an application was made through Stephen, Lawrence, & Jaques, the Attorneys for the prisoner, to Major-General Richardson, who seems to me to occupy a peculiar position in this matter, about which by-and-bye I may have something to say; General Richardson was applied to on the 1st March and asked not to convene this Court until a later day than this week; substantially the application was that steps should not be taken to convene the Court until the latter end of the week or on Monday next, and the reason given was that I might be able to attend and defend the prisoner; Mr. Nathan saw General Richardson and had a conversation with him, explaining the position the prisoner would be in if he were left undefended, and General Richardson refused on Saturday last, the very day after the decision of the Full Court, to postpone the convening of this Court until a later date than this week; Mr. Nathan then sent a telegram to the Governor explaining how matters stood, and asking his intervention; a reply was received from Mr. Wallington, the Private Secretary to Lord Carrington, to the effect that His Excellency regretted that he could not interfere with the General's decision; I never thought that the Governor would interfere; I told Mr. Nathan so, but the Court will see from the tenor of this telegram that if the Governor could have done, he would have done so, because he expressed much regret that he could not interfere with the decision; now I need not mention to the Court, because they know very well that there are eleven charges against this man, that it requires a great deal of time and attention to make oneself acquainted with these charges; indeed I asked Mr. Nathan to retain some other Counsel, but he found that he could not do that very easily; although I am here and ready to remain if necessary, it is with considerable inconvenience to some of my clients, as I have two cases on to-day in the Criminal Court in Darlinghurst, for which I had retainers two months ago, and Mr. J. P. Abbott received from me a promise that I would personally attend to them; that promise I felt compelled to keep, but Mr. Abbott in the most generous way said that sooner than Webster should remain undefended, he would release me from my promise.

The President :—Let me direct your attention to paragraph 33, page 49, of the Manual of Military Law; it says that whilst the prisoner is to have proper opportunity to prepare his defence, he is not to be enabled to postpone his case.

Mr. Simpson :—That means that the prisoner is not to avail himself of excuses for deferring his case.

Mr. Heydon :—I am instructed not to consent to this application; an application of this kind is to be considered on the grounds put before the Court in asking for it, and nothing else; and I was very much surprised that my learned friend should have alluded to that telegram which he received from the Governor; it was improper to have brought that telegram before the Court at all; although it might inconvenience my friend if this trial were not postponed, it would inconvenience a great many people if it were postponed.

Mr. Simpson :—It is a matter of indifference to me what my friend thinks about the reference to the Governor's telegram; we are obliged to show that we have used every possible means to obtain the postponement.

[The Court is cleared.]

On the re-opening of the Court, the *President* said:—We regret that we cannot see our way to the postponement of the case.

Mr. Simpson :—Then, sir, I must take another objection, which I had not intended to have taken. I object to the appearance of my friend here altogether; by rule 59, on page 640, of the Army Manual, seven clear days' notice must be given of the intention of the prosecutor to employ Counsel; the Court-martial was convened on Saturday, and here we are sitting on the following Tuesday; the Counsel for the prosecution must also obtain the authority of the Governor for his appearance in Court.

Mr. Heydon :—I shall have to inform the Court that I do not appear here under the direct authority of the Governor, who, in this case was the convening officer; therefore, it appears to me that the authority for my presence is wanting.

The prosecutor sworn said that he obtained inferential notice of the intention of the prisoner to employ Counsel; the prosecutor had engaged Counsel previously, and merely retained his services.

The President :—It appears to me that if the prisoner gives notice to employ Counsel then the prosecutor employs Counsel if he likes.

Mr. Simpson :—Well, sir, as against that view of the case, I desire to point out that section 87 only refers to the right of Counsel for the prisoner to attend; if the Counsel for the prisoner is allowed to appear, I think notice must be given of the intention of the prosecutor to employ Counsel.

Mr.

Mr. Heydon:—It appears to me, if I may say so, that the right of Counsel for the prisoner, as well as for the prosecutor to attend, depends upon the authority of the Convening Officer. If the Commander-in-Chief or the Convening Officer does not sanction my appearance he does not sanction the appearance of my learned friend.

The Court is cleared.

Upon the re-opening of the Court, the President said that the proceedings would be adjourned until the following day at ten o'clock, a.m.

The Court adjourned at 11:30 a.m., until 10 a.m. next day.

The Court reassembled at 10 a.m., 6th March. Present—the same members as on 5th March.

In opening the case for the prosecution, *Mr. Heydon* said: That, although the charges against the prisoner were eleven in number, and although the case was certainly one of a great deal of difficulty and complication, he thought he would be able to put it before the Court in a way that would at least elucidate the points at issue, and make it clear what was the bearing of the evidence subsequently given; a number of the charges had been put to deal with the same set of facts in different legal aspects; perhaps the best course he could take would be to narrate the facts of the case generally; it appeared that in the year 1887 it was the custom of the force to enter into annual contracts for the supply of clothing for the troops; contracts were entered into one year for the twelve months ending April 1 of the next year; thus, on April 1 each man was entitled to a certain supply of clothing, and assuming from the number of men and non-commissioned officers the quantity of clothing that would be required, the contract was entered into with some contractor for a specified quantity of clothing; in the year 1887 a contract was entered into with Henderson & Co, for that purpose; the contract was entered into before April 1, of course, because the clothing had to be delivered on that day; the clothing was delivered and paid for, and after that Messrs. Henderson & Co. had no more to do with the supply of clothing for the year 1887 than anybody in that room or in the Colony of Victoria; but the prisoner subsequently waited upon Henderson with a pay voucher, which stated that a quantity of clothing had been supplied by that firm, and that the total value of that clothing was £314 8s. 10d; now, he was prepared to prove that that clothing had never been supplied—was not entered in the contract; Henderson had no right to supply the articles, nor had any member of the force any right to receive them; however, the prisoner, in supplying the voucher, certified that the clothing had been supplied and procured (he thought that the signature of some superior officer was appended to it), and handed it over to Henderson, who took it to the Treasury and obtained the money; of that money Henderson handed two-thirds to the prisoner, and kept one-third himself; for that one-third he had done actually nothing; he had not supplied a thread or a rag, and yet he had put in his pocket £114 16s. 3d.; that was the subject of the tenth charge; in the course of an inquiry that was made into the system of clothing the force, it appeared that a large loss had been entailed; the prisoner stated that he had informed his superior officers of the transaction between Henderson and himself, and had told them that the contractor was getting the money for nothing; he would be able to call his superior officers, however, and they would prove that the prisoner had done nothing of the kind; now they came to the two-thirds of the voucher, which was handed over to the prisoner by Mr. Henderson; that sum of money formed the subject of the first four charges; in the first, the prisoner was charged with embezzling the sum of £9 12s. 2d., a part of the sum of £229 12s. 7d.; it appeared that at the end of the clothing year the men would not require a complete clothing outfit for the next year; some of their clothing would be in a sufficiently good condition for the next year, and it would thus be unnecessary to obtain more clothing from the contractor for them; however, a system of compensating the men for any clothing which for that reason they did not require had, no doubt for very good reasons, come into vogue; the allowance to the men was at the rate of two-thirds of the cost of the new garments, and when the time for inspecting the clothing arrived it was customary to hold a parade, the clothing of the men would be examined, such clothing as was good enough for the next year would be taken down and a list made of it; the total value of the clothing in that list, supposing it represented new clothing, being specified in the returns; thus returns would be sent in from the three batteries to the prisoner showing that the first battery required, say, £50 for compensation for clothing, the second £50, the third £50, and so on; as a matter of fact, the £229 12s. 7d. was £9 12s. 2d. in excess of the amount required for the batteries; the prisoner went round to the commanding officers of the batteries and paid each of them the amount required by him in compensation for his men; and after doing that there remained in his hands £9 12s. 2d., which he had never accounted for, and which he admitted his inability to account for; of course it was his duty to give notice of that fact to his superior officers, but he did nothing of the kind; he simply kept it and afterwards made several explanations about it which he (*Mr. Heydon*) would put before the Court and show were wrong explanations; finally he said that he could not account for it, and, he thought, tendered its return; now as to how this excess of £9 12s. 2d. arose; upon the returns being sent in from the officers commanding batteries it would appear what amount was required, and it would be very easy for the prisoner to have got that amount and no more; he would show the Court that in preparing the voucher upon which Henderson obtained the money from the Treasury the prisoner made it out for an amount in excess of what he should have made it out; for instance, to put the matter roughly, supposing the returns from the batteries showed that compensation was required for 100 tunics, he drew up a pay voucher stating that compensation was required, say, for 105 tunics; then it would appear from returns sent in that 100 cloth trousers would be required, and he wrote on his vouchers that 103 trousers were required; then in the numbers of articles of clothes and in the value of the articles of clothing and in the total amount of the vouchers the prisoner had put down an excessive quantity, making it over £16 or £17 more than it should have been; those excessive numbers were uniformly in every line and every detail of the voucher, so that it would be almost impossible to believe that it was the result of an accident; those facts related to the first, second, third and fourth charges; the first charge was that the prisoner had embezzled £9 12s. 2d.; the second was more to meet the case if he made out that he had really paid the money away to other people; in that case he would submit to the Court that the prisoner had no authority to pay it away to anybody; the moneys payable to the different batteries as compensation had to be paid to the commanding officers in order that they might see that it was properly distributed; if there had been any paying behind their backs, without their knowledge,

that

that was an offence that bore out the second charge; the third charge was that in a certain pay voucher the prisoner made a false statement as to the amounts due for compensation for clothing; that was done by the prisoner systematically increasing the amounts; the fourth charge was for culpable negligence on the part of the prisoner in keeping his accounts, by which there was a deficiency of £9 12s. 2d.; now, coming to the fifth, sixth, seventh, and eighth charges, they really deal with the same offences; it was the duty of the prisoner to take charge of the clothing-store and all the clothing in hand; any clothing coming into the store it would be his business to enter into his books as having received it; any clothing that went out of the store it would be his duty to enter as having gone out; so that an exact balance would be the result; as a matter of fact, there was no such balance; when the prisoner's accounts were examined, there was found to be a large deficiency in the store, for which the prisoner was unable to account; it was only fair, however, for him to state, so as to preclude the possibility of any prejudice in the matter, that in that point the prisoner would have the evidence of an actuary who had examined the books and the clothing in the store, and who he was given to understand would be prepared to state that there was no deficiency at all, but that the books and the quantity of clothing in the store showed a small surplus in favour of the prisoner; however it would be for the Court to state whether or not there really was a surplus of clothing in the store; the fifth charge charged the prisoner with embezzling the goods, the sixth with conniving at the embezzlement, the seventh with culpable neglect in keeping the clothing, and the eighth with culpable neglect in keeping the clothing books; this brought them to the ninth charge, which was that he directly connived at £300 or thereabouts being unlawfully paid to Lytleton, the master tailor; when the annual supply of clothing was brought by the contractor, it had to be fitted on to the men, and for performing that duty the master tailor was allowed a small charge—1s. for a tunic, he believed; it appears, however, that a question had lately sprung up of allowing him, in the case of what were called "extensive alterations"—not 1s., but 18s. for a sergeant's tunic 19s. 6d., and for a staff-sergeant's 22s.—which was exactly the same as would be allowed to him if he had made the garments; there was no authority whatever for this custom, but the prisoner had taken it upon himself to permit it; "extensive alterations" was obviously a very vague expression; then, it was decided, apparently by the sergeant master tailor and the prisoner, that in nearly every case "extensive alterations" were required; that meant, that in nearly every case the sergeant master tailor was allowed by the prisoner to charge as much for altering the garment as had been already made for making it; in that way, the sum paid to the master tailor amounted in that year to something like £700 or £800, and they maintained that the prisoner was the person responsible for this; the final charge was a charge that the prisoner procured the payment of an excessive sum of money to himself and other warrant officers in the Permanent Artillery; it appeared that in the year 1887, the prisoner applied to his superior officer for compensation for himself and his fellow warrant officers, making the items in all cases very much larger than were really due; he explained the excessive charges by saying that it was more expensive to have the clothing made in the Colony than to get it imported from England, and by that means he induced his superior officer to sanction that amount; it was put into a pay voucher, taken to Henderson and paid by the Treasury, and the full amount was received by the prisoner himself and the other warrant officers; it was not a large sum certainly—only about £16 or £17 each,—but if such transactions could be repeated sufficiently often, it was evident that they would amount to a very large sum in the end.

Lieutenant-Col. George John Airey, being duly sworn, is examined by the prosecution, and states:—

I am a Lieut. Col. in the New South Wales Artillery, and in 1887, I was in command of battery No. 1 [Exhibit No. 1, handed to the witness]; that is a certificate by me that certain clothing belonging to the men of my battery is good for another year, and the other document underneath it is a return of the clothing sent in originally; but it is not the one upon which the men were paid [Exhibit 3 handed in]; this is the one upon which the men were paid by me; the amount appearing as total compensation appearing on either of these documents is £46 5s. 4d.; that is the amount paid; £46 5s. 4d. was the amount asked for, that was the amount which I requisitioned to get; I received £46 5s. 4d. [Exhibit 4 handed in]; that is my receipt for the sum; I received it from prisoner; the proper person to pay this amount is myself; Mr. Simpson objected to the question; the Court disallowed the objection; one of the papers I saw is a certificate to the effect that certain clothing is good for another 12 months' wear; before signing that, I inspected the clothing in each case; I saw the man personally; I did not authorise the payment of any other money to my men except the £46 5s. 4d.

14. *By the President.*] Do you wish to cross-examine the witness? Yes, I do.

Cross-examined by the Prisoner's Counsel:—

15. How long have you been in the service? Eighteen years.

16. How long the commander of a battery? The same length of time.

17. And was that system of compensation to the men in force during the whole of that time; if not, when did it commence? I think during the second year.

18. So it has been in force for fifteen or sixteen years? I think so.

19. Have you ever during the fifteen or sixteen years known any of your men receiving compensation whose names were not on the list? I have not known it.

20. Have you ever heard of it? I have heard rumours, but not in my battery.

21. How many batteries are there? Three.

22. Have you heard that it has been the practice during the last fourteen or fifteen years for men to receive compensation whose names were not submitted under a list from the commanding officer?

Mr. Heydon objected to this question.

Mr. Simpson:—I must show the Court why I put this question. This is a criminal proceeding, and there can be no embezzlement unless there was a guilty mind on the part of the prisoner. If I could show that for several years there has been a custom for men to receive compensation who are not included in the list, then there has been no fraudulent intention on the part of this man.

Mr. Heydon:—Of course the question is not one of merely paying men behind the Colonel's back, but it is a question of paying men who were not entitled to receive payment; and I am going to call the commanders of the other batteries as well.

[The Court disallowed the objection.]

23. *Mr. Simpson* (to witness) :—Do you know that during the last fifteen or sixteen years it has been the practice for men to receive compensation for clothing whose names are not in the list? I have heard of it lately, though I never heard of it before.

24. Although you have only heard of it lately have you not heard that the practice has been in vogue for years? Certainly not.

25. Have you yourself ever received compensation for clothing, and if so, has your name appeared on the list? Mine was not on the same footing.

26. Has your name appeared in the list?—Is it according to the custom of the Service that the officer's name should appear on the list? No.

27. Then who certifies for the officers' clothing? The Paymaster.

28. Does he examine the officers' clothing? I want to explain that the officers' is an allowance given in lieu of clothing. It is not an amount given on the same footing as that to the men.

29. Is not compensation an allowance in lieu of clothing? Yes.

30. Who certifies for the officers' clothing? The Paymaster.

31. Did you give him a certificate for your own clothing? I had no certificate to give.

32. Somebody certified that your clothing was good for another year, I suppose? Nobody certified at all. Mine is an allowance in lieu of clothing. The men's compensation money comes from the contractor.

33. You get the allowance if your clothing is good enough for another year? It does not matter whether it is good enough or not.

34. It is about fifteen years since the custom first came in force of compensation in lieu of clothing? It means really this, that if a man's clothing is good enough for another year he does not require a new suit but instead of that he gets compensation? Yes.

35. What compensation? Two thirds.

36. And the contractor in some strange way for the last fifteen or sixteen years has been paid the one-third as if he had supplied the clothing for it? The contractor is paid for the whole of the clothing.

Mr. Heydon :—Unless the witness can give this evidence of his own knowledge, I object to it. The proper person to say how the contractors are paid is the person who pays them; I do not suppose Colonel Airey has any knowledge of it.

Mr. Simpson :—I am not asking him as to who pays the contractor. I am asking him what is the custom of the service. What I want to show is that as far as the charge of paying £344 8s. 10d. to the contractor is concerned it has been the custom for the last fifteen or sixteen years for the contractor to send in a voucher, as if he had supplied so many tunics when he has really supplied nothing at all, and the service allows that practice.

The President :—I think Mr. Simpson there will be other witnesses from whom you can get better evidence upon this point. I do not think that Colonel Airey can give evidence as to that.

Mr. Simpson :—I am not asking him who paid the contractor, but whether the custom of the service is for the contractor to send in a voucher as if he had supplied clothing, when as a matter of fact he had not supplied a single thread.

[The Court allows the objection.]

37. *Mr. Simpson* (to witness) :—You applied for a certain amount of compensation for your men;—do you know where that compensation comes from? From the contractor.

38. *Mr. Heydon*.] Do you know that from your own knowledge, Colonel Airey? Yes, I do.

39. *Mr. Simpson*.] The contractor keeps it as if he has supplied all the clothing? He gets one-third of the amount, I think.

Mr. Heydon :—My learned friend is asking the witness questions which would appear from the documents, and can be evidenced by the persons who draw the money from the Treasury and distribute the money.

[The Court allowed the objection.]

40. *Mr. Simpson* (to witness) :—You know there was a Board of Inquiry held as to the practice connected with the supply of clothing to men in the Artillery? Yes, I know that.

41. And that Board consisted of certain officers? Yes.

42. You were examined at that Board? I was.

43. Several times? Twice.

44. Do you know anything of your own knowledge about the custom under which the master tailor is paid for certain alterations as if they were makes? I do.

45. But do you know that for several years the master tailor has, with the assent of the authorities, received payment for the alterations as if they were original makes. Do you know that has been the custom? Officially, I do not.

46. What do you mean by officially? No document ever came before me to this effect.

47. Do you know that the custom has been to do that? Only from hearsay.

48. Can you give me any direct information? I can only give you what actually takes place in making these things.

49. Can you tell me who can give me exact information? The Colonel commanding the Artillery.

50. Colonel Roberts? Yes.

51. And the Adjutant? Captain Savage.

52. Mistakes very often occur with the books in connection with the New South Wales Artillery? They should not.

53. But do you not know from your own knowledge that they have occurred from time to time? I have seen one mistake. It was brought before the Board that you mentioned just now.

54. What was that—whose mistake was it? It was an alteration.

55. We were talking about mistakes in the keeping of books? In this instance the book did not compare with the other book.

56. Have not you yourself made mistakes in the keeping of your accounts in connection with the artillery? Not that I am aware of.

57. I put it simply as a matter of mistake—you quite understand that;—in connection with your accounts have not there been mistakes, very serious mistakes? I am not aware of it.

58. At all events, whether they were mistakes or not it was said that they were mistakes?

Mr. Heydon :—What have we got to do with that?

The President (to Mr. Simpson) :—I do not see the relevancy of your question.

Mr.

Mr. Simpson :—Oh! I want to show that in a matter where large sums of money have been involved there have been mistakes on the part of Colonel Airey to a very large extent. They have been mistakes involving large deficiencies, but they have been found to be mistakes, and what I want to show is that, if Colonel Airey has made mistakes, a man of less intelligence would be likely to make mistakes.

Mr. Heydon :—The question that I object to is that after Colonel Airey had said that he was not aware of any mistakes in his books, my learned friend asks whether it was not said that there were mistakes. If my learned friend wants an admission that mistakes may be made by persons keeping books, I make that admission at once. Any person can make mistakes, I admit that; but sometimes you come to things that you cannot suppose to be mistakes.

Mr. Simpson :—I do not want to press the point.

The President :—Very well. Have you any more questions to ask the witness, Mr. Simpson.

59. *Mr. Simpson*.] I see there are two money columns here. Let us take the first amount. You have put him down for compensation £4 2s. 6d.? Yes.

60. Then you have got a receipt from Walsh for £2 15s. 7d.? Yes.

61. Now, there is a difference between those two amounts. Do you know who would get that difference? I do not of my own knowledge.

62. Have you any belief about it?

Mr. Heydon :—I object to that question.

Mr. Simpson :—If you will admit that all the money in the first column was received by Henderson, that is all I want.

Mr. Heydon :—I will admit that a pay voucher was drawn up for £344, and that money was drawn by Henderson from the Treasury.

63. *Mr. Simpson*.] What does that £4 2s. 6d. represent in that first column? It represents the value of the clothing due less 26½ per cent., that is the contract price.

64. So that if Walsh had got no compensation at all, and if his clothing was not good for another year, he would have been entitled to a new tunic and a pair of trousers in April? Yes.

65. And the contractor would get £4 2s. 6d. for the supply of these things? Yes.

66. And so on through this column? Yes.

Re-examined by the prosecution:—

67. *Mr. Heydon*.] I should like to have this matter about the officers allowance cleared up, Colonel Airey. I believe the officers receive a fixed allowance in lieu of clothing? Yes.

68. And they clothe themselves; so that, what the condition of their clothing may be at any time of the year is a matter of perfect indifference to anybody but the officers themselves so far as allowance is concerned? Yes.

69. Did you ever in any way recognize any practice of paying the men in your battery whose names are not in the list or paying them behind your back? Certainly not; it is distinctly against orders.

70. You were asked whether you had ever heard of such a thing, and I think your answer was you had heard of it in one case—that is in the prisoner's case I suppose? Yes.

71. *By the Court*.] Have you any books showing clothing that you have received from your men? I have.

72. Are they kept by you? They are kept by my quartermaster-sergeant.

Examined by the Judge-Advocate:—

73. I want to ask you one question, sir; have you books showing the clothing received by your battery? Yes.

74. Have you got them in your possession? I have them in my possession.

75. *By the Court*.] Do you examine the clothing of your men? Yes.

76. Were your books examined by yourself as to clothing received? Yes; I examine them every month.

77. Did you check the book with the quantity of clothing actually received? Certainly, I did.

78. I know you should, but as a matter of fact did you? Yes, I did.

The evidence is read to the witness as directed by rule of procedure 81b.

The witness withdraws.

Colonel Warner Wright Spalding, C.M.G., New South Wales Artillery, being duly sworn, is examined by the prosecution:—

I am the officer commanding No. 2 Battery of the New South Wales Artillery. Document 5 is the certificate by me (document 6 a return to accompany that document) showing the compensation for clothing received by men in my battery for the year 1887. I requisitioned for £19 4s. 7d., No. 7 is a receipt for that sum of money. I received it from the prisoner. I am the proper person to receive compensation money for the men of my battery; and, I am also the proper person to pay it to the men in my battery after it has been received. In receiving that £19 4s. 7d., I distributed it amongst the men in my battery according to my list. I authorized the payment of some other sums for that year, than appears in that list. To the best of my recollection, I authorized the payment of other sums, in one or two cases. Loveless (an acting Bombardier) is one of the men. He signed my clothing book as having received compensation for his year's clothing. I did not receive the money, and I did not pay it to him. I did not see Bombardier Loveless sign my book. I did not authorize the payment of any money as compensation for clothing to any other persons that appear in the list. The payments to Bombardier Loveless were authorized by me. With regard to the names of these men to whom the moneys were paid and the amounts paid to them, I can only speak by hearsay. I could say by the signatures in my book that the moneys were paid to other persons than those mentioned in the list. I do not know whether the signatures were written in my presence, but I certainly believe them to be genuine. A man named Bailey (a gunner employed in the officers' mess) was another to whom moneys were paid beyond those whose names were mentioned in the list. I may or may not have been present when the moneys were paid over. The sum of £19 4s. 7d. was paid to the men in my battery by my pay sergeant and I was held responsible for it. That money was received by me from the prisoner and then handed by me to my pay sergeant to pay the men. I never received any other money that year as compensation for the men, at least to the best of my recollection I did not. I was the proper person to receive the moneys and the proper person to see to the distribution of those moneys. I have never in the first instance recognized or assented to a practice by which the money for compensation was paid to any other person except myself. I have never assented in any

any way; by that I mean that I did not consent to this money being paid (if it was paid) to Bombardier Loveless, but when he had received it I allowed him to sign for it in my book. With regard to this case, in the first instance I did not consent to any man being paid behind my back, but I heard something about it and condoned it.

Mr. Simpson :—I object to that question. The witness never said any such thing.

Mr. Heydon :—Well, I am asking him the question now.

The President :—The Court disallow that question.

Witness :—Payments were made to two of my men or perhaps to three whose names do not appear in the list. The payments made to those men were not made by me in the first instance. I did not authorise that payment to those men in that manner. I did not authorise it because it was not in my power to authorise it. These two or three other men's claims were not sanctioned by me. I could not sanction and did not sanction them. I could recommend them and I have reason to think that I did recommend two of them though I have no positive proof. Recommendations in matters of this kind are made in writing. By that I mean that recommendations of men in the list are usually made in writing. I cannot say whether the other two men were recommended in writing, if recommended at all, it is possible that recommendations were made by me verbally, but it is not probable. That recommendation would be made to the officer commanding the Permanent Artillery. It would not be a regular thing for recommendations to be made by me or received by them verbally. At the time that I recommend men for compensation I sign a certificate that the clothing is good for another year. Before signing that certificate I am invariably satisfied myself that the clothing is good for another year and that certificate for clothing is sent in by me with the return. I cannot say when I first found out about these unauthorised payments. It was revived in my memory lately when looking at my book but I should not like to say that I have not found it out before. My attention was drawn to it lately, when I ascertained that the money had been paid without my authority. In this case I did not report the matter to the officer commanding the Permanent Artillery, as I presumed that his authority had been obtained for the payment of these men. I have said that before sending in that certificate I inspected the clothing to see if it was good for another year. The inspections were made on many days. I have a recollection of having seen Bombardier Loveless in my office with some clothing. Undoubtedly to apply for compensation, though I cannot say absolutely when, but I believe subsequently to that list going on. I cannot remember whether I made up any supplementary list, if I did so it would be sent to Colonel Roberts as a permanent record. I shall endeavour to find out whether there are such records, but I have not been able to trace any. To the best of my knowledge the total compensation paid out by me came to £7 1s. 9d.; I can get the names and amounts by referring to my ledger. Loveless is stated to have received the price of compensation for a cloth tunic, I suppose £2 10s. 6d.; Gunner Bailey, 9s. 4d.; and Sergeant Lynch, £4 1s. 11d. I said that there might be a third man advisably, and for this reason that I have no recollection of seeing Lynch at the office for clothing. At the time he was staying at Middle Head, and probably received authority for compensation from some other officer. I have no recollection of authorising him in any way to receive compensation for clothing, but his initials are put to the item, and there are initials or signature of Bailey and Loveless. The amount of £4 1s. 11d. was made for a cloth tunic and a patrol jacket, and was not paid by me. There are no receipts on the list at which I am looking. Gunner Bailey was under my own command; he was an employed man. He received compensation in lieu of one Norfolk jacket 9s. 4d. His Christian name is T. Bailey, I think; but I cannot be certain—it is either T. or J. I could find out what his name is by referring to Victoria Barracks; but I have nothing here to show it.

The President :—The Court have judicial knowledge that his name is Thomas.

Witness continuing :—My attention was called to this matter by Lieutenant-Colonel Mackenzie, but as I have already stated I was in all probability aware of it before. And when I say I have not reported it to the officer commanding the Permanent Artillery, I mean that I did not report after my attention was called to it by Lieutenant-Colonel Mackenzie. Without the authority of the officer commanding the Permanent Artillery it would have been an improper thing to have paid the money. Where compensation is given in lieu of clothing it is usually marked in red ink, so that the garment that they receive as a garment would be put down in black ink, and the garment for which they receive compensation would be put down in red ink with a small "c" over it.

Mr. Simpson :—I submit that Colonel Spalding's books cannot be any evidence against me.

Mr. Heydon :—Without his books Colonel Spalding knows nothing of the matter.

[Document marked "S" handed in.]

Witness :—This is my battery clothing book. It is kept by my Pay and Quartermaster-Sergeant. I am responsible for the correctness of it.

Mr. Simpson objected to the admission of the battery clothing book.

[At 1 o'clock the Court adjourned until 2 o'clock the same afternoon.]

The Court reassembled pursuant to adjournment at 2 o'clock the same day. Present: The same members as before.

79. *The President*.] I wish to ask Colonel Spalding whether the book is signed by him, or initialled in any way as to its veracity or otherwise? It is not initialled by me.

80. The person in charge of that book is your Quartermaster-Sergeant, and he can bear witness to the veracity of the book? Yes.

The President :—Then I think until the evidence of the battery quartermaster-sergeant is produced we cannot admit the book.

Examination continued :—

I arrived at the £4 1s. 11d. for Lynch by working it out in the same manner as is worked out for other men, on the list produced to the Court. I took two garments, and calculated the value of those, and made certain reductions, and I did the same with regard to Loveless and Bailey, and I took two-thirds of that £4 1s. 11d. and knocked one-third off. The price of a blue cloth tunic for sergeants, complete, is 90s.; the price of a blue cloth patrol jacket for sergeants, complete, is 77s.; then deduct 20½ per cent. discount. I deducted one-third from the remainder, and that left £4 1s. 11d. I have no receipt by Lynch for £4 1s. 11d., or for any sum of money with reference to clothing; I have his receipt for the clothing for that year; he signed for it; it is in that book, under his signature. The date on which the clothing was supplied and compensation given is also mentioned; there may be two dates, one for the supply of clothing, and the other for compensation, and the date when the transaction was completed was given here.

There is no record to show when he received each garment, and as they are not on the list there is nothing to show when the three men got their compensation except that they received it during that year.

81. *The President*.—Is there anything to show when or how they received it? I know that they received it that year, because if they had not, upon my examining my books I would have seen that certain men had received neither compensation nor clothing.

Examination continued:—

As a matter of fact, there is nothing except the black ink "C" over the entry in the book to show that what has been received is compensation, and not the garment itself; if a black ink "C" was put over each of those entries from the book that they had received compensation and no garments, but it would be discovered upon comparing this book with other books; the cheque would appear in the books and other receipts which I have in my possession from prisoner; I am not able to produce any documents showing that this man had received any compensation instead of these two articles of clothing; that book is kept in the battery office; it lies on the table, accessible to the clerk in charge of the office, Bombadier Darby, but not to any person whose presence would bring him into the office; Darby is absent sometimes, but then the office is closed unless the quartermaster-sergeant is at work there; the name of the quartermaster-sergeant is MacMillan; the amounts which I give you for Bailey and Loveless I worked out in the same way as the others. [Documents marked "7" and "8" are put in evidence.]

Cross-examined by the prisoner's Counsel:—

82. *Mr. Simpson*.—Whenever the entries of compensation or the garments are put in red ink a compensation has been sent to the officer; but when it is out of the ordinary course it may be put in black ink, and that is why these entries appear in black ink; is that so? That is so.
83. Have you any doubt that these men received this compensation to the extent of £7 1s. 9d., which does not appear in the list? I have no doubt.
84. Have you a distinct recollection of having examined the clothing of Loveless, for which he got compensation? Yes; I have a recollection of it.
85. Have you a recollection of having examined the clothes of Bailey, which were good enough to last him for another year, and by reason of which he got this compensation of 9s. 4d.? Yes, I have.
86. Do you remember having examined the clothing of Bailey—the clothing which was good enough to last him another year, and in respect of which he was entitled to 9s. 4d.? Yes, I have; and I refused him compensation for some others.
87. So that, as far as Loveless' £2 12s. 6d. and Bailey's 9s. 4d. are concerned, you allowed them the sums that I have mentioned to you? No; I passed that clothing as fit for another twelve months, but I have no power to grant them compensation.
88. Do you know that no money was paid through the Treasury for compensation money unless Colonel Roberts approves of it? Yes.
89. And so we may take it that he had approved of these amounts? Yes.
90. And that was the reason why you did not bring these amounts to his knowledge? Yes, that is so.
91. Do you know that Webster, the prisoner, had been in the habit of disbursing money with the approval of Colonel Roberts? Yes; at least I presumed that he did it in this instance with the knowledge of Colonel Roberts.
92. How long have you known that he has been in the habit of disbursing money? For many years.
93. Do you know whether any fault has ever been found for doing that until quite recently? No; I don't.
94. You say you cannot remember having passed the clothing of this third man Lynch? I do not.
95. But you say that probably some other officer did instead of you as he was at Middle Head? Yes.
96. Would some officer be in command there? Yes; No. 3 battery was stationed there.
97. Do you know that Webster has been allowed for many years to pay moneys in compensation for rations to officers and men? I do; at least, that is to the officers.
98. Has that been found fault with, do you know? I never heard it found fault with.
99. How long have you known Webster? Ever since he has been in the Artillery.
100. How long is that? About seventeen years.
101. And what has been his character during that time;—has he been an honorable, straightforward man, as far as you have known him? His character has been very good.
102. He had a great many duties to attend to, hadn't he? Yes, he had.
103. What were they;—give me a general idea? In the first place, the ration returns had to be arranged and checked by him. He had charge of the quantity of stores and the clothing.
104. Is he what they call barrack-sergeant as well? I do not think that he is barrack-sergeant now.
105. But in 1887 was he? Yes, I think so.
106. At all events, he had a great many duties to attend to? Yes, a great many duties.
107. More duties than ordinarily devolved upon one man? Well, I cannot say that; but in a corps of this kind they should properly devolve upon an officer who would be called a quartermaster.
108. And that would have left him more time to attend to his regular duties as storeroom-keeper, and so on? Yes.

Re-examined by the prosecution:—

109. *The Prosecutor*.—You say, Colonel Spalding, that these letters, "C," and the figures under them are put in black ink because they were put there out of the usual course; did you put them there yourself? I did not.
110. Did you put the the red ink figures there? No, I did not.
111. Then how is it you say that the reason they were put in black ink was because they were put there out of the ordinary course? From information given to me.
112. Then that answer was merely from hearsay? Yes.
113. Is red ink kept in your quartermaster-sergeant's office? Yes.
114. You say that the prisoner, to your knowledge, has been in the habit of disbursing moneys; has he been in the habit of disbursing moneys without your authority? No.
115. The disbursements of moneys which you have known him to make have been disbursements made in the proper way? I presume so.
116. Well, the prisoner has been the person who has paid to you and the other officers commanding batteries the compensation money? Yes.
117. That would be one of the disbursements that he has been in the habit of making? Yes.
118. That would be quite proper and in order, would it not? Yes.

119. And the other disbursements that you have been acquainted with his making were perfectly regular and in order and with proper authority? I have no reason to doubt it.

120. Assuming, Colonel Spalding, that payments were made to Loveless, Lynch, and Bailey without Colonel Roberts's authority, would they be regular and in order? No.

Examined by the Court:—

121. Colonel Spalding, does not every man in your battery possess a small book? Yes.

122. Will you explain what a small book is? It is a book in which entries are made showing the state of the accounts at the end of every month, signed in case of debt, or when the account is balanced, by the men, and of credit by the officer, and also showing whether the men are entitled to receive their clothing for the year.

123. And in that book, are not the men's initials or signatures obtained to that clothing? Yes.

124. Are the commanding officer's initials put to the book? No—the quartermaster-sergeant's.

125. You said that you had reason to believe that the two men not on the list were recommended to receive compensation;—can you give us any reason for that belief? Yes. My memory is not clear about the matter about Loveless, and more indistinctly of Bailey, parading before me the clothing for the purpose of obtaining my consent for compensation being granted on certain garments. Beyond that I have no recollection; but probably some action was taken on that, otherwise my consent has gone for nothing.

126. Did you keep a letter and memorandum book in your office? Yes, and I cannot find any memorandum in the book, although a memorandum may have been made and gone out without any record appearing in my book.

127. Why do you think it probable that authority had been given by the commanding officer for these disbursements? Because I did not think it would be possible for the prisoner to obtain the moneys from the contractor without the commanding officer's signature.

128. You yourself have been from time to time, in the absence of other officers, in command of the Permanent Artillery? Yes.

129. And has that been for any length of time? Yes; once it was for eighteen or nineteen months.

130. Was the prisoner then in the same position as regards his work as he is in now—was he Brigade Quartermaster Sergeant? Yes, but he was not a warrant officer then.

131. Did he ever complain that his duties were too severe or too responsible? No—not to me as commanding officer.

132. Does the prisoner have assistance in his office? Yes.

133. Do you know what assistance he has? He has a clerk, one storeman, or perhaps two.

134. And if he had asked for more assistance during the time you were in command, would it have been granted him? Certainly.

Examined by the Judge-Advocate:—

135. I want to ask you, sir, why is it that in this list of men applying for clothing that the names of Loveless and Bailey were omitted? Because they could not have paraded before me with the rest of the men when the list of men was being made out. They were employed men.

136. Were their names in any subsequent list? That I am not able to say.

Examined by the Court.

137. Colonel Spalding, can you inform the Court whether Loveless received payment or compensation before or after his signature appeared in this book? I cannot say of my own knowledge, but he would not sign the book until he had received the money. It was reported officially to me.

138. Reported officially to you that he signed after the fact? Yes.

139. I should like, Colonel Spalding, to know whether you were told at the time that the money was paid to Loveless, or whether you found it out afterwards? I believe that I found it out afterwards.

140. I should like to know whether that was after the gunner had signed the book that you came to know of the payment? Yes, it was after.

141. Now there is another question, Colonel Spalding says that he may have sent on a memorandum of supplementary returns, but cannot find it. Can you say, Colonel Spalding, whether you have tried to find, not whether such memorandum is entered in your book, but whether it was sent on to Colonel Roberts? I am not in charge of those records.

142. You are in charge of your own battery records? Yes, and I have searched through them.

The President:—Colonel Spalding cannot go to another man's office and search for any documents that may be there. He must ask Colonel Roberts or the Adjutant to do that.

His evidence is read to the witness, as directed by rule of procedure 81B. The witness withdraws.

Lieut-Col. Michael Murphy, N.S.W. Artillery, being duly sworn, is examined by the Prosecutor, and states:—

I was the officer commanding Battery No. 3 in 1887, the proper person in 1887 to receive the compensation money that was to be paid to the men was myself; I was also the proper person to pay the money over to the men, or to depute somebody else to do it; I believe the applications for compensation to the men have to be brought before the commanding officer; he examines the clothing and judges its fitness for another year's wear, and such as is fit he passes and gives a certificate for.

[Exhibit 9 handed in, signed by the President, and attached to the proceedings.]

It is my certificate for clothing and the return which accompanied it for 1887. The amount of compensation money that I requisitioned for was £154 10s. 7d., and here is my receipt, showing that I received that amount of money from the prisoner; at the time I made out those sheets I was not stationed at Middle Head, but I had several men of other batteries attached to a portion of mine at Middle Head; I cannot remember the names of the men who were attached to a portion of my battery at Middle Head; Sergeant Lynch did not belong to my battery; he belongs to No. 2; Gunner Thomas Bailey did not belong to my battery; in that return for compensation there are receipts by Lynch and Bailey; Lynch, one tunic and one Norfolk jacket, amounting to £2 13s. 5d., for which he has actually given a receipt;

Bailey, one Norfolk jacket, 9s. 4d. The compensation for those men was paid through my battery; instead of Lynch's being a tunic and a patrol jacket it was a tunic and a Norfolk jacket; in the total amount of compensation requisitioned for by me and the total amount of compensation for which receipts are given there is a slight discrepancy which arose through some men leaving and having taken their discharge after the compensation had been requisitioned for; I reported the matter to the proper authorities and told them the proper amount remained in my hands.

Mr. Simpson :—I object to papers bearing the signatures of other people than Colonel Murphy's being put in as receipts; they may be correct or they may be incorrect; I submit that if they want to prove that Lynch received this sum they must call Lynch himself.

Mr. Heydon :—I submit that returns are admissible the same that the other returns are admissible with regard to the other batteries; this is a document initialled by Colonel Murphy—a document which he produced containing the evidence of the money paid to the men; you can compare the signatures with those in the ledger showing that they are those of the same men.

Mr. Simpson :—The other returns were immaterial and I did not object to them, but these are material, and I object to them. There are two objections:—First of all that Lynch has not been called to prove the signature; you must prove the signature, and you must prove the signature of Bailey; my learned friend says that you can prove them by comparing them, but I maintain that that is not the best evidence you can get. It is only secondary evidence; supposing Lynch had wrongfully signed the paper?

The President :—I think the matter can be easily settled by the prosecutor calling this witness.

The Court adjourned until 10 o'clock on Thursday, 7th March, 1889.

On Thursday, the 7th day of March, 1889, at 10 o'clock, the Court reassembled, pursuant to adjournment. Present—the same members as before.

The President :—The point before the Court, when we left off yesterday, was the admission of documents as evidence. It appears to the Court that the rule with regard to the admission of documents must come into force. That rule I believe is that the first and best evidence of the authenticity of documents must be obtained. If the prosecution wish to put this document in they must produce the person who signed it, and if he cannot be found then the person who saw him sign it, and if they cannot produce the person who saw him sign it then I maintain that the document is not authentic evidence of payment because a custom obtains out here among the Military forces of signing documents for the receipt of money before the money is paid. The accountant (Mr. Solomon) brought a pay voucher to the Judge Advocate the other day for him to sign for a large sum of money. Major Lassetter objected to sign it because he had not received the money. "Oh!" said Mr. Solomon, "It is always the custom to sign the voucher before receiving payment." Now I saw that document signed, but it was certainly no proof of the payment.

Mr. Heydon asked that the document might be received as evidence of the amount received by the officer commanding and disbursed by him.

Mr. Simpson still objected.

The President :—The Court are of opinion that the documents can be received not as evidence of the signature, nor as evidence of payment, but merely as evidence of the money that was received by Colonel Murphy, and the manner in which he authorized its distribution. [Exhibits 9, 10, 11 and 12 admitted.]

Witness continuing, states: In requisitioning for compensation money I requisitioned for as much as was required by each person; the list bearing the signatures represents the amounts authorized by me to be paid. In the requisition list I requisitioned for £2 13s. 5d. for Lynch; I did not authorize any other amounts to be paid to him as compensation; I did not authorize the payment to Gunner Bailey of any other sum but 9s. 4d.; I paid a portion of the compensation money myself, but I cannot tell which; in the case of those whom I paid myself they signed in my presence for it; in the case of those whom I did not pay myself, I authorized Lieut. Bridges to pay; he is and was the officer-in-charge at Middle Head; in authorizing him to pay the money I drew the cheque for him, but cannot say that I paid him myself; the custom is for an officer to go with the Pay Sergeant to the bank to get the money, and then to come down to Dawes Battery to pay the men here, and he would hand the money for the Middle Head detachment I think to Lieutenant Bridges or to the non-commissioned officer deputed by him to receive it at Dawes Battery; I have authorized the money on this voucher to be disbursed as stated hereon; I know the prisoner's signature; I think the signature on these documents are the prisoner's; though they are rather larger than usual, they are not the usual signature that I have seen; they appear to me to be larger than usual. [Exhibits marked from 13 to 19 inclusive handed in, signed by the President and attached to the proceedings.] There is a discrepancy in the amount for which I requisitioned and the amount I authorized to be paid in consequence of the discharge of two men and clerical errors in the amount due to four other men; the men were—Gunner R. Dalton, Gunner William Low, Gunner M'Alister Peterson, D. Stephenson, and Thomas Foster; Sergeant Lynch and Gunner Bailey were not amongst these; some of the items were omitted in the rolls sent in, and the supplementary return was submitted to the officer commanding; the supplementary return was for additional men; no change whatever was made after Lynch and Bailey.

Cross-examined by the Counsel for the defence:—

143. *Mr. Simpson* :—What has become of that money that was left unpaid? I handed it over to the officer taking over the battery.

144. Who was that? Major Murray.

145. How much was it? £5 4s. 2d.

146. Had these men who did not receive money left the forces when the prisoner handed over the money to you? No, they had not.

147. Who handed the money over to you that you had received? The prisoner.

148. Had the men applied for their discharge? I think one man had applied for his discharge, and application was being made for the discharge of another man.

149. How was it that the other three men were not paid? I think it was owing to a mistake in the inspection of the clothes.

150. Whose mistake. Your mistake? It appears to have been a mistake of the clerk, or it might have been my mistake.

151. Therefore, if a mistake arose as far as three men were concerned that was your mistake? Yes, that was my mistake.

152. Will you tell us what sort of a mistake that was? William Low, so far as I can see, put down a requisition for compensation for the whole of his clothes, and then withdrew it, putting in a requisition for only two articles.

153. But that was no mistake of yours? Yes it was, because I had evidently passed his clothes in the first instance. All his clothes down here were sufficiently good to pass, but he did not think the amount of compensation sufficiently large, and he withdrew afterwards.

154. Then you have a man passed in the list originally for a larger amount than he ought to have received?

The President :—The officer on inspecting the clothing finds that the man's whole kit is good and compensation is put down for five articles. That goes in, and when the compensation money is drawn the man says, "No, I will take the clothes"; he receives his clothes, and the money remains in the hands of the officer in command of the battery.

155. *Mr. Simpson* (to witness) :—Well, I don't see that that is a mistake? It is an error rather than a mistake.

156. This man was put down for £2 12s. 6d. in the first instance, and actually he got £1 9s. 6d.? From the prisoner I received £2 10s. 6d.

157. I see there is an alteration in reference to McAicer; how much was he originally down for? I think £1 4s. 2d.

158. How much did you pay him? £1 9s.

159. So that he was actually paid more than was sent in by you? Yes.

160. You sent in a list asking for £1 4s. 2d. for McAicer, and McAicer has been paid £1 9s.? Yes, but it has been corrected in this list.

161. Never mind that; can you tell the Court how it was he came to get £1 9s.? Well, there was evidently a mistake in taking down the list for compensation.

162. It is a mistake in the original list sent in? Yes.

163. And I may presume it is a mistake of yours, or somebody for whom you are responsible? Yes.

164. It is a mistake of omission, is it not; more ought to have been put down in that list than was put down? Yes.

165. So that McAicer is in entirely the same position as Lynch was in, although the amount was larger in the case of Lynch? No, I think not; this amount is vouched for.

166. There is a man called Stephenson here; will you please look at that and say how much he was originally requisitioned for? £1 14s. 4d.

167. How much was he paid? £2 3s. 8d.

168. There is another mistake of omission there, is there not; the difference between £1 14s. 4d. and £2 3s. 8d.; so it is not perfectly clear that in those two instances at all events you have omitted to requisition for the full amounts that the men ought to get? Yes, it is on the face of the document.

169. Are there two Low's in the Force? Yes.

170. Look at James Lowe, you will find you requisitioned for £1 13s. 6d. in his case, did not you? No.

171. How much did you requisition for? £2 3s. 2d.

172. I see a man of the name of Foster down here for £3, just look at that? Yes, for £3 0s. 2d.

173. And how much did he get? Nothing.

174. And how was that? He was discharged medically unfit.

175. And would he not be entitled to compensation? No, certainly not. Compensation is an allowance paid in advance.

176. Did you get £3 for him? Yes.

177. Have you any book similar to that produced by Col. Spalding yesterday—a clothing ledger? It is not in my possession. It is in the possession of the officer commanding the battery.

178. Would Lynch's name appear in that book? No.

179. How long have you known the prisoner? I have known him since August, 1876.

180. And what character has he borne during those years? Very good.

181. Has he had a great deal of work to do? During certain times an immense deal of work has fallen upon his shoulders, and he performed it very well.

182. Do you know anything about this system, by which clothing is supplied to the men, and an allowance to the master tailor for fits and refits? It was published in orders.

183. Never mind published in orders? I cannot carry all the details in my mind.

184. But cannot you tell me about the system? I cannot tell you all about the items.

185. Do you know whether the contractor, in cases of compensation, is paid for the full amount of clothing with a certain percentage deducted, just as though he had supplied the clothing, although no clothing was supplied? I know it from hearsay.

The President :—I think that the officers commanding batteries cannot prove that, because they have no dealing with the contractors.

Mr. Simpson :—I will ask you this, and do not answer it without you get the sanction of the President;—do you know whether it has been the custom to do what I have just asked you about?

The President :—I do not think he can answer that question, as he does not know it of his own knowledge.

186. *Mr. Simpson*.] You said something just now about general orders;—where shall I be able to find them? There is an order book published.

187. Do you know that an inquiry extending over a considerable period was held by order of the General Commanding, for the purpose of inquiring into the system of clothing the Forces then in vogue? I do not know it of my own knowledge.

Re-examined by the prosecution :—

188. If a man states that he wants compensation for a garment, he does so in anticipation that the garment will last twelve months? Yes.

189. If anything should happen to the garment in the meantime he would have to buy another garment at his own expense if he took the compensation money, so that he would be out of pocket to the extent of the cost of the garment;—would that not be so? Yes.
190. Then when a man accepts compensation money he does so at his own risk? Yes.
191. This corrected total I see has been initialled by yourself? Yes, it is actually in my handwriting.
192. You have spoken of an additional compensation list. Did you ever get the money of this additional compensation list? No.
193. All that you have received is £154 10s. 6d.—all that you have received for compensation? Yes.
194. Is that all? Yes; all on that one application, although other men receive compensation on their discharge.
195. Yes, but that is not before the Court at all. That is all that was received as clothing compensation during that one year? Yes.

Examined by the Court:—

196. There are a good many alterations by Colonel Roberts? They must have been there before Colonel Roberts signed the document.
197. Were they made before or after the amounts were authorized by Colonel Roberts? They must have been made prior to Colonel Roberts' signature.
198. Were they on the document before it left your office? No, certainly not.
199. Were those corrections made prior to Colonel Roberts' signature or afterwards? I should think they were made prior, but cannot say of my own knowledge.
200. Can you explain how those corrections came there? I should think that some mistake had been made in assessing the value of the articles.
201. That is apparent on the face of it; but did you make the corrections? No; they are not in my handwriting.
202. Were they made at your request? No; although I must have been aware of the corrections, as they must have been made in the fair copy.
203. Were those alterations made by Colonel Roberts before returning the copy to you? I should say they were made in the Brigade Office before they were returned to me.
204. Then, to the best of your belief, those corrections must have been made in Colonel Roberts' office? Yes.
205. You say that a fair copy was submitted to the officer commanding. Where is that fair copy? I cannot say.
206. And the men were paid on that fair copy, in which the corrections were not initialled, and might have been altered by anyone? Yes.
207. That copy, evidently, was submitted to Colonel Roberts; but what I want to know is, who made the corrections? I do not know who made them, although I think they were made by Mr. Webster, and sent back to us to make a fair copy of it.
208. But you do not know for certain. What you do know is that the men were paid on the altered copy? Yes.
209. Would you be authorized to make any alterations on a compensation return after it had been initialled by the commanding officer? I have done it because I went into the matter and found it was a mistake after I had received the compensation-money.
210. And those red ink marks might have been yours? No; certainly not.
211. Now, turning to another subject, you were in the Imperial service prior to being in the New South Wales Artillery, were you not? Yes.
212. In the regiment in which you served how were the prisoners' duties performed, and by whom? By a quartermaster, who would have under him a quartermaster-sergeant, and staff.
213. Do you consider that the duties performed by the prisoner are greater than the duties performed by a quartermaster in a line regiment? Oh no! The quartermaster would have double the amount of work, because there would be double the number of men. He would also have charge of the barracks, to see that they were kept clean; also charge of the workshops.
214. Do you consider that the prisoner had more work to do than a man in his position should be asked to do? No.

His evidence is read to the witness as directed by Rule of Procedure 81 B. The witness withdraws.

Lieutenant-Colonel Thomas Eden, General Staff, being duly sworn, is examined by the Prosecutor, and states:—

I was presiding when an inquiry was held some time ago and the prisoner appeared before me in the course of that inquiry and made certain statements. I reduced those statements to writing as he made them. I wrote down the questions that were put and the answers that he gave *verbatim*. I cannot remember the exact words of those questions or answers. This document is in my handwriting.

Mr. Simpson:—If the prosecution is going to bring as evidence against us statements of the prisoner, they ought to put in the whole of the statements.

Mr. Heydon:—I wish to put in certain statements made by the prisoner in reference to those charges.

Mr. Simpson:—If statements were made by the prisoner upon a certain day, and reduced to writing, that is a deposition, and can best speak for itself.

Mr. Heydon:—My learned friend asks that I should put in all the statements of the prisoner with reference to this particular point; but I wish to explain to the Court that the statements made before that inquiry covered a very large range, and many of them had no bearing whatever upon this particular question at all.

Mr. Simpson:—I want the Court to see that there has been such an amount of looseness in the keeping of these Artillery stores that no man can be held criminally responsible upon any mistakes that may have occurred.

The President:—I think that the Court cannot admit any evidence which proceeds directly from the Court of Inquiry. *Mr.*

Mr. Heydon :—I quite admit that I cannot put in those proceedings and make them evidence against the prisoner. To do that I should be putting in the statements of a great many persons who were not on oath, and who might now be called to give evidence for themselves. All I do want to do is to put in an admission made by the prisoner himself; and it is quite a proper thing to make use of evidence given by a man at any time against himself.

The President :—If you will turn to page 90 of the Manual of Military Law, you will find, under paragraph 74, that before an admission can be allowed as evidence, it must be proved that it was voluntary.

Mr. Heydon :—I think the Court will see that it was voluntary.

The President :—I think the prosecution must prove that the admissions made by the prisoner were voluntary.

Mr. Heydon :—Very well, I will prove that, Mr. President.

Examination continued :—Before the prisoner made this statement I did not hold out to him any inducement, threat, or promise giving him ground for supposing that if he made a confession to me he would gain some advantage or avoid some evil in reference to the question. The statements he made were perfectly voluntary.

By the Court :—The prisoner was obliged to appear before the Court. Some of the statements made by him were voluntary, and others were elicited by questions put by me. He was at perfect liberty to answer any questions put by me or not.

The President :—I think that it is now proved that the statements made by the prisoner were voluntary, and so they are admissible as evidence.

Cross-examined by the prisoner's counsel :—

215. *Mr. Simpson*.] Do you recollect, without looking at those papers, any statements which he made? I remember some of them.

Examination continued :—

216. *Mr. Heydon*.] Do you remember the particular words? I remember the substance.

The President : I think you should ask him first.

217. *Mr. Heydon*.] Do you remember the words of the question which you asked the prisoner and the answer he gave you on the 18th of September last year with reference to a discrepancy of £9 12s. 2d.? No, I don't remember the exact words, I remember the substance.

Mr. Heydon : Well, I think we ought to have the exact words of the evidence.

The President : Suppose you have the substance first.

Mr. Heydon : Is it not evidently the fairest thing that the actual language should be put before the Court, sir.

Mr. Simpson then withdrew his objection.

218. *Mr. Heydon* : "Can you explain an apparent discrepancy of £9 12s. 2d. which appeared between the cheque for £229 12s. 7d. and the amount you handed over to the Battery commanders of £220 0s. 5d. for compensation?" That is the question, and the answer is, "Yes; that sum represents my own compensation, which Henderson, when paying me for the usual compensation, added on to the cheque as a convenient way of paying me." That is the answer given by the prisoner to the question on page 79. There is a question, "Did you receive the sum of £16 7s. 6d. as compensation in lieu of clothing for the year 1887 to 1888; if so, how do you account for the discrepancy of £9 12s. 2d. between the amount shown as received from contractor, and handed over to officers commanding batteries for the same year?" The answer to that question is, "No, I did not. I received my clothing. On reconsideration I find I did receive the sum of £16 7s. 6d. for the year 1887 to 1888. The amounts I received from the contractor for the officer commanding batteries was deducted from my accounts for compensation for £16 7s. 6d." On page 105 appears this question, "You stated in evidence that the £9 12s. 2d. money not accounted for by the officers' receipts was your own compensation due to you; do you adhere to this question?" The answer was, "Yes, I do." The next question was, "The sum of £65 10s. paid you some little while after the £229 compensation for batteries had been received was for compensation for four warrant officers, was it not, and including yourself as one of those paid-up recipients?" Answer, "The £9 12s. 2d. was deducted from the £65 10s." The next question appears to have been this, "Stay a moment; here are certified copies of this transaction by which it is clear you received both. Explain." The answer was, "Well, at any rate the £9 12s. 2d. should have been deducted from the £65 10s., for this £9 12s. 2d. was given to me as a kind of advance on my personal compensation when I asked Henderson wouldn't he advance my compensation, which he could not pay all until the amount was authorised. It must have been an oversight of mine not to mention, when I was getting the £65, that I had had this advance." The evidence I read from page 61 was given on the 18th September, 1888, and the second question and answer, on page 79, was given on the 3rd October, 1888, the rest of the statement having been made on the 1st November the same year? Yes.

Those are the questions and answers put to and answered by the prisoner on those dates. On the 11th January, 1889, the prisoner made a further statement to me. This is my handwriting and it embodies a statement made to me by the prisoner, who was called before me to make further statements with regard to the £9 12s. 2d. He made a further statement and I put it in writing.

By the President :—That Statement is part and parcel of the proceedings which took place during that Court of Inquiry.

By the Prosecutor :—This is the statement, Webster states :—"The list sent on to the Treasury is really a mere voucher. The compensation lists are received from batteries with each man's name. From that the items are recapitulated on to another list, showing merely the number of garments, so many trousers, &c., &c.; this list is then signed by the commanding officer and forwarded to the contractor, who therefrom makes out the vouchers, which are in like manner signed by the Colonel Commanding, who returns them to the contractor, who then gets the full amount from the Treasury and passes the two-thirds to Mr. Webster (myself) and gets the one-third for themselves. I issue the amount due to each battery and get a receipt, now again shown to the Board. The discrepancy the Board discover of £9 12s. 2d., would not have escaped my notice had I had my books checked and properly kept. It may have arose during the recapitulation of the contractor's list. This amount is of course due to the Government and I cannot recollect how it came about, neither can I produce the lists or the copy of these for the year 1887 to 1888. The contractor may have the original."

[Exhibit marked 20 signed by the President and attached to the proceedings.]

By

By the Court:—I cannot say whether the prisoner saw both these documents before the Court.

At 1 o'clock p.m., the Court adjourned until 2 o'clock on same day.

At 2 o'clock the Court reassembled pursuant to adjournment. Present: The same members as before.

The paper to which the prisoner's initials are attached is marked 21, signed by the President, and attached to the proceedings.

Exhibit 22 handed in, signed by the President, and attached to the proceedings.

Witness:—That is in the prisoner's handwriting. [Exhibits marked 23 and 24 handed in, signed by the President, and attached to the proceedings.] The signatures to those two documents are the signatures of the prisoner. [Exhibits 25 and 26 handed in, signed by the President, and attached to the proceedings.] The signatures attached to those documents are in the prisoner's handwriting. [Exhibit 27 handed in, signed by the President, and attached to the proceedings.]

On page 53, under the date of the 15th September, the following questions were asked by me as President of the Board of Inquiry, and the following answers given by the prisoner. *Question*: "The two tunics received by you for the artillery in 1887, of course included those under the head of compensation?" *Answer*: "Those five hundred and those charged for by Messrs. Henderson are for those actually delivered to the artillery. In fact the compensation and the clothing delivered are two separate accounts." *Question*: "Then it may be taken for granted you consider the contractors to be obtaining money, say, improperly; at any rate, in a manner opposed to the interest of government, and you have no doubt pointed this out to your Commanding Officer?" *Answer*: "Yes, and I spoke about it. I pointed it out to the Adjutant and to the Colonel when furnishing compensation lists—that for simply putting in his voucher and getting his cheque he cleared one-third cost on every garment about which he gave compensation." On page 98 of the proceedings the following question appears: "You stated in your evidence that you had informed Colonel Roberts and the Adjutant of the improper manner in which the contractor was obtaining money. When did you do so?" *Answer*: "On two or three occasions I have mentioned this to the Colonel when presenting the compensation lists for his signature." *Question*: "Well, they are annual, hence it must have been at least a year since you first drew his attention to the matter; is it not so?" *Answer*: "On the separate occasions when presenting these lists I mentioned this—Yes, so it must be over a twelve-months I suppose."

Cross-examined by the Counsel for the Defence:—

219. *Mr. Simpson*:—Colonel Eden, you know perfectly well, don't you, that the system has been for the contractor to be paid as Webster pointed out in that evidence? I did not know it previous to those proceedings.

220. But you know it now, don't you; don't you know from your investigation at this Board of Inquiry that the system that Webster described had been in practice for years?

Mr. Heydon objected to this question on the ground that it was only from hearsay that Colonel Eden could possibly know it.

Mr. Simpson:—I want to find out from Colonel Eden whether the result of the Inquiry was not that he has ascertained that this particular system, said to be committing a fraud, has not been a system in force here for a number of years with the full sanction of the authorities.

The President:—It seems to me to be evidence that we cannot receive; to all intents and purposes it is hearsay evidence to us because it is not on oath. The objection is allowed.

221. *Mr. Simpson* (to witness):—Did you make any report yourself as to the result of the Inquiry? The Board made a report.

222. Do you know where that is? No, I don't.

223. To whom did you send your report? To the convening officer.

224. Who would that be? The General, I suppose.

225. Can you tell me of your own knowledge whether the system that was then in force still continues? I don't know at all.

226. What is your position in the force? I am an officer of the Permanent Staff.

227. What are your duties? My duties are varied. They were chiefly originally connected with the reserves.

228. Can you tell me when you sent in that report? I cannot. I think there were three or four reports.

229. And all sent in to the General? Yes.

230. Now, do you mean to say that any statements made by Webster were voluntary? Yes.

231. Did not you say that he was called again to make certain statements or to give certain explanations; do you remember saying that? No, I don't.

232. Was he not called before you to make certain statements previously? I don't know whether he was called or not; I did not see the order.

233. How many times did the Court sit? I do not know.

Mr. Heydon:—The prisoner gave evidence on fourteen occasions.

234. *Mr. Simpson* (to witness):—Was he examined before you on fourteen occasions. I do not know.

235. Well, how many times was he before you? I do not know; I should have to look and find out, and that would take some time.

236. Well, never mind how long, I want to know. Just look at page 4. Do you see this "Brigade Quarter-Master Sergeant Webster is further examined"; do you see that? Yes.

237. That is the second time. Now, he made statements before you upon one occasion, and then on this second occasion? Yes.

238. *Mr. Heydon*:—Is that your handwriting, Colonel? No.

239. *Mr. Simpson*:—Whose handwriting is it? Captain Savage's.

240. Were you present at the time? Yes.

241. Well, that is the second time. Now look at pages from 1 to 12 and tell me whether those pages do not all refer to evidence given by Webster before you? I do not understand what you mean.

242. Look at every page from 1 to 12 and see if it is not all Webster's evidence. Do not those pages all refer to evidence given by Webster on three different occasions?

The President:—Are you trying to find out the number of occasions upon which the Court sat?

Mr. Simpson:—I intend to put in all the statements made by Webster.

Mr. Heydon:—Then I object to that. No statements made by the prisoner can be put in in his favour. They can only be put in against him. Mr.

Mr. Simpson:—I admit that, as a matter of strict law, I cannot put in these statements; but as a matter of discretion the Court can receive them. The object of this Court is to administer the strictest justice.

Mr. Heydon:—I am not shutting the prisoner's mouth by making this objection, but I am objecting to a whole lot of irrelevant matter being thrown upon the Court for the purpose of confusing it.

The President:—The Court rule that the matter cannot be brought before the Court now, but that any statement which the prisoner has to make can be embodied in his statement at the conclusion of the case.

Mr. Simpson:—Of course, I will submit to the discretion of the Court, but I insist that I am entitled to put in the whole statements before the Board of Inquiry on the 18th September, 1888. I say that I am entitled to have the whole of that evidence given before the Board on that particular day. You cannot pick out a bit of a statement given by the prisoner and give that against him. It is opposed to the whole law of evidence.

Mr. Heydon:—As a matter of fact, Mr. President, the prisoner appears to be called before the Board twice at any rate on that day. So that the conversations took place on several occasions of that one day. So that my learned friend (because I got out an admission made by the prisoner), therefore is he entitled to put in another conversation by the prisoner during the evidence?

Mr. Simpson:—I did not say anything of the kind.

Mr. Heydon:—You will see that many of these questions are not at all pertinent to the inquiry before the Court. I only got out of one person before the inquiry. I quite admit this, that it would have been very unfair if a conversation had been held with him, and he had made statements about this £9 12s. 2d., and he had said "I admit that I cannot explain." It would have been very unfair to admit that "I cannot explain" in, when he might have said "I have no doubt I could find out if I had a little time given to me."

Mr. Simpson:—I only want to put as evidence the statement that was made before Colonel Eden upon the occasion to which we are alluding.

Mr. Heydon:—If my learned friend will state that these statements are relevant to the case, I will withdraw the question; if not, I think they have no right to be put in before the Court.

Mr. Simpson:—I insist upon my right to put in those statements. I submit that I have the right and I intend to put them in if the Court will allow me.

The President:—Does not the statement which you wish to bring out refer to these charges?

Mr. Simpson:—I think that it has a material bearing upon the case, and that in justice to the prisoner it should be put in.

Mr. Heydon withdrew his objection.

243. *Mr. Simpson* (to witness):—You said these statement were voluntary, but do you see this in your own handwriting "that the Board having been reassembled pursuant to its adjournment proceeded to call on Mr. Webster for explanation as to certain items for consideration." Do you say that? Yes.

244. Did you say "How is the money recovered to Government for garments made from material supplied at Government expense?" Explain this whole arrangement. Did you say that? Yes.

245. And did he in his answer say this, "Any after clothing that has been made up by the master tailor from materials supplied by the Government is issued to the battery in lump. It is stopped and charged against the battery. I presume the pay office recouped the Government, but I have nothing to do but render the proper charges, which I have always done. Myself, Mr. Green, Mr. Bennett, and Mr. Griffith for instance, they had serge, for fatigue jackets made, that is 2½ yards; the cost of this serge has been debited them through their battery accounts. The master tailor's charges for these garments were made by themselves. This is during this year 1888. The cost of cloth supplied at Government is recorded by stoppage of Government pay against the interested individuals through their battery and pay officers' accounts, I myself furnishing the items to be so charged for." Did you make any personal investigation to see whether statements are correct or had you any reason to doubt it? I do not understand the question.

247. Have you made any personal investigation to find out whether the statements made by Webster were correct or not? I shall not answer it. I have nothing to do with it, but what is written in these proceedings.

248. That is all right now, turn to the next examination in 15th December, 1888, page 76. Did you ask this question—"Did you receive the sum of £16 7s. 6d. as compensation in lieu of clothing for the year 1887 to 1888; if so, how do you account for the discrepancy of £9 12s. 2d. between the accounts shown as received from the contractor and handed over to batteries for the same year?" And he gave this answer, "No, I did not; I receive my clothing." "On reconsideration I find I did receive the sum of £16 7s. 6d. for the year 1887 to 1888. The amounts I received from the contractor to pay the officers commanding batteries were deducted from account for compensation for £16 7s. 8d." The answer he gave to that question is a purely voluntary answer is it? Yes.

249. Can you say whether that statement is true or not? That is not my statement.

250. No, it is Webster's statement, but can you say whether it is true or not? I know nothing more than what is on here.

251. Do you know of your own knowledge whether the statement is true or not—these answers—say yes, or no? No; I do not at this present time.

252. Did you ask him what number of part worn tunics were issued during the years 1886, 1887, and 1888? Yes.

253. And did he give this answer, "I can give that, but absence at Newcastle takes my attention from this matter. I may tell the Board that the part worn clothing is not worth reissuing"—was that the answer? Yes.

254. Then did you ask him this, "You prefer a demand, say like this one marked H, signed by yourself, to the effect that items were paid or due, &c., to meet compensation and claims for 1887 and 1888. Why does this document need Captain Savage's signature?"—Did you ask him that? Yes.

255. And did he say "Captain Savage's signature was attached prior to mine which was subscribed at a later date when it was referred to me for explanation. My signature is simply in confirmation of my minute about it, which is result of reference to me. Captain Savage's signature I consider to mean that he has approved as to the correctness. I should suppose that the Colonel commanding the artillery forces

forces seeing his adjutant's signature is satisfied with it as an assurance that the document needing his initials are correct, and the matter is forwarded in the usual way." Was that his answer? Yes, he said that.

256. Now that document H bears both the signature of Captain Savage and the initials of Colonel Roberts, does it not? I believe so.

257. Now turn to page 102. Did you say to the prisoner as follows: "The Board desires you will exercise the utmost despatch, for it will submit to no further delay, and recommends you to consider its business as a prior demand to any ordinary duty, and warns you that should they consider its time in any way lost by your inattention the matter will be forthwith reported to the Major-General; also, Mr. Webster is to understand that he must produce the paper mentioned by 2 p.m. this day." Did you say that to him? I did say that in response to his promise.

258. Do you mean to say that these statements are voluntary statements? I mean to say that is only on one particular point.

259. Do you mean to say that any statement made by Webster, after he had been addressed in this peremptory fashion, could be a purely voluntary statement? Yes; he could have declined to answer it if he had liked.

260. If he had declined, what would have happened to him? I don't know.

261. You don't know; it is hard to tell, I suppose? Nothing, I think.

262. Do you of your own knowledge know what system has been in force here for years with regard to officers' compensation? No; I do not know anything about it.

Re-examined by the prosecution:—

263. *Mr. Heydon*:—With reference to what has been read out, you said to the prisoner, "The Board desire you to exercise the utmost despatch, for the Board would submit to no further delay." Had there been a great deal of delay, Colonel Edon? He was evincing signs of delay in carrying out his promises to the Board.

264. Had there been delay at the time you made this observation to the prisoner? There were signs of it.

265. Had the inquiry been going on for several months? It had been going on from the commencement of July.

266. Had the prisoner immediately before told you it would take a day or two more before he could answer that question? Yes.

267. Had he told you that he could get the answer from the books, and that it would take him a day or two to do so, and then you spoke to him about the further delay? Yes.

By the Court:—The very effect of that document which you had in your hand. What was the order from the General convening the Court. I should like to hear it read out.

The prosecutor read the order as appeared on the Board of Inquiry, as follows:—"Proceedings of the Board of Inquiry assembled at Victoria Barracks on the 26th day of June, 1888, by order of General-commanding, dated 19th June, 1888, to investigate and report upon the system of supply and issuing of clothing now in vogue in the New South Wales Artillery, together with the claims for compensation, and to suggest such alterations as may be necessary to place it upon a more simple and equitable basis. President, Lieutenant-Colonel Edon; members, Captain and Adjutant A. H. P. Savage, N.S.W.A., Lieutenant Little, P.S."

268. *The President*:—I should like to ask one more question. Did you ever before this Board of Inquiry warn the prisoner that he need not answer any question or criminate himself in any way? I have no recollection.

269. *Mr. Simpson to the President*:—Would you kindly have this report read to Colonel Edon, and ask him whether it is a true copy of his report? It is not the first report.

Mr. Simpson:—It is a supplementary report.

Mr. Heydon:—I object to this being done. Of course I cannot do it, but the Court can if it thinks proper.

The President:—I think that judging from similar cases that it must be considered a true copy.

His evidence is read to the witness, as directed by Rule of Procedure 81 B. The witness withdraws.

At 4 o'clock the Court adjourned until 10 a.m., on Friday, the 8th day of March.

On the 8th day of March, 1889, at 10 o'clock, the Court re-assembled, pursuant to adjournment.

Present—the same members as before.

George Whitehouse, being duly sworn, is examined by the prosecutor:—

I am the manager for William Henderson & Company, the contractors for the supply of clothing to the Permanent Force for the years 1887 to 1888 was entered into by Mr. Henderson. [Exhibit 28 handed in, signed by the President, and attached to the proceedings.] This is the contract. [Contract produced.] This is Mr. Henderson's signature, and the signature on the order is signed by Mr. Henderson. Goods contracted under that contract ought to be delivered at the Government Store, Young-street. Mr. Hopkins is in that store, and was in charge of it in the year 1887 to 1888. These six documents bear Hopkins's signature. This document bears Mr. Webster's handwriting and initials. It has also Mr. Henderson's signature to it. Mr. Henderson used to import the clothing, but it was never received by us at all of my own knowledge; it never came to our own stores. The clothing was received by a Board, part military and part civil, at the Government Store, Young-street. After passing the Board the clothing was taken from the Government Store to the Victoria Barracks, where I was present to receive it. It was received by Mr. Webster (the prisoner). After the inspection of the clothing I procured vouchers at the Government Store. These are the vouchers [vouchers produced]. The top one bears Webster's initials, W.W., and also Webster's signature. That is the pay-voucher; the others are invoices; one bears the name of Colonel Spalding, and is signed by Hopkins. Subsequently I received those vouchers through Hopkins and took them to Colonel Baynes. I got from Mr. Hopkins the pay-vouchers which have Webster's initials and Mr. Henderson's name upon them, and took them to Colonel Baynes and left them with him. I did not see it again after that. At the time Colonel Baynes was Paymaster. I think I took the whole

whole lot of these vouchers to Colonel Baynes, but I cannot be certain. The matter referred to on this voucher [another document shown to the witness] was dealt with by me as far as the passing of it was concerned. By that I mean I sent it up to Victoria Barracks. It was made up by a clerk called Smith. I ordered the vouchers to be made up, but I did not supply the clerk with any materials to make it up with; there were no materials at all. I supplied the facts that appear on that document; I dictated them to my clerk. [The statements contained in the last two sentences were objected to by Mr. Simpson, but the Court disallowed the objection.] I got that information from documents I got from the Victoria Barracks from Mr. Webster. [This statement was also objected to, and the objection disallowed.] After getting the information I returned the documents to the Victoria Barracks. I cannot say to whom the documents were returned. They were returned for the signatures. I took them myself the last time. I took this document with them, and this one [documents produced]. I did not get these two documents signed. I left them with the other documents. The prisoner's name is on one of those documents. I saw the documents returned again to my office with the names written, which names were not on when I took them up to the Victoria Barracks. When those documents came down from the Victoria Barracks with those names on, the other documents from which I had compiled them were attached to them. The documents from which I had compiled them I took myself to the Pay-office. I took those and other four or five from which they were compiled to the Pay-office. I left them at the Pay-office—the whole lot of them. I did not see any of them after that. I cannot say with whom I left them at the Pay-office. At the time I got the four or five documents from the prisoner he did not say anything to me about them that I remember. I think he told me what they were for. I think he told me that they were compensation clothing for the rank and file of the Permanent Forces. I did not make any payment to the prisoner after that. I was present when the payment was made to him afterwards. Mr. Kennedy, our accountant, gave the prisoner a cheque. I cannot say what bank the cheque was upon. Mr. Kennedy obtained a receipt for the cheque. [Exhibit 23 handed in, signed by the President, and attached to the proceedings]. I also prepared this document [Exhibit No. 21] from the material I obtained from the prisoner. [Statement was objected to by Mr. Simpson]. I did not supply the clothing referred to in that document, nor did I see anyone else supply it. I instructed the clerk to draw out the cheque for £229 12s. 6d., and he followed my instructions. That amount is two-thirds of the £344 8s. 10d. Henderson and Company kept the other one-third. I did not supply the clothing represented by that amount—£344 8s. 10d. I instructed the clerk to fill up the cheque as manager for Henderson and Company. It was not a private transaction of my own. As far as I know, no clothing was supplied and no money given for the remainder of the one-third of the amount. As manager for Henderson and Co. it is my business to make myself acquainted with the business of the firm in the warehouse, but not in the counting-house. The warehouse is where the goods are kept, and if the goods are sent out of the warehouse it is my duty to know where they are going to; but, so far as I know, no goods were sent out for that amount. It is supposed to be my business to see that no goods are supplied without my knowledge; but I am supposed to be there in the warehouse at the present time, and it is impossible for me to know what is going on in my absence. My clerk, Mr. Cliffe, is responsible in my absence. You can get him down here and question him about the goods supplied in my absence.

The evidence of this witness is postponed. (The witness withdraws).

William Oliver Hopkins, being duly sworn, is examined by the prosecutor, and states:—

I am the keeper of the Government Stores. The supply of the clothing is sent to the permanent store almost invariably, and when it is sent there I sign documents for it. I signed those documents [documents produced], and before signing them I inspected the goods for myself.

Mr. Simpson:—I would not object to these documents if they are only what the witness says they are; but I do object to them because they contain statements which he cannot possibly prove. He could prove that they are statements which were in the Government store; but there is a note here that they were supplied by Henderson, of which there is no proof whatever.

Mr. Heydon:—That document cannot be shut out because a statement which is not evidence. The statement which is not evidence cannot be taken as evidence of course; but the document must nevertheless be admitted for what evidence it really contains. However, I will ask a few questions about it first.

Witness continuing:—The clothing referred to on this voucher was military clothing for the troops.

Mr. Simpson objected to the witness saying who the clothes were from, observing that the prosecution were trying to prove that the clothes which were received in the store came from Henderson. He cannot possibly know that.

The President:—Can you ask the witness if he gave any receipts for that clothing.

Witness continuing:—I delivered this receipt to our accountant. His name is Harper. He can be called before the Court.

Mr. Simpson again objected to witness saying from whom the goods came.

Mr. Heydon:—If the witness knows where the goods came from he can say so.

The President:—Perhaps the witness will tell us whether he knows of his own knowledge.

Witness continuing:—I do not know where the goods came from of my own knowledge. They were received on 7th May, 1887. After inspection they were forwarded from our Department to the Military Department in Victoria Barracks, I believe; I cannot say from my own knowledge. I know they went out of my store, and I know the custom is to send them from the store to the Military Barracks. I received no complaint that the clothing was not received from the Military Barracks, although there was some delay I believe. We receive the clothing for the troops each year. The clothing is received perhaps in two or three shipments under one contract. I always check the clothing with the contract before we sign the invoice as far as quality is concerned, but I do not check them for quantity. I checked them to see that something of each garment contracted to be supplied is accurately supplied. The foreman and carter are supposed to check the goods as to quantity. The foreman's name is Viles. Mr. Hopper can tell you what became of the vouchers after I signed them. I found that the quality of the goods accorded with Henderson's contract. I am sure Colonel Spakling was present, but no representative of Henderson's firm. It is stipulated in the contract that the clothing should be received on a certain date, but it generally comes in two or three shipments. I think we did not receive any other clothing for the military except what is mentioned in those receipts.

Mr.

Mr. Heydon :—Well then I tender those documents.

The President :—One of them is in.

Mr. Heydon :—And I tender the others to show what the quantity of clothing was in the military store, and, so far, my learned friend admits that they are evidence.

Mr. Simpson :—I do not admit anything of the kind.

Mr. Heydon :—I think that my learned friend admitted it only a few minutes ago. I think that because they were in the store they could be received as evidence, but because they were in the store of Henderson & Co. they could not be received, but I submit that they can be received as clothing in the store.

Mr. Simpson :—I object to them altogether. If Mr. Hopkins had been able to say, looking at these documents with his own signature attached to it, he could say that on 13th April, such and such a quantity of clothing was received; and on 4th of May such and such a quantity of clothing was received, then he could have refreshed his memory with it and he might have given it as his evidence; but a mere fact of the document purporting to be a receipt is no evidence at all. Here is the gentleman himself present and even if part of the document were evidence then they would be still inadmissible because another part of them is not evidence. Here I have a jumper; there is a paper which purports to be a receipt for a jumper, but here is the gentleman himself who says although I gave a receipt I cannot say that that jumper was ever delivered at all. Then I see here eight patrol jackets; I cannot say that eight patrol jackets were received; perhaps one, perhaps two, or perhaps four, and those jackets correspond in quality to the contract sample. I think the Court will see that it is attempted to get in evidence which is not evidence at all.

Mr. Heydon :—I quite admit that sometimes when a case is being tried before a jury, whom the parties deem they cannot possibly trust, one side does insist upon a statement in a document, evidence being pasted over, so that the jury should not see it; that is done, and if my learned friend wants it done here I will see that it is done. A document is not shut out because it is not evidence, because that would be to shut out evidence which is not already proved. If my learned friend wants to do that, and if the Court think that it has not been proved that the goods were supplied by Henderson, we will have it taken down; but I submit that it is proved that the clothing comes from Henderson, because the clothing comes from nobody else. I have proved the receipt of the annual supply from the Government stores—the only place where it goes to, so that is ample evidence that the goods sent by Hopkins are the goods sent by Henderson & Company. Is the Court going to believe having a contract to supply goods to the Government store, that somebody else came forward and supplied what he had no right to supply, and what he had never been paid for and would never be paid for?

Mr. Simpson :—All that I contend as a matter of legal evidence, these documents are inadmissible. I do not want the Court to infer that anybody else who was not paid for the goods deposited them in the store; but, because I do not want the Court to believe that Henderson delivered them when there is nothing to prove, as far as quantity, that they were ever delivered. My learned friend said something about it being the practice to paste over things that you don't want a jury to see. I do not know why he should say anything of that kind unless he thinks that I wish the inference to be drawn that it would prejudice the Court, which I don't.

The President :—The document will not be accepted until the initials are sworn to by Mr. Harper as to the number of goods received. Apparently Mr. Hopkins cannot say from whom the goods were received; as far as I understand him they were received from the ship, but he cannot say they were received from Henderson.

[The objection is allowed.]

Cross-examined by the Counsel for the Defence:—

270. *Mr. Simpson* :—Do you know anything about the system which has been enforced for many years on Henderson being paid for goods which he has never delivered?

Mr. Heydon :—Of your own knowledge, or is it only hearsay? *Witness* : It is only hearsay.

Examined by the Court:—

271. *The President* :—When goods are sent from your store to anywhere, you send receipt and delivery vouchers with those goods? The carter brings receipted voucher back.

272. Which is filed in your office? Yes.

273. Do those vouchers contain particulars of the goods or only the number of bales? If the packages had been broken the carter should have got receipts for each article.

274. Then perhaps you will tell me with regard to these particular articles, were they broke? Yes; I think every case was open.

275. Therefore the carter would get a delivery voucher signed for the delivery of each bale? Yes, I think so.

276. Who would they be signed by? They would be signed by the officer who received them in the Victoria Barracks.

277. Would they be signed by the carter at all? I think not.

278. Have you ever conferred with this contractor about the military clothing? While the goods have been in the course of delivery the contractor has invariably called upon me to know if the goods were up to sample, and when they would be passed.

279. In this particular year, 1887, can you tell me who the contractor was? Henderson; he contracted in 1886 for 1887.

His evidence is read to witness as directed by Rule of Procedure, 81 B. The witness withdraws.

George Whitehouse came again before the Court, is reminded of his former oath, and is examined by the Prosecuting Counsel:—

He said: I cannot tell you of my own knowledge whether any part of the sum of £229 12s. 2d. was for warrant-officers. I have already said that it was given for compensation for clothing. I do not think that any was for warrant-officers, but I cannot say positively. I did not pay this sum of £65 10s. to the prisoner. I was not present when it was paid. It was paid by Kennedy, I believe. I directed Kennedy to

to pay that money. Whether he paid it by cheque or not I do not know. I told the accountant that it was for compensation for clothing for warrant-officers. Now I know that none of the £229 odd was for warrant-officers, and this money, this £65 10s., was for compensation for warrant-officers. I directed him to pay in full. I did not direct him to make any deductions from it.

Cross-examined by the counsel for the defence:—

280. *Mr. Simpson*:—Do you know what the practice was with regard to clothes—what was practice as far as Henderson & Co. were concerned?

Mr. Heydon:—I object to that question.

Mr. Simpson:—Do you know what happened, assuming that a man is entitled upon the certificate of an officer or otherwise to compensation money (say, to the amount of £3) and Henderson draws the £3, could you tell me what Henderson & Co. do with it?

Mr. Heydon:—I object to that question. I object to my learned friend what is the practice, because if he only knows from hearsay what the practice is the evidence is not admissible.

Mr. Simpson:—I want my learned friend to prove the receipt of the clothing by the prisoner in a legal way, but it is another charge we are dealing with now. My learned friend said that he had vouched for a certain sum of money to Henderson & Co., as if Henderson had supplied clothing to the amount of that voucher, and that he had done it fraudulently. I have been trying to get before the Court this fact that, although Henderson & Co. appears to have received a certain sum of money for clothing, they want to prove that that sum of money was never received. They have not done it yet, but they wanted to prove it; I want to prove that for several years the custom has been to do that very thing lawfully which they charge us with doing in an unlawful way; now, I ask him whether of his own knowledge he knows whether for some years the custom has been for the contractor to receive from the Treasury, less a certain discount, as though it was for clothing which has never, as a matter of fact, been received.

Mr. Heydon:—My learned friend objected to many important points in my evidence, and yet now he wants to ask this witness whether simply, because he is the Manager for Henderson & Co., he knows about a great many things which he did not actually see himself. If my learned friend wishes he can ask this witness of what he actually saw himself, but until he actually does that I submit that the evidence is inadmissible.

The President:—The Court rules that the question can be put, with the limitation that the witness knows what the terms quoted, "of your own knowledge," means. (To witness): You understand from your own knowledge means that you were actually the person concerned in the transaction, or were present when certain moneys were paid.

280. *Mr. Simpson* (to witness):—Understanding all the President has said to you, can you answer of your own knowledge. Supposing a soldier was entitled to compensation in the sum of £3 what would be done then. Just describe the process about the vouchers? A list was sent to me of what each man would be entitled to.

Mr. Heydon:—Where are those lists?

Mr. Simpson:—The list is in the hands of the Court. I object to that question.

Mr. Heydon:—But you are speaking of several lists.

281. *Mr. Simpson*:—Supposing a soldier was entitled to £3 for compensation, would the £3 appear together with other money in a list sent to you? Yes.

Mr. Heydon:—I object to that question. My learned friend is trying to prove it by an hypothesis.

Mr. Simpson:—That is the only way he can prove it.

Mr. Heydon:—I submit that it is not the only way you can prove it. The officers can be called. I had to call officers of batteries to prove certain lists. [The objection was disallowed.]

282. *Mr. Simpson* (to witness):—What would be done in this particular case now? We received the order for which we draw out a voucher.

283. And is that voucher sent to the Treasury? Yes.

284. And Henderson & Co. draw the whole £3, say for a tunic just the same as if the tunic had been supplied? Yes.

285. How long has that been the practice? To my knowledge since 1880.

286. You said, didn't you, in answer to Mr. Heydon, that the amount being for £344 8s. 10d., one-third would be £114 16s. 3d.?—Yes.

Mr. Heydon:—I do not think it is.

287. *Mr. Simpson*:—Well, he has said so. Now, deduct £114 16s. 3d. from £344 8s. 10d., and that leaves £229 12s. 7d., less the discount? Yes.

288. This particular voucher is signed by Colonel Roberts, I see. Now, I want, as a matter of curiosity, to know what Henderson & Co. get the £1 for in the case of them drawing £3 for the tunic? To enable them to keep up the establishment.

289. To enable them to keep up the establishment? It is only giving a £1 for the £1. We have to collect the money.

290. You did not mean that, I know. Didn't you mean that for the trouble of collecting £344 8s. 10d. you get £114 16s. 2d. Yes; that's what it is.

291. And that has been the practice authorized for years?

Mr. Heydon:—He didn't say so.

292. *Mr. Simpson* (to witness):—Well, it has been in vogue ever since 1880, and you have never heard it questioned until recently? No.

293. When did Henderson become the contractor? I do not know.

294. Did you say this at the Court of Inquiry before Colonel Eden? On page 29 of the proceedings you are reported to have said: "We subsequently receive lists of names of men who are recommended for compensation in lieu of clothing. Vouchers for the total amount so claimed are forwarded by us to the regimental authorities, Victoria Barracks, for signature, and returned to us, which we present at the Treasury, and, upon receipt of payments, we hand over two-thirds cash to Mr. Warrant-Officer Webster, the Brigade Quartermaster-sergeant of the New South Wales Artillery, and take his receipt for the same. In the case of compensation claims for warrant-officers the same rule is observed, except that we give full value for each officer, and retain the clothing, as the clothing is made up for them in the Colony. To my thinking the system of clothing the regiment is not a satisfactory one. The clothing should be supplied according

according to individual measurements, and made up in the Colony, and the present systems of making them up in size rolls causes a large expense for alterations, when received, is due to the fact that so many men take their discharge, &c., during the time the size rolls are taken and the receipt of the clothing. If such a system were to obtain, the compensation yearly would be greatly simplified, and would give greater satisfaction to all concerned?" Yes.

294. *Mr. Heydon* :—I object to these questions. I want to know whether you know them from your own personal knowledge, or from hearsay?

The President :—The Court are of opinion that *Mr. Heydon* may interpose this question.

295. *Mr. Heydon* (to witness) :—Have you personal knowledge of the men having taken their discharge from the military forces, or from hearsay? It is through our business that I know it.

296. *Mr. Simpson*.] You are not a member of the forces, are you? No.

297. You are not present when the men take their discharge, are you? No.

298. Will you explain to me how you come to know of men taking their discharge? Through a discharged man taking an order for a civilian's suit.

Mr. Heydon :—That is hearsay. It is something set down upon an order.

The President :—But I think the man would tell himself that he was a discharged man.

Mr. Heydon :—That is not of his own knowledge.

The President :—But *Mr. Simpson*, would you mind repeating your question to the Court.

Mr. Simpson :—I am not putting the question as to whether he knows this to-day; I am asking him whether before the Court of Inquiry he said so and so.

Mr. Heydon :—If you can prove that a man has contradicted himself by bringing any thing of this kind out I will admit that it is admissable, if not, then it is inadmissable.

299. *Mr. Simpson* :—Did you say as follows: "To my thinking the present system for clothing is not a satisfactory one. The clothing should be supplied from individual measurements, and made up in the Colony. The present system, according to size rolls causes a large expense for alterations, when the clothing received is due to the fact that so many men take their discharges, &c., between the dates when the size rolls are made up and the receipt of the clothing. Were this system to obtain the large claims sent yearly would be to a very great extent simplified, and it would give greater satisfaction to all concerned."

The President :—Will you allow that question, *Mr. Heydon*?

Mr. Heydon :—If it was taken as hearsay I will object.

300. *Mr. Simpson* to witness :—Did you say that, as I have read it out to you, when you were before the Military Board of Inquiry? Yes.

At 1 o'clock the Court adjourned until 2 o'clock on the same afternoon. The Court reassembled at 2 o'clock p.m., pursuant to adjournment. Present—the same members as before.

The witness (*George Whitehouse*) was reminded of his former oath.

301. *Mr. Simpson* :—I think that in your evidence before the inquiry you said this "I produce *Mr. Webster's* receipt for £229 12s. 9d., and *Captain Savage's* order to pay him?" Yes.

The President :—That receipt is in evidence, is it not?

Mr. Heydon :—Yes, it is.

302. *Mr. Simpson* to witness :—How long have you known the prisoner? Since February, 1881.

303. Have you always during that time found him to be an honorable straightforward man? Yes.

304. Have you had many military transactions with him during that time? Yes.

Re-examined by the prosecution :—

305. *Mr. Heydon* :—Have you had many transactions with him in connection with the supplying of clothing to the Permanent Artillery? Yes.

306. And what you had to do with him was to have received certain accounts from him, and to pay certain moneys to him? No, not without I had orders from the Commanding Officer to do so.

307. Yes, you mentioned that; but you have received certain orders and certain amounts from him, and you have paid certain moneys to him; and those are the only transactions you have had with him at all? Yes.

308. And these are the transactions in which *Henderson and Company* have retained one-third for, as you say, collecting a certain amount of Government money? Yes.

309. And in these transactions you have always found him to be an honest straightforward man? Yes.

310. Would you explain to us what room you had for judging of honesty and straightforwardness—you had certain money to pay him and he took the money, is that all? Yes.

311. And in that you have always found him honest and honorable? Yes; I never found him otherwise.

312. You say, according to the custom which has prevailed for a number of years, you have received an order to draw out the money. From whom do you receive that order according to the custom you speak of? It comes through *Webster*, signed by *Colonel Roberts*.

313. You got it through *Webster*, that would be the custom? Yes, sir.

314. Can you produce any of these orders? No, I cannot.

315. Do you know what has become of them? All our orders have to be attached to the voucher before we get the money so we have nothing at all to show.

316. This document that I ask you about was one of the orders you speak of, coming through *Webster* and signed by *Colonel Roberts*? The vouchers would be signed.

317. Was there anything in the order about retaining one third for yourselves? Nothing.

318. You did that without any order to that effect? Decidedly.

319. By whose authority then did you retain one third? I cannot really say.

320. Did you do it without authority then? I cannot say with whose authority it was done upon.

321. Did you do it without authority? The last two or three times I might have done it without authority.

The President :—I think we are speaking of custom, are we not.

322. *Mr. Heydon* :—Yes we are. (To witness) By whose order did you retain one third? That I cannot say. It was a custom to do so.

323. Can you produce any authority for your retaining one third every year?

Mr. Simpson :—Do you mean written authority?

324. *Mr. Heydon* :—By whose authority was it the custom to do it? That I cannot say.

325.

325. Can you tell me in round numbers how much Henderson & Co. have received since 1880 in this way? We know that it was £114, 1887 to 1888. I think that is about all we have received.
326. Do you mean that during the six years previously you received as much as each year? No. We received about that altogether during the six years.
327. Can you give me any reason for the sudden increase in the year 1887 to 1888? Yes.
328. At any rate Henderson & Co. have received some £228 of Government money in that way? I dare say they have.
329. You received orders to draw certain compensation money from the Treasury? I received orders about compensation money, which orders I think you have there.
330. I see you always got an order like this, did you; it was your custom to get an order like this from Captain Savage? Yes.
331. Then you consider an order in these terms justified you in keeping this £114?
Mr. Simpson :—I object to this, it was not a question of justification.
332. *Mr. Heydon* :—Well, I will put it in another way. Was it upon that order that you kept the £114? Yes.
The President :—I do not think the witness understood the question.
333. Was it upon that order that you kept the £114? No.
334. Then upon what authority did you keep it? I kept it upon my own responsibility; I kept it upon the authority of a custom which had been hitherto followed.
335. I am asking you about the custom, Mr. Whitehouse;—what authority had you for retaining this one-third, or did you do it upon your own responsibility, without any authority at all? Without any authority at all.
Mr. Simpson :—Surely that is not fair. He did it upon the authority of custom.
336. *Mr. Heydon* :—If I make a custom of picking other people's pockets that does not give me any authority for doing it. Had you any authority for doing this? The only authority I had was what had been done hitherto, before I went there.
337. And I understand you cannot tell us anything about of your own knowledge? No.

Examined by the Court:—

338. *The President* :—In fact, you followed the custom that you found in vogue when you went into your present position? Yes.

Re-examined by the Prosecution:—

339. How did you find out that the custom was in vogue before you went there;—did Mr. Henderson tell you? I think it was from the books that I found it out.
340. Did it never occur to you to ask anybody about it? No.
341. And you never did speak to anybody about it? I don't think I ever did.
342. You knew, of course, that the goods (when the money was drawn from the Treasury) were never supplied by Henderson & Co.? I knew that.
343. That, for instance, the £314 8s. 10d. worth of goods were never supplied by Henderson & Co. at all? Yes, sir.
344. I see that this pay-voucher is for the supply of the undermentioned articles and services;—you drew that up, and you know that the garments had never been supplied? Yes.
345. And you drew this voucher up, seeing that the claimants were Henderson & Co., Sydney, and the voucher was for the supply of the undermentioned articles? Yes.
346. Did you ever report to your employer that he was obtaining money for which he had given no value? No, I didn't.
347. You say that in 1880, when you first went there, that it was a custom in previous years, and that was why you did it yourself? Yes.
348. As you went by custom, can you tell me how many times Mr. Henderson had the contract? No; I do not know anything about it.
349. But I thought you had followed the custom? Yes; but I cannot say how many times he had the contract.
350. Well, it was a sufficient number of times to justify your regarding it as a custom? Yes.
351. Cannot you tell me of the number of times? No.
352. When did Henderson begin to carry on business as William Henderson & Co.? He has been carrying on business under that name since 1882 or 1883.
353. What position was he in before that? The firm was Moore, Henderson, and Bowcher.
354. It was the same business, was it? Yes.
355. Do you know how many contracts the firm had before 1881? No; I cannot tell.
356. Don't you know as a matter of fact that it was only one? No; I can't say whether it was a dozen or half-a-dozen or only one.
357. Did you ever have any conversation with the officers commanding the batteries about this custom, or with any of the officers commanding the military forces about it? No.
358. You never mentioned it to them nor yet to your employer nor to anybody else? No; I think not.
359. Did you ever say anything to Webster about it when he came down with those vouchers? I do not think so.
360. And he never said anything about it to you? I do not think so.
361. He used to bring you down the documents from which you made up the vouchers? Yes.
362. And he used to bring you down his orders to pay compensation money? Yes.
363. Have these contracts all been of the same nature as this one of 1887 and 1888?
Mr. Simpson objected to the question, as not having arisen out of the cross-examination.
Mr. Heydon :—I submit it arises out of the questions my learned friend has been asking. It is necessary for me, after what my learned friend has said, to find out what the witness has said about custom really means. You see my learned friend has asked the witness a question with the purpose of showing that since 1881 the same custom which has been followed from 1887 to 1888 then existed. If that custom had existed in a different way it might not form a precedent at all for what is reported here.
The Court disallowed the objection.
364. *Mr. Heydon* :—Can you tell me whether the contracts of previous years were of the same character as those of 1887 and 1888? I think so, as far as I know.

365. Were the contracts always supplied by importations during this period? No.
366. When did the supply of contracts by importations really begin? A portion have always been imported.
367. When did the custom of importing them begin?
Mr. Simpson objected to this question.
 The Court disallowed the objection.
368. *Mr. Heydon* :—When did the practice of importing begin? I cannot tell you, sir; we have always imported the scheduled garments?
369. Why did you say just now that you had not always imported them? We always imported them, but sometimes we received more than we wanted, because the contract was for more or less.
370. Are the words "more or less" in this contract? No; I don't think they are in any of the contracts.
371. This contract says that the Government shall receive the goods specified in the next schedule; there is nothing about "more or less" there. When did the custom of having the words "more or less" cease? I cannot say as a positive fact; it was in most of our contracts.
372. I thought you said that they were in your former contracts? I could not say for certain.
373. Then it may have been that your former contracts were for an uncertain quantity of goods? No; it has always been for scheduled quantities, but we are supposed to supply more if they want it during twelve months at scheduled prices.
374. And you were entitled to do that under your contract? Yes.
375. But you see that under your contract you are not entitled to do anything of the kind. Don't you see that? It may be so.
376. So that it comes to this, that the former contract was a contract to supply whatever clothing was required for the forces, but this contract was a contract to supply a definite quantity of clothing? I think it was always for a definite number of garments.
377. Here you are to supply the goods mentioned in the schedule, but under the old contract you were to supply not only what was mentioned in the schedule, but whatever was wanted for the troops? No; I don't know that it was so. The scheduled quantity we have to supply at a certain time; whatever garments they wanted they had to order from us.
378. That was under the old contract, was it? Yes; and under the new one, too.
379. That was under the old contract, was it? I expect so.
Mr. Simpson :—He has just said so; and under the new one, too.
380. *Mr. Heydon* :—Can you show me where in this contract you are entitled to supply any garments other than those mentioned in the schedule? I cannot see anything on that document to that effect.
381. Then so far as this contract goes, when you supplied the goods mentioned in the schedule, when you were paid for them the contract ended? No, sir.
383. But there is nothing here to the contrary is there? No, not there.
384. But is there anywhere else? I don't think there is.
385. Then according to this contract when you have supplied the goods mentioned in this schedule there is an end of the contract? Yes; if we had not liked to supply them with more we need not have supplied them.
386. I want to be quite sure, Mr. Whitehouse, when you had supplied that schedule of goods and had been paid for them that contract was at an end was it not? Yes, that contract was.
387. Then if this contract was discharged and at an end what right had you to send in a voucher for extra goods which were never ordered and never supplied?
Mr. Simpson :—I really must object to this question. This witness is my learned friend's witness and I must object to his going any further.
Mr. Heydon :—Perhaps I adopted a wrong tone to the witness, but the question I am asking him is, I think, a perfectly fair one. I want to know by what authority Messrs. Henderson & Co. drew up a voucher for the supply of goods for which there was no contract. It must have been some order for goods for which he was not the contractor.
Mr. Simpson :—He said it was the custom to do so.
The President :—Can you answer that question of your own personal knowledge?
Witness :—What was the question?
388. *Mr. Heydon* :—Why did you draw up a pay voucher for goods for which Messrs. Henderson & Co. were not the contractors? Under such a contract as that we are supposed to supply anything for twelve months that may be required. They are not supposed to apply to anybody else.
389. *The President* :—Yes; but what authority had you for the supply of those goods that Mr. Heydon has mentioned to you? I made out those by authority received from the artillery forces.
390. *Mr. Heydon* :—As far as you know, was anybody aware that you retained this £114 except yourself and the officers of Messrs. Henderson & Co. and Webster? I cannot say.
391. You don't know then that anybody else was aware of it but yourself and Mr. Webster? I supposed it was the usual thing; I supposed it to have been known all along.
392. Are you aware that anybody knew of Henderson & Co. retaining this money except Henderson & Co. and Webster? I cannot say.
393. Cannot you say whether you are aware or not? I thought that everybody was aware of it.
394. Yes; but can you tell me of anybody who was aware of it? No, I don't think I can. I never thought about it.
395. I think you said that your firm had no other transaction with Webster except receiving these orders from him and paying these compensation moneys to him? I think there were other transactions.
396. Oh, there have been other transactions, have there;—what would be the nature of them? Civilians' clothing, and so on.
397. Messrs. Henderson & Co. are tailors as well as importers I see;—anything else besides that? No, not that I know of.
398. No other transaction at all that you remember? There have always been other small transactions.
399. What would they have been, Mr. Whitehouse? Hosiery and necessaries for the Permanent Forces, and other things that they required.
400. Anything else? Trimmings for the tailoring—I think for the master tailor.
401. And Webster used to get those things from you, did he? Yes.
402. And anything else? No, I don't think so; I don't remember anything else at present.

Examined by the Court:—

The President:—The contract is for 1887, and it is signed on the 20th December, 1886, for so many garments, specifying the number.

403. Can you tell us whether, on receipt of this contract, Messrs. Henderson sent for those clothes to England? Yes.

404. And whether they ordered the number specified in the schedule, or a different number? They ordered the number specified in the schedule.

405. And, as the goods did not go through your hands, then the number of goods in this schedule for 1887 would not pass through your hands at all—they would go straight up from the Government Stores to the place where they were received by the Artillery Forces? Yes, sir. I think I may say, however, that we do make the caps here.

406. Can you tell me about what time of year you got the list for compensation? I think about the middle of May.

407. Was that after the clothing had been received by the military forces, or before? To the best of my recollection, I think it was before.

408. Before the clothing was received? Yes, I think so.

409. And reverting to compensation, the compensation that was granted was in respect of some of these articles of clothing which you ordered from England, and which you say were ordered according to this schedule, and which you say were received by the military authorities? I cannot say this.

410. Perhaps you don't understand the drift of my question. You supplied so many articles on a certain date, and then before that date you are asked for compensation for a certain number of articles;—do you get that clothing that is not supplied to the men? No; that is in addition to that.

411. I should say it is subtraction? No, sir, it is additional. I cannot say whether it was before or after the schedule was sent in.

412. Do you yourself go and count the actual garments supposed to be from your firm to the military authorities? Did you ever go and check it yourself? I am speaking of 1887? I think that year I did count them.

413. Where? At Victoria Barracks.

414. Was anybody else present when you counted? All the officers were present—five of the Board, and Colonel Spalding amongst them? When I say that all the clothes were counted, I mean that I saw some of them counted.

415. Are you aware of your own knowledge that the clothes ordered were supplied by Messrs. Henderson & Co., at the Victoria Barracks, in respect of this contract of 1887? Yes.

416. Can you remember any of the names of that Board in 1887? Was Colonel Airey one of them? I think he was. I think both Colonel Spalding and Colonel Airey were.

417. Was the prisoner present when you counted the clothing at the Victoria Barracks? He was in the Barracks, and he was in and out of the room in which the counting was going on every now and then.

418. On that occasion, was any complaint made to him that the clothing was short, or that there was not as much as contracted for? I cannot answer that question of my own knowledge. If it had been short we would not have had our vouchers signed.

419. Were the goods mentioned in the voucher for £65 10s. for warrant officers supplied? None of them were supplied.

420. After Henderson & Co. had got this £65 10s., did not they hand the whole of it over to Webster? Yes. They did.

Examined by the Judge Advocate:—

421. Why is it the warrant officers got the full amount for compensation? That has always been their privilege.

422. Were these clothes ever made up at all for the warrant officers? No; it is compensation.

423. I see it is clothing in the book and compensation on the voucher? Yes.

His evidence is read to the witness, as directed by Rule of Procedure 81 B. The witness withdraws. At 4 o'clock the Court adjourned until 10 o'clock on Monday morning.

The Court re-assembled, pursuant to adjournment, at 10 o'clock on Monday, the 11th March. Present: The same members as before.

William Henderson being called and duly sworn, was examined by the prosecutor and said:—

I am a merchant and importer; and in the year 1887 to 1888 I was the contractor to supply the clothing to the Permanent Force. This voucher has been made out in the Government Store Department. This is my signature ordering this money to be paid to Gibbs, Bright, & Co. Documents underneath are invoices for that. That pay-voucher, I believe, summarises the invoices and adds them up. That money had been paid on my account. Those vouchers for which I have been paid the same quantity of garments appear as in the contract in all cases. [Exhibit 28 handed in, signed by the President, and attached to the proceedings.] So when I was paid that £2,004 I was paid that contract in full. Most of my contracts are for more or less. There was something else for warrant officers' clothing. That particular contract was paid in full, but in all Government contracts, if you are the contractor, the contract is given twelve months before, and the force may be increased or diminished in the meantime, so that additional quantities may be ordered afterwards. The contract says: "The contractor shall deliver and the Government shall receive the goods specified in the annexed schedule not later than the 1st April." I was paid for 438 tunics. On the voucher there were no particulars, and when you go to the Treasury you do not get a list of every item. I was not paid myself. I did not personally receive any money from the Treasury on that contract.

The Attorney-General, Mr. G. B. Simpson, Q.C., objected.

Mr. Heydon said that he had a perfect right to put into the witness's hand any document he liked and to question him upon it without regard to the subject generally.

The Attorney-General submitted that if the document was admissible as evidence at all, then it was the best possible evidence in itself. If it was not admissible, then it was most unfair to question a witness upon its contents.

The President:—The contract will give you all the information, I think, *Mr. Heydon*, without touching that until it is in evidence. [The objection was allowed].

Witness

Witness continuing:—I cannot give you the amount of the contract until I have worked it out. I have looked at the quantities of tunics, Norfolk jackets, patrol jackets, cloth trousers, serge trousers, and jumpers mentioned in that contract. I cannot say whether that document is an order due for all the goods in the contract.

The Attorney-General objected. [The objection was allowed.]

The President:—Why do you tender this document, Mr. Heydon?

Mr. Heydon:—I wish the Court to admit the first of these vouchers as an order for Mr. Henderson for the payment of the whole of the contract; I want to show that it is the whole of the money coming through Mr. Henderson under the contract; I quite admit that in order to prove the actual passing of the money from the Treasury, if that is necessary, I shall have to get somebody from Gibbs, Bright, & Co. or from the Treasury; as far as Mr. Henderson goes, after signing that order he gets rid of it; his interest in it is at an end; he is satisfied; what I want to show is that Mr. Henderson has signed the voucher for payment coming to him from the Treasury, and for that contract.

The Attorney-General:—If that document is tendered for the purpose of proving some charge it can only be admitted according to the rules of evidence; what is it? It is only a paper with Mr. Henderson's authority to pay certain sums of money, but it is not an order for payment for a certain class of goods for a certain description, and I submit that it cannot be admissible as evidence against my client.

Mr. Heydon:—I am not tendering this to prove that those goods were delivered to the prisoner; I am tendering it to show that Mr. Henderson was paid for the whole of his contract for the year 1887 to 1888.

The President:—But this document will only show that he claimed the payment.

Mr. Heydon:—Well, that is quite enough for my purpose; it is for him to explain why he claimed the payment, and why he claimed it for the whole of this contract; a man will not ask for payment under a Government contract until he is entitled to it; supposing I called somebody from Gibbs, Bright, & Co., that will not enable the witness to swear that he had received the money any better than he could swear it now; all I want him to say is that he has claimed the money for all the goods; if the Court will allow me, however, I will interpose another witness here.

The witness retires.

Robert Charles Reed, having been called and duly sworn, said:—

I am in the firm of Gibbs, Bright, & Company; I received the money referred to in that receipt on the day that I signed the document.

The Attorney-General:—My learned friend may ask the witness how much money he received on a certain day.

The President:—The Court have decided to receive this document.

[Exhibit 29 handed in, signed by the President, and attached to the proceedings.]

The President:—Do you desire to cross-examine this witness, Mr. Attorney-General?

Mr. Attorney-General:—No, sir.

His evidence is read to the witness, as directed by Rule of Procedure 81 B. The witness withdraws.

William Henderson, having been recalled, is reminded of his former oath, and examined further by the prosecutor:—

I cannot tell you whether that £2,004 odd was in payment of the whole of my contract; some of the items I never saw; that voucher which I signed was made out at the Government store; I have already compared the number of goods mentioned in those vouchers in regard to six lines, and I find that they are exactly the same in the vouchers as in the contract, and that £2,004 includes those vouchers; that amount is made up of the sum total as those vouchers; they are for the whole of the six lines of garments mentioned in my contract, so that when that £2,004 is paid I was paid for the whole of those items in the contract; at the same time there has hardly ever been a contract I have had from the Government that has not been exceeded; I wish to state that (if the Court will allow me) my credit is likely to have been injured by the way some of this evidence has come out; next to the prisoner I am the man most seriously concerned in this case; it looks as if I had been guilty of malpractice.

The President:—Answer the question that Mr. Heydon is putting to you.

Witness continuing:—This is my signature; I received that sum of £344 on the day that I signed that receipt.

The Attorney-General objected.

Mr. Heydon:—The two documents are practically the same. One contains Webster's signature for the authority of the payment of the £344; and the other shows that Mr. Henderson received that money.

The Attorney-General:—My learned friend wants to show that Mr. Henderson's signature is for the goods in that voucher, and I complain that that is evidence not upon oath.

The President:—Will you ask the question, Mr. Heydon, whether the witness received the certain sum of money?

Mr. Heydon:—He has said that.

Witness continuing:—I have received that money; I do not know what I received the money for; sometimes I get as many as twenty documents from the Treasury; I took these numbers and I took these amounts, and my clerk went through them; all that I know is that I received £344 odd.

The President:—The Court will accept the document as a receipt for £344 odd. [Exhibit 30 handed in, signed by the President, and attached to the proceedings.]

Witness continuing:—There are two documents—one is signed by me, the other is not; I received £344 in the document which is not signed by me.

Mr. Heydon:—Did you receive that £344?

The Attorney-General objected to the question.

The President:—The Court rules that as far as the items on this paper are concerned, the witness cannot be examined upon it. The Court only takes it as evidence as the payment of money, and as it is not in his handwriting he cannot refresh his memory.

Witness

Witness continuing:—When I received the £344 8s. 10d., I handed it into the counting-house; I cannot say it was all in one cheque or not, or whether this particular item was in a cheque for a larger sum, so that it would be impossible to trace; I paid it, whatever it was, into my counting-house; I bank with the Bank of New Zealand and sometimes with the Commercial, and I have my private account at the Federal; I bank with the Bank of New Zealand principally; I paid no money away to the prisoner; I did not direct my servants to pay any of it away; I do not know anything about this £344 odd being paid away to the prisoner; I signed the cheques very often, being told that this is for so-and-so, and this for so-and-so, and that is all I knew about it; I frequently sign cheques without making inquiry; I have a man in the position of a confidential clerk; I always know at the time what cheques are for when I sign them, but it escapes my memory afterwards; I never sign blank cheques; those are the only banks with which I banked about the 27th May, 1887, as far as I remember, but I frequently get remittances by telegraph, or by post, on certain other banks, and then I have to draw the money out of them by cheque; assuming that I drew a cheque for £229 12s. 7d. for the prisoner, that cheque would be on the Bank of New Zealand, I think; there is a custom under which I receive payment in full for garments for the force which I never supply, and of that sum I pay away two-thirds and retain one-third for myself; when the force was first formed here, there were certain officers' servants and other men in connection with the force who only wore their clothing on muster parade and such occasions; we charged the Government in full for garments which we have not supplied, and pay away two-thirds of it.

The *Attorney-General* objected to the witness being asked whether two-thirds of the amount was paid to the prisoner. [The objection was allowed.]

Witness continuing: When the men got compensation we got an order from the Commanding Officer saying that the undermentioned men are entitled to such and such garments, and if we have made those garments we are entitled to our profit upon them, because we have to keep material on hand for any orders that may be required; there is no businessman that would give them the full amount of compensation when the garments were not ordered; the gentleman in charge of this department before Mr. Whitehouse is now in England; there are other contractors who can give you all the information; I am appearing in all the newspapers in the Colony, as I was the only one who did it; there is a custom by which we charge the Government for articles not supplied, but I cannot remember the proportions; there has been a custom by which we have charged for goods not supplied, obtained the money, paid away a portion of it, and retained a portion ourselves; I am merely speaking of the custom; I am not saying what I have done myself; I cannot tell you to whom the money has been paid away; that custom was followed out under the contract; I believe in the year 1887 to 1888, and I think there was more compensation that year than any other; I cannot tell you how much compensation money we got from the Treasury that year; I cannot tell you whether it was £344 8s. 10d.; I cannot say whether the money that I got from the Treasury was for compensation money; I cannot tell you what that £344 8s. 10d. was for; I have already sworn that I received the money, but cannot give any of the particulars; I have no belief upon the question as to whether this money was for compensation money that year.

The *Attorney-General* objected to the question.

The objection was disallowed.

If I had any belief about it, I might as well say that I knew contents of the voucher. There is nothing on the face of the document to say whether the money is for compensation or not. I cannot tell whether this £344 8s. 10d. was the compensation money for that year. There is nothing on the documents to show it. It is possible it may have been. I believe it was. I received this £344 odd on the 12th May. That £2,004 was for the payment of the whole of my contract. I came to receive £344 from the Government after I had been paid in full for my contract by an order, I presume, from head-quarters. That order I cannot produce, because it was sent in with the vouchers. We always send those orders with the vouchers to the Brigade Office. I sent in a pay voucher for garments which I had not supplied, because we received an order, which I cannot produce, and it was sent back to the proper authorities. I have not had any conversation or any verbal authorization from any of the Military authorities about it. I have not had a conversation with any of the members of the force about it, with the exception of this, that perhaps Webster has said to me, "Well, I will get a list of the compensation from Colonel Roberts;" but I cannot swear that he said anything of that kind. I have never had anything to do with the man. I cannot tell you how much I have received from the Government in the shape of this proportion of compensation money. I have not the slightest idea. I can find out by reference to my books. There is a gentleman in our office who would be able to give you that information. That is Mr. Kennedy. He is my accountant, but is not authorized to attend to these matters unless Mr. Whitehouse tells him to do so. Mr. Whitehouse is authorized to give the accountant instructions as to how much to pay. I suppose that Mr. Whitehouse and Mr. Kennedy have received money in this way, but I am not sure. This voucher is for £344 odd. I cannot tell you from what materials those two documents were made up. Assuming that they represented compensation and that they were made up from compensation money, they would be made up from the order that we had received from the officer commanding the artillery. We send the order to the Brigade Office at the Victoria Barracks to whoever is in charge of the Barracks sending the voucher with the order. I cannot tell you who I sent the order up with. Sometimes the man who delivers the goods takes the order up and at other times they are sent up by a messenger. I think I have only two men in the place now who were with me then. I cannot possibly find out now who took the letter up. I will try and find out to whom they are usually given when they are taken up to the Barracks, but that is all I can do. Documents are all sent up under cover, and addressed to the Permanent Artillery, but I cannot tell you to what particular officer. The young man who makes out all the invoices can tell you. His name is Cliffe. He does not take them up himself. This is my contract with the Government for the year beginning the 1st April, 1888. [Exhibit 31 handed in, signed by the President, and attached to the proceedings.] This is my signature, and I presume these are my vouchers for that amount. I compared these vouchers with my contract, and a portion of the money mentioned in the receipt was for 50 cloth trousers, 50 serge trousers, and 8 patrol jackets. [Exhibit 32 handed in, signed by the President, and attached to the proceedings.]

The *Attorney-General*:—I object to these documents. We are not bound to them in any way. For instance, here is an entry for knives and forks.

The *President*: I do not think that they are being put in for those articles.

The *Attorney-General*:—I object to any document which simply says that Mr. Henderson received certain sums for certain goods. He himself says that he cannot tell what he received the money for.

The President :—The Court are of opinion that these documents can be received as evidence of the receipt by Mr. Henderson as payment for the articles which he mentioned, viz., 50 cloth trousers, 50 serge trousers, and 8 patrol jackets.

Witness continuing :—This is my signature; I received this sum of £65 10s. on the 14th July, 1887; I received it at the Treasury; I paid it to my account; I did not give any directions as to the disposal of it or the payment of any money out of it; the business of Henderson & Co. is my business; I am Henderson & Co., in fact; I cannot tell you whether that money was paid by my authority to any person; I cannot tell you what that £65 10s. is for any more than appears on the face of it; I went up to the Treasury myself for it, but I do not know that the money mentioned on that voucher was there; I go sometimes there three times a week to see if there is any money there for me; I see Cliffe's signature on this document, and the body of the document is apparently in his handwriting too; if he was authorized to draw it up he would do so, I presume; Whitehouse would have authority to authorize him to draw it up; it was authorized by somebody in our office, and I took the money from the Government.

The Attorney-General objected to the witness being asked whether he had ratified the document or not.

Mr. Heydon :—If he went up to the Treasury and drew the money out himself, that is certainly a ratification.

The Attorney-General :—He cannot ratify that paper, unless when he signed it he had a full knowledge of its contents. You cannot ratify an act done nominally in your name unless you are acquainted at the time with what your clerk is doing.

At 1 o'clock the Court adjourned, until 2 o'clock the same day.

At 2 o'clock on the same afternoon the Court re-assembled, pursuant to adjournment. Present: The same members as before.

The President :—The Court are of opinion that this paper, which was handed in as a ratification of the items contained in the voucher, stands good; the witness before the Court having signed it, and received the money from the Treasury for the amount drawn by this voucher.

The objection is therefore disallowed.

The witness is again called before the Court, reminded of his former oath, and further examined by the prosecution :—I told you that I paid that £65 10s. to my account, and I never instructed anybody to pay a portion of it away to any other person. Assuming that that £65 10s. was compensation for warrant officers, I do not know whether I should keep it all for myself. I do not know what the arrangements was for compensation for warrant officers. I was not aware when I got that £65 10s. out of the Treasury that it was all going to be paid away. If it was paid away, I never authorized it to be paid; but if Mr. Whitehouse authorized it to be paid away I should have to put up with it. I recognize the handwriting on these documents (Exhibits 25 and 26); it is that of Mr. Kennedy, my accountant. I did not authorize him to make those payments. I did not instruct anybody else to authorize him. He had general authority from me to make any payments that were justly due by the firm; in fact, I gave him authority to act for me generally in such matters. I know nothing about the payment away of that particular £65 10s. to anybody. I see receipts for that £65 10s., and I presume that I signed the cheques for them. I presume that I signed the cheque for £65 10s. for warrant officers. I cannot tell you by what authority I did that. I did not know anything more about it than I do now. I did not know who this money was paid to until I saw these receipts, nor do I know how it was paid, or anything about it. I sign receipts in some instances for vouchers about which I know nothing at all. This document which I signed (Exhibit 23) has on it (after stating that it was for so many cloth tunics and so on) not in contract, for warrant-officers F. Bennett, W. Webster, Griffiths, and Sergt.-major Green. I don't know of my own knowledge that that money was to be paid away to warrant officers. I did not read the voucher when I signed it. I very seldom do. I did not know what I was going to get when I went up to the Treasury. When I go to the Treasury I ask them to give me the number of vouchers outstanding, but I never see the particulars until I sign the vouchers, and then I take the number of the vouchers on the top and the amount; and, if these don't agree with what is in my book, I go into the details and find out where the difference is. Unless there is a dispute I do not go over the vouchers. I cannot recollect what is on it. I may have read it two years ago, but if I did I have forgotten it now. I am trying to make a truthful statement but you confuse me. I will not say that I have forgotten all about it. At the time I got this £65 10s., I do not believe that I knew that I was getting it for warrant officers compensation, although I may have known. I think that last year, or the year before, was the first year there were any warrant officers in the force. The supply of the following articles are not in my contract at all; 4 cloth tunics trimmed with gold lace, £8 5s. for the tunic; 4 cloth patrol jackets at £6 1s. per jacket; 4 cloth trousers at £1 7s. 6d. per pair; 4 serge trousers at 14s. per pair. I am not aware of the contract in which they come. I supplied cloth tunics at £8 5s., and cloth patrol jackets at £6 1s., under an order from Colonel Roberts. The man who wrote out these vouchers could give you this information. I really cannot tell you where a voucher was sent, that was sent two years ago, and who it was sent to. I have no contract under which I supplied them. I supplied them under an order from Colonel Roberts. This document is initialed by Colonel Roberts, but that is not what I refer to. He sent down a subsequent order, saying that the following men or the following warrant officers are entitled to clothing or compensation. He did not tell me how much compensation, but we know the amounts.

The President :—It appears that the prices for this clothing are objected to by the Treasury, and it is referred to Colonel Roberts again, and from him it is referred to the General Officer Commanding, and by him submitted to the Minister, and it is marked "Approved.—Henry Parkes."

Mr. Heydon :—According to this note which the Court have taken notice of, it is not compensation at all.

The President :—From what I gather from that is that it is money authorized by the Colonial Secretary to be paid out of the clothing vote for warrant officers mentioned on the face of the document that they might buy clothing for themselves.

Mr. Heydon :—That is not compensation money at all.

The President :—According to that, it is not compensation at all.

Witness

Witness continuing:—I do not know whether in former years I supplied garments of this description to the military; but I think that warrant officers' garments were only in contract for that year. I cannot tell you whether I supplied staff-sergeants' tunics in former years. If I did, the ordnance and everything of that kind were separate. I think that we must have supplied staff-sergeants' tunics in previous years; but if we did the ornaments and gold braid would be entered separately in the schedule, and would be put on at the barracks. Of late years they have been complete—in this year, 1889, for instance; and warrant officers' clothing also has never been in the schedule before.

424. *The President*:—Do you wish to cross-examine the witness, Mr. Attorney-General?

The Attorney-General:—Yes, sir, I do.

425. *The Attorney-General*:—As a matter of fact, ever since you have had the contract, and the clothing of men was passed by the officers for another year, the custom has been for the men to receive an allowance of two-thirds, and for you to receive the other third;—is that not so? I cannot say, from personal knowledge, how the arrangement was worked. I do not know the proportion.

426. Explain to the Court, and do it for your own sake, how it was that this arrangement, by which you retained one-third, came into force? The reason we do that is this: When the custom first obtained we made the garments here, and we imported material for the whole Force. If a certain number of men did not take their uniform I lost profit on these uniforms, and the materials left on my hands. No sensible business man would do that.

427. So that is how it was that the arrangement was made? Yes.

428. Supposing you had made arrangement to supply one soldier's tunic, and had imported materials and so on for the supply of these materials, you would have obtained a certain profit? Yes.

429. And then, in consequence of the officer passing the man's tunic for another year, you would not supply all the tunics and so that you would have the material left on your hand. So that this one-third as an equivalent of the profit would have been due to you if the tunics had been supplied, and that was the whole thing? Yes, that was the whole thing.

430. Do you know whether that was the custom before you were the contractor? That I cannot say.

431. Are the tunics and other garments for warrant officers all made here? Sometimes; when they are not in the contract they are made in the Colony. This year there was a stipulation that the warrant officer's things were to be made in the Colony, and that the other things are to be imported.

432. Do you know that as far as the compensation for the warrant officers was concerned you did not receive one-third, or anything else—you received nothing? I believe that that is so.

433. Do you know from your own knowledge that this custom of which you have spoken has existed with the approval of the military authorities?

Mr. Heydon objected to this question: If the witness says "Yes" to that leading question, then it will go down that there is some sort of approval on the part of the military authorities. The only fair way to do is to ask if he has had any conversation with the military authorities about it. What military man has ever told him it was authorized, and what steps he has taken to get it authorized. To contradict the question that my friend has asked, I should have to get every military man in Sydney in authority to prove a negative.

The Attorney-General:—I ask him whether he knows it of his own knowledge. If the witness says "Yes," there is an end of it, subject to the re-examination of my learned friend, who may succeed in proving that he knows nothing about it. Here we have something that is perhaps regarded by the public as a gross waste of public money; but because such a thing exists (if it does exist) is my client necessarily to suffer? It is not the first time that we have found out that when customs that have existed for a number of years are brought to light, and shown to be monstrous practices, that an attempt is made to try to deny that they are customs. I want to force my learned friend to call the military authorities to deny it.

Mr. Heydon:—Suppose Mr. Henderson were to say that he knew it of his own knowledge, and to say that he knew it by documents that he has seen, but that he could not produce those documents, then there would be a general statement that he knew of his own knowledge, when really he did not know it of his own knowledge. I would ask the Court if they intend to allow the question to be put at all, to ask the witness how he knows it of his own knowledge.

The Attorney-General:—If my learned friend will say that he will call General Richardson and Colonel Roberts then I will not put the question.

Mr. Heydon:—It is my intention at present to call Colonel Roberts.

The Attorney-General:—Will you call General Richardson?

Mr. Heydon:—My learned friend may call General Richardson if he likes. He is quite at liberty to do so.

The President:—The Court will allow the question to be asked; only before the question is put the Court will interpose a question as to how he knew it.

424. *The Attorney-General* (to witness):—Do you know of your own knowledge that this custom about which I have asked you and which you say has existed, do you know that it has existed with the knowledge and approval of the Military authorities?

The President:—Before you answer that question remember that that knowledge must be either from evidence in writing from the Military authorities or from information verbally given to you by one of the superior officers.

As far as my memory serves me, compensation has never been given without a memorandum or without the authority of the officer commanding the force. It would be impossible for me to produce any of these memorandums as they are all sent in with the vouchers.

425. *The President*:—I think you misunderstand the question. It is as to whether you know of your own personal knowledge whether the custom of retaining a portion of this compensation money was authorized by the Military authorities? Of my own knowledge I do not know the proportion; but of my own knowledge that in each instance we have received authority from the commanding officers..

426. *The President*:—That is how it is to be drawn; but about how it is to be paid we are asking? That I really cannot say. All that I can say is from hearsay that the custom is that portion of that money is to be retained by me.

427. *The President*:—Then you cannot answer of your own personal knowledge the question that the Attorney-General has asked you? No.

428. *The Attorney-General*:—How long has that custom existed? Ever since the Force was formed.

429. *Mr. Heydon* :—How long have you been supplying the force? Ever since the first contract was entered into. When the Force was first formed in 1871.
430. *The Attorney-General* :—Have you ever heard of your own personal knowledge that the custom has met with the approval of the Military authorities;—have you heard of any disapproval being expressed? Certainly not.
431. Supposing the contract was for 500 tunics;—do you import more than those? We do not import more suits, but we import more material.
432. This is what you meant just now when you said that you imported clothes? Yes. As a matter of fact, we are making now for recruits outside the contract, and we always keep a large amount of trimmings, &c., on hand, which are no good for any other purpose.
433. Do you know whether there have been any other contractors since the force came into existence? Yes; there was Mr. Riley in 1886.
434. Did you see Mr. Riley come up those steps just now, as if he had been in communication with somebody? Yes.
435. Was a person of the name of Nicholson a contractor? Yes, he was.
436. You seemed rather hurt that it was going to the public, as if you were doing something wrong;—do you know whether this custom existed among other contractors? I have heard so.
437. Do you believe it? I do believe it.
438. You have been shown a number of documents here to-day bearing your signature;—I think you said that the contents of those documents you know nothing whatever about? Yes.
439. *The President* :—Do you wish to re-examine the witness, Mr. Heydon? *Mr. Heydon* : Yes sir.
440. *Mr. Heydon* :—I think you said when my learned friend said you got this one-third profit to compensate you for the garments which were left on your hands, I think you said yes? I did not say “that were left on my hands.”
441. No; you only said “Yes,” but the Attorney-General said you only got one-third profit for the material that was left on your hands? Yes.
442. Did you contract for that material? No.
443. It was a private speculation of your own, was it not? It had nothing to do with the contract.
444. Then you had no right to demand to be allowed to supply these garments without the requisition was signed? No.
445. No clothing at all was left on your hands? The material was.
446. I will not do you an injustice, Mr. Henderson. No garments were left on your hands at all. What you contracted to supply, you did supply, and were paid for? Yes.
447. And each year's contracts stood by itself did it not? As a matter of fact I have two contracts for this year.
448. Yes; but the contract in 1887 was a contract for that one year was it not? Yes.
449. And each fresh tenders were called for, and a fresh contract made and the garments that you contracted to supply under each contract you supplied and were paid for? Yes.
450. And whatever other articles besides garments you contracted to supply you imported and supplied and were paid for them? Yes.
451. But over and above this you imported some cloth thinking that you would be required to make it up for the force? We always have to keep a stock on hand.
452. Is not that what I say? You imported cloth with the prospect of having to make it up into garments for the force? Yes, and other articles mentioned in the schedule as well.
453. Over and above whatever was named in the contract? Yes.
454. Were the garments that the men got compensation for sent back to you? No.
455. And you considered that you were entitled to one-third of their value to compensate you for not working up cloth that you had brought out on your own account? Yes.
456. And this cloth was brought out as a private speculation? No, not as a private speculation; as a matter of business.
457. As a matter of business outside the contract? Yes.
458. Were you speaking of the time in the explanation you gave to the Attorney-General when clothing used to be made up in the Colony, or when you imported it? I do not quite understand what you mean.
459. *The President* :—Mr. Heydon wants to know whether this custom grew up when you made the garments, and was subsequently allowed to continue after you imported the articles themselves? I cannot say.
460. When you order the cloths to make the garments under one particular contract was it then that the custom grew that you were to receive a portion of the compensation? That I cannot say.
461. *Mr. Heydon* :—Then your explanation to the Attorney-General applies to every year. As far as my memory serves me.
462. That is your explanation of why you got £114 in the year 1887? Yes.
463. So that in 1887, when you had a contract to supply a specific quantity of goods, why did you get this £114? We should have to supply them with clothing if they did not have compensation.
464. Were you obliged to do so? Had you made a contract to do it? No; but if we had a demand we should have had to do it.
465. Well, but were they obliged to go to you for it? I do not know whether they were legally obliged to come to us, but it was a custom not to go to anybody else other than the contractor. I should like to say that at the time the Contingent went away from here I was the contractor for the force, and they called upon me to supply the Contingent, and I had to do it all at contract price, so that you see we never know what we may be called upon to supply during the course of the year.
466. Has it ever been your custom at any time since you have been the contractor to make the clothing up in the Colony, instead of importing it? It had at different times.
467. Can you tell me when? No, I really cannot.
468. Can you tell me what years? Several years.
469. Can you tell me what years now? I cannot tell you from memory.
470. Can you tell me how long it is since you have relinquished that practice? We have not relinquished it yet. We are making some clothes for the Permanent Artillery now.
471. When you made your clothing up in the Colony instead of importing it, was the contract the same as this? No, it was a written contract.

472. This is a written contract—what is the difference? You were to supply a fixed quantity of clothing? No; as required.
473. What year was that the form of contract? It is the form of contract now. We are making up for recruits of the Permanent Artillery now.
474. *The President*:—Are you making them up under any contract? Yes; we are making them up under an order from the General.
475. *Mr. Heydon*:—Now look at the last contract, and see whether there is anything to show that you have to supply clothing as required? There is nothing in this contract.
- The President*:—He is talking about a different contract, Mr. Heydon.
476. *Mr. Heydon*:—Can you produce a contract? No; we submit our prices, and get an order.
477. Then it is an order, not a contract. I want you to tell me whether under that contract, or under any other, you are authorized to supply money as required? I maintain that it is so now.
478. Can you show me anything in the 1888 contract, or in any before, by which you were entitled to supply anything but a fixed quantity or a fixed number of garments according to schedule? Every year.
479. Yes; but I want you to show me the contract by which you are entitled to do it? The D.A.Q.M.G. writes to us to know if we are in a position to give them a certain amount of clothing, and we say we are, and send in a price, and they order them. That is what I call a contract; but it is sending outside of the ordinary contract.
480. And do you charge the same price for them? No, we charge a different price.
481. Then how is it that you did not calculate your profit upon them. Why didn't you take one-third of those prices instead of one-third of these? If we did that it would come to more money.
482. Yes, I know it would, and I should have thought that would have been a reason why you would have done it? Well, you see we did not do it under this contract.
483. What year was Mr. Nicholson the contractor for? I cannot tell you.

Examined by the Court:—

484. Referring to the 1887 to 1888 contract, was the supply sent out from England under your orders—did that ever go into your premises? No, never. It may in single instance in this way: If there are some small articles included in other cases they might go to my premises in the cases, but the bulk of the goods go to the Government store.
485. Do you know of your personal knowledge what happens then? There is a military board which inspects them there, but the next thing I know is that they go to the barracks.
486. Were you there yourself? Yes, and I went over them with the officers.
487. And you were satisfied that the articles imported were delivered? Yes.
488. Why were you at the barracks? I went up there with the duplicate sealed patterns to produce before the board as the Government storekeeper would not part with his sealed patterns.
489. Were you satisfied when you were up there that the clothing you saw when you were up there was the clothing you ordered to come out from England? Well, I opened the packages, they are all opened on the verandah before being taken in the store. Unless they are changed in the Government store they must have been the same. They compared with the invoices. When these packages were opened the number of garments are opened by the Board, and compared with the invoices.

His evidence is read to the witness as directed by rule of procedure 81B. The witness withdraws.

The Court adjourned until 10 o'clock on the following day.

On Tuesday, March 12, the Court reassembled pursuant to adjournment. Present:—The same members as before.

Mr. Heydon:—I want to tender the whole of the voucher for the £344 8s. 10d., which contains Henderson's receipt at the bottom, and I do so upon the same ground that I tendered the whole of the other documents,—that is to say, on the ground that the drawing of the money from the Treasury by Mr. Henderson, thus completing and authorizing the payment for the earlier parts of the voucher, is a ratification by him of that payment. I confess, when this was first tendered, it did not occur to me to point this out to the Court, but the ground having now been pointed out, and another document having been previously admitted to the Court on similar grounds, I tender the whole of this voucher, which has Mr. Henderson's signature at the bottom of it.

The Attorney-General:—The Court having yesterday admitted a similar document, of course I will only formally object, and perhaps a note will be taken of that formal objection.

Lieutenant-Colonel George John Airey, N.S.W. Artillery, being recalled by the Court, is reminded of his former oath, and asked the following questions through the Court:—

490. Were you in command of the Permanent Artillery? Yes, for about five years.
491. What years were they? From 1871 to 1876.
492. Was there any custom in vogue then as to men receiving compensation when their clothing was passed by the officer? Speaking from memory, I am sure there was.
493. How was the compensation received in those years? I am speaking from memory, and I think arrangements were made by the men themselves for the best part of that time. There were very few cases then.
494. I don't want to know whether there were very few or many, but I want to know about this system? Speaking from memory, I think the men made their own arrangements with the contractor.
495. Do you know how,—in what way? They got an order for a suit of clothes, or whatever the article may be, and they got the price of the article from the contractor, less the contractor's profit.
496. The compensation would be in lieu of clothes? Yes.
497. And yet you say he would get an order for a suit of clothes? For the part of the clothing that he was allowed compensation for, and receive the price of the article, less so much, whatever the contractor chose to deduct.
498. Whatever he chose to deduct? Well, not hardly whatever he chose to deduct, but whatever his profit would have been if he had supplied the clothes.

499. So that, supposing it was a tunic, and the price of a tunic was £3, the man would get an order, take it to the contractor, and the contractor would give him money instead of clothes (the price of the tunic), deducting and keeping for himself that which would have been his profit had the tunic been supplied? Yes.

500. But you cannot say what the deduction would have been? No.

501. Did that custom exist the whole of the time? That I am unable to say.

502. Have you an opinion about it? During the latter years it might have been paid through the quarter-master sergeant of the Battery, but I have no official record.

503. Who was the quarter-master sergeant? Sergeant Lannigan.

504. Instead of the contractor paying the man that, I believe a certain sum would be handed over by the contractor to the quarter-master sergeant of the battery and he would hand over the money. So that during one portion of the time the contractor would pay the man and deduct his profit, and during the latter part of the time he would hand it over to the quarter-master sergeant of the battery, also keeping back his profit—is that what you mean? Yes.

By the Attorney-General (through the Court):—

505. Do you know Captain Fitzsimons of the Local Force? Yes.

506. Where is he? He is dead.

507. Do you remember going at any time with him to General Richardson, when he was Colonel Richardson, and asking him what arrangements he should make in future about the compensation money with the men? I have no recollection about it, although I might have done.

508. During the last two or three years, how have men received their compensation money. What method has been adopted? The list of those men (who are granted compensation by the officers of the battery) are sent in to the Commanding Officer of the Artillery. He approves of it, and the list is then sent on to the brigade quarter-master sergeant, when the amounts due to the men are sent back to me and the money paid to me by Mr. Webster.

509. Yes, but you are leaving the contractor out. Now I want you to explain how the money reaches your hand. First of all you would send a list in of men who were entitled to compensation, is not that so? Yes.

510. And you would deduct from the price of the clothes 26½ per cent. would you not? I have nothing at all to do with it until the list is sent back from the office.

511. But is not the paper signed by you? It is.

512. You see this paper, it is in evidence No. 1—that is signed by you, is it not? Yes.

513. You see there the name of Walsh? Yes.

514. He was entitled to compensation for tunic and trousers, the cost of which, less the 26½ per cent., is £4 2s. 6d.? I see.

515. Now you see your name at the bottom? Yes.

516. Can you say what is the meaning of that column less 26½ per cent.? That is the rate of contract.

517. Would the total cost of tunic and the trousers be £4 2s. 6d.? That is the contract price.

518. That is deducting 26½ per cent.? Yes. At least that is how I understand it.

519. Two-thirds of that you showed to be £2 15s. 7d.? Yes.

520. After you have sent in your list the Colonel approves of it, and what is the next thing done? It is returned to me with those figures on.

521. But were not the figures on when you sent the list in? Yes; but they have all been altered.

522. All been altered? Well, a great many of them.

523. Is there any alteration at all on the first page? Not on the first page.

524. In the second page I see there are alterations? You said so yourself.

525. Were those alterations made after that list went from you? Yes.

526. And the list was returned to you with the alterations in it? I think so.

527. Very well now, what was the next step? A fair copy was made of all that with the alterations.

528. Who got the money? I cannot say.

529. Can you swear that you cannot say? I have nothing to do with that.

530. *The President*:—Do you understand the question you were asked—It was this—Who got the money? I got the money from Mr. Webster.

531. *The Attorney-General*:—When you are saying that you don't know how the money was got from the Treasury, you are falling back upon your own knowledge? Yes; I was.

532. Didn't you know all along that the contractor used for years to draw from the Treasury, deducting one-third, and handing the balance to Webster? He drew the money for the clothing.

533. Don't you know that as far as this compensation list is concerned the contractor would send in a voucher as if he had delivered all the goods, draw the money, keep one-third himself, and send two-thirds on to Webster? I don't know anything about it of my own knowledge.

Mr. Heydon objected to witness being further pressed upon that point; observing that the contractor had gone up to the Treasury and signed the vouchers, so that his learned friend could produce those documents if he liked. He would not wish to restrict his learned friend in the matter if it did not appear that it was proved in a much more satisfactory way.

The President:—I think I understand that the Attorney-General's examination is not in regard to any documents but simply whether he was aware of the contractor doing a certain thing.

Mr. Heydon:—I submit that it is only hearsay evidence and that my learned friend has no right to obtain it.

The President:—The Court are of opinion that the evidence is admissible as far as custom is concerned.

534. *The Attorney-General*:—Now, Colonel Airey, have you not known for years that the custom has been when these compensation lists are sent for, the contractor sends in a voucher, as if he had supplied the goods, for him to be paid in full, to deduct and keep for himself one-third, and then to hand over two-thirds to Webster for distribution to the men by you? I do not know at all of my own knowledge.

535. Never mind. Didn't you know as a matter of fact? I have said that I did not know it of my own knowledge, and I really must appeal to the protection of the Court.

536. *The President*:—You have seen this compensation list. It is signed by you. When you made it out, did you know what the two-thirds at the bottom of that column referred to? Yes.

537. Did you know what became of the other one-third? Of my own knowledge I did not.
538. Have you ever asked—have you ever made any inquiry? I have been told that it goes to the contractor.
539. So that you were aware that it was not thrown into the sea? My belief was that it went to the contractor.
540. *The Attorney-General*:—To make the matter a little more definite, I propose now to ask you this—Did you say, when giving your evidence before the Court of Inquiry at the Victoria Barracks, “When forwarding claims for compensation for annual issue of clothing, I satisfy myself that the claimants are in possession of two sets of articles for which they claim compensation, which will do for guards and review order, and that they are in such good condition as to warrant the belief that they will last in good order till the next annual issue. I cannot say that I ever remember the case of a man claiming compensation who has served a term of imprisonment or been a long while in hospital by vice. The usual claimants are the non-commissioned officers and men who are struck off for some particular duty. This, of course, does not refer to the large compensation list of 1886 to 1887.” What does that mean? It is a certain list of compensation sent in in lieu of clothing not having been supplied. It is paid by the Government.
541. Then is that a different compensation list from this? Yes. It is a different thing altogether.
542. Do you remember how it was that that exceptional list arose? It arose through the contractor failing to supply his clothing for seven months.
543. That compensation list, as far as we know, has not reached the Court in any form? No.
544. So that there is another compensation list—a large one about which we have heard nothing? Yes.
545. Now, then, you go on to say this: “When the list is finally approved I receive the compensation allowance. About two-thirds value of each article is paid by the contractor to the brigade quartermaster-sergeant, who hands me the money, and I take the men’s receipts for it.” You said that? Yes.
546. Remembering what I have read to you from there, and remembering what you have said to-day, were you not perfectly well aware that one-third was always kept back by the contractor? I did not know it of my own knowledge.
547. Never mind of your own knowledge—were you not aware that it was the custom of the contractor to keep back one-third? I believe it is.
548. By-the-by, was not Mr. Webster paymaster to you? He was battery pay and quarter-master sergeant.
549. For how long? About four years.
550. Had he money to deal with then? Yes.
551. And stores and clothing? Yes.
552. And during that time what character did he bear as an honorable man? A thoroughly good character, and I have never found the slightest fault.
553. Can you tell me what those four years were? I believe they were from 1876 to 1880.
554. Was he your quarter-master whilst you were in command of the regiment? No.
555. But after you had command of the regiment? Yes.
556. *Mr. Heydon*:—Do you know of your own knowledge whether the one-third (the extra one-third) was got from the Treasury at all, or whether only the two-thirds that was required for the men was got from the Treasury? I do not know of my own knowledge.
557. All you knew of your own knowledge, as I understand, was that your men were entitled to get two-thirds of the contract price for clothes that you considered good enough to last for another year, and that you got two-thirds from the brigade quarter-master sergeant?
- The Attorney-General*:—I object to this. I submit we had nothing whatever to do about Colonel Airey’s opinion whether the contractor got this money or not. But what I want to prove is that the contractor was in the habit of getting this money with the tacit approval of the military authorities.
- Mr. Heydon*:—It is not on that ground at all that I ask the question. My learned friend has got from the witness that he understood that the contractor got one-third of the cost of the garments and paid to the men two-thirds, and he is going to rely upon that as proving that the custom existed.
- The President*:—It is only the witness’s belief that the Attorney-General was trying to get from Colonel Airey.
- Mr. Heydon*:—My learned friend will rely upon the fact that the officers knew that the contractor retained one-third, and I want to prove that whilst they knew that he retained one-third they thought that he was entitled to do so.
- The President*:—The Court are of opinion that the matter you have just mentioned, as trying to get from the witness, has been already got from three previous witnesses. Both Mr. Whitehouse and Mr. Henderson have admitted that this was a money transaction under the name of clothing, that no clothing was actually supplied for this money. The Court knows very well that Mr. Henderson was not entitled to this money. I will put the question in this manner: We will ask the witness whether he was aware of this portion being improperly retained by the contractor, and if so, whether he made any official report to his superior officers?
558. *The President*.] Reverting to your belief that one-third was retained by the contractor, was it your belief that this portion was being improperly retained? I really cannot answer that question; I know that it has been the custom to pay the men the two-thirds.
559. Did you think it right that the contractor should retain one-third? Yes; but as I think I said in my evidence before, when this was first done, the contractor insisted upon the profits that he would have made if he had supplied the garments.
560. Were you present at a Board held at the Victoria Barracks to inspect the clothing for 1887? I have been on several Clothing Boards, but cannot remember whether I was on that one or not.
561. Have you any knowledge whatever of the performance of the contracts made for the supply of clothing? No.
562. You don’t know what the contractor’s rights were then under the contract? No.
563. You don’t know whether under the terms of the contract he would be entitled to this one-third? No.
564. Do you know what became of the clothing upon which this compensation was paid? I presume it was never made.
565. Or imported as the case may be? I know nothing about it being imported.

566-7. For all that you know, it was made here? That I cannot say; it was supplied by the contractor, and where he got it from I don't know.

568. And your understanding was that it was never made? My understanding was that if there was compensation for one suit, there would be one suit less.

569. According to the custom that prevailed in your time, you say that the men got an order on the contractor for a suit of clothes?

The Attorney-General:—During a portion of the time?

Yes, during that time. Taking what they were entitled to to be five garments, they got an order upon the contractor to supply them with those five garments, or any portion of them, and upon that order they could make any arrangement they liked—virtually selling the order to him.

570. And during the latter portion of your time the same thing was done, but it was done through the battery quarter-master sergeant? Yes.

Examined by the Judge-Advocate:—

571. Do you know anything about the contract of Henderson? No.

572. You don't know the number of garments that he was entitled to supply? No.

573. Do you know whether, if the men had not asked for compensation, he was entitled to supply the clothes for which compensation was given or not? No, I do not.

His evidence is read to the witness, as directed by Rule of Procedure 81 B. The witness withdraws.

No. 624 Master-gunner Lynch, N.S.W. Artillery, being duly sworn, was examined by the prosecutor, and said:—

I am in the Artillery and attached to the staff at present; the name there, fourth from the bottom, is my signature; I believe I must have received that sum (£2 13s. 9d.) opposite my name, as my signature is there; I do not remember the occasion exactly; it is in the compensation list; assuming that I received it, as far as I remember, it was for one tunic and one Norfolk jacket; that agrees with the list; I do not remember where I received the money; I did not say that I received this what is mentioned here for the tunic and Norfolk jacket, but I do know that I received compensation for these two articles; I do not remember the amount, and I do not remember where I received it; I remember being up at Middle Head at one time; I was then away from my battery attached to the School of Gunnery, having been previously attached to Battery No. 3; I cannot say at this distance of time whether it was there that I received this money for compensation, although I remember preparing the things for examination out there, but I cannot say whether I got the money out there.

The Attorney-General:—I do not know whether the Court has noticed an erasure in the amount. It now appears to be £2 13s. 5d.

574. *The President*:—Yes, the Court has noticed that. Do you wish to cross-examine the witness, Mr. Attorney-General?

The Attorney-General:—I do, sir.

575. *The Attorney-General*:—I suppose you would not know the contractor's price for the tunic? No, sir.

The President:—£4 10s. complete.

The Attorney-General:—And a Norfolk jacket is how much?

The President:—19s.

576. *The Attorney-General*:—Can you say whether it was a Norfolk jacket or a patrol jacket?

Witness:—To the best of my belief it was a Norfolk jacket.

577. Will you take upon yourself to say that it was not a patrol jacket? No; I would not.

578. Although, to the best of your belief, you think it was a Norfolk jacket? Yes.

579. Is that your signature? Yes, sir.

580. Now just read that paper and tell me positively whether it was a patrol jacket or a Norfolk jacket for which you got compensation? I still believe that it was a Norfolk jacket, sir.

581. Did you read this paper before you signed it? I cannot say.

582. Try and remember whether you did read it or not? My signature is there right enough, sir, but I have no distinct recollection of the occasion of signing it.

583. And therefore you cannot recollect whether you read it or not? No, sir; most likely I signed it without reading it.

584. *The Attorney-General* (to the Court):—Is that £4 10s. after deducting the 26½ per cent?

The President:—£4 10s. is the original price.

585. *The Attorney-General*:—And so you seem to have received from the commanding officer £2 13s. 5d. and from the brigade quarter-master sergeant, £4 1s. 10d? It appears so from this signature. I do not say that I did so.

586. Here is your signature—that is all? Yes, sir.

587. Do you know this gentleman here, Mr. Nathan? Yes, sir.

588. Did you tell him that you were quite sure you would not have given this receipt to Webster if you had not received the money from him? I don't remember telling him that in those words.

589. Will you swear that you did not? I will swear that I did not say those exact words.

590. Well, but in substance, didn't you say to Mr. Nathan that you were quite sure you would not have given to Webster the receipt unless you had received the money from him? I did not say those exact words; I will tell you what words I did use.

591. Did you say this to Mr. Nathan:—"I am quite sure I would not have given Webster this receipt unless I had received the money from him"? No, sir; not in those words.

592. What did you say? He said to me, "You are quite sure that you would not have signed that receipt unless Webster had given you the money," and I said, "I was not in the habit of signing receipts unless I received the money."

593. Did Mr. Nathan say, "You are quite sure," or did he say, "Are you quite sure"? I think he said, "You are quite sure."

594. Didn't you tell Colonel Roberts substantially the same thing when he asked you about it? I don't know.

595. Have you not had a conversation with Colonel Roberts about it? Yes, sir.

596.

596. Colonel Roberts asked you whether you had not received £4 1s. 10d. from Webster? No, he did not.
597. Did not he ask you whether you had received money from Webster? No sir, he did not.
598. Was not this very receipt produced and shown to you either by, or in the presence of, Colonel Roberts and Captain Savage? I believe it is the same receipt, but I did not read it; therefore I cannot say whether it was the same paper or not, although I believe it is.
599. Was not this receipt produced to you either in the presence of or by Colonel Roberts? I cannot say, because I do not know; my signature was shown to me; I do not know whether it was that paper or not; I think it was that paper.
600. What were you asked? I was asked if that was my signature.
601. And what did you say? I replied "Yes."
602. Did you make any suggestion that you had not received the money? No sir.
603. Well, I suppose also I may take it that your observation just now to the effect that you are not in the habit of signing receipts unless you get the money applied to that particular receipt for £2 13s. 5d.? No, certainly not.
604. Do you mean to say that you may have given this receipt for £2 13s. 5d. to the officer, and the officer may still not have paid you the money? No.
- The President*:—Do you wish to re-examine the witness, Mr. Heydon? *Mr. Heydon*:—Yes, sir.
605. *Mr. Heydon*: Have you any recollection whatever of signing this document? No sir.
606. Can you tell me whose handwriting the body of it is in? I do not recognize the writing.
607. Is your mind a perfect blank as far as the body of the document is concerned? I do not remember anything about it.
608. You have said in your evidence, I think, that you often sign sheets with nothing on; how does that come about;—will you sign the abstract sheets at the end of the month when there are no returns upon them? I signed the clothing-book.
609. Do you know whose clothing-book it is? I think it is the clothing-book of the battery office.
610. Is this your signature, and are those your initials in this book? Yes sir.
611. So you initialled for all garments, whether you received compensation for them or obtained the garments themselves? I believe I did.
612. Now, will you be kind enough to tell me whether these are your initials in this book? I would not swear that they were.
613. What is your belief from the appearance of them? *The Attorney-General*: Do not answer that, please.
614. *The President*:—What is the book that you are reading from now, Mr. Heydon? *Mr. Heydon*:—It is the clothing-book.
615. *The President*:—But not the one before the Court? *Mr. Heydon*:—No, it is another one. It is a clothing-book which I shall prove was kept by the prisoner.
616. To the witness: Looking at those initials Lynch, have you any belief about them? No sir, and I will tell you the reason why. Some time ago I varied the pen that I wrote with. Now I write with a "J" pen, and it has made a difference in my handwriting.
617. Comparing them with this, do you believe that they are your initials? As far as I can answer I have already answered.
618. You have no belief either one way or the other? No; they may be my initials or they may not, and I can say no more about it.
619. You say you do not remember anything at all about this receipt; can you tell me whether, in the year 1887, you received your compensation twice over or not? I do not believe I did sir. I can only remember having compensation once.
620. And you have said that you believe that it was for a tunic and Norfolk jacket? I believe so sir.
621. I suppose that you have a pretty good idea of what your compensation ought to be? No sir, I never bother.
622. Then if your proper compensation was (say) £4 1s. 10d., you would not know that you were being short paid if you got £2 13s. 5d.? No; if I got the money I would be quite satisfied. I would not trouble to find out.
623. But I suppose you know that you get more compensation if your Norfolk jacket is good for another year than if your serge trousers are good for another year? Yes sir. But what I mean to say is, I never bother about the scale. Whatever other people were getting I should be satisfied with.
624. And you know that you got more for a patrol than for a Norfolk jacket? Yes.
625. How long had you been a sergeant in 1887? Between four and five years.
626. And how long have you been in the force? Ten years and two months.
627. And when your clothing was passed for compensation you had no idea what your compensation would be? No sir, not then, although I have now.
628. Suppose your proper compensation would be £5 or £6, it would not have occurred to you that you were being improperly dealt with if you got £2 paid to you? Yes.
629. Supposing your proper compensation was £5, would you have noticed that something was wrong if you only got £2 10s.? I should think so.
630. You have some idea as to what was your proper compensation then? No, I cannot say I had.
631. If your whole suit was good for another year you would have been satisfied with £2? No; that would strike me as being small.
632. I should have thought that a man would have taken some little interest in the amount he receives for his clothes, but you say you never did? No sir.
633. And you took what was given to you as being all right? Yes sir.
634. And signed what was put before you as being all right? Well, my signature is there.
635. But I suppose if you took no interest in the matter you would sign for whatever was put before you? Yes. It was the only time I ever had compensation money.
636. *The President*:—What do you mean by "Yes"? Well, if that amount was placed before me I should take it as correct and sign it, as I did not take any trouble in the matter. I would trust in those who placed the amount before me.
637. *Mr. Heydon*:—Then if the quartermaster-sergeant placed a document before you and said the amounts were all right you would sign them? I would sir.

638. You don't know whose handwriting is this, but I would ask you whether the body of it is in your own handwriting. [Document referred to was one previously shown to the witness by the Attorney-General.] No, sir.

639. Then I understand you were asked by my learned friend that you said to Mr. Nathan that you would not have signed that document if you had not got the money, and it now turns out that Mr. Nathan said to you, "You would not have signed the document unless you had received the money." It was not you who said it; it was he who said it?—Yes.

640. And so, when Mr. Nathan suggested to you that you were not in the habit of signing documents without receiving the money, you said, "No, you were not"?—Yes.

641. You were not subpoenaed by Mr. Nathan, were you?—No, sir.

642. And yet Mr. Nathan questioned you about this matter, although you were not subpoenaed by him?

The Attorney General:—I am told that it is in orders somewhere that we intended calling him as a witness.

The Prosecutor:—There is no doubt that you did give notice of your intention to call Lynch.

The President:—They are not subpoenaed; they are ordered to attend for the defence. I may just say that it is the custom in regiments or in batteries, that are well conducted, that the soldier has implicit confidence in his officer, and whatever he was asked to sign he would not question it. He would sign any document that was put before him, trusting that his officer was acting fairly by him; and, certainly, unless he saw any great cause, he would not cavil at the amount. If he was told that he was to receive 18s. he would say, "Very well, sir," and he would sign for it. I do not suppose that in any well conducted regiment or battery it would enter into the head of a soldier to make the calculations for himself.

Examined by the Court:—

643. In your previous examination you have admitted that that was your signature to the amount of £4 1s. 10d. I want to know whether you ever received that money from Webster?—I do not know.

644. You do not remember ever having received such a sum of money from Webster?—No, sir; that is to say, I do not know whether I received it or not.

645. Do you keep any private accounts?—No, sir; none.

646. You are a married man now, are you not?—Yes, sir.

647. And do you mean to say that a large sum like that, £4 1s. 10d., would escape your memory?—I was not a married man then, sir.

648. Well, I should have thought it would have made some difference?—It did make some difference; but I frequently receive money from the Brigade Quarter-master Sergeant.

649. Do you remember receiving any money for compensation for clothing from Middle Head from the officer there?—No, sir.

650. When your clothes were examined by the officer, what garments did you submit for inspection?—I believe it was a tunic and Norfolk jacket.

651. Those are the only two garments that you exhibited as wishing to claim compensation for?—As far as I remember, sir.

The witness, at the conclusion of his examination, states that he does not know that the compensation for a Norfolk would be greater than for a pair of serge trousers—this in correction of what he had stated previously.

His evidence is read to the witness, as directed by Rule of Procedure 81b. The witness withdraws.

Lieutenant-Colonel George John Airey, New South Wales Artillery, is recalled, reminded of his former oath, and examined by the Court:—

652. Does that refresh your memory at all about the Clothing Board of 1887? Yes sir.

653. Were the garments counted? Yes.

654. And you certified them as correct as regards both number and quality? Yes.

655. What had you to go by us to quality? A sealed pattern.

656. And you counted the numbers? Yes.

657. Are you prepared to swear that the numbers were correctly counted? Yes.

658. Now I want to know when a man asks in that year for compensation for clothing,—was it compensation in lieu of that clothing that you counted over? That I cannot say.

659. Do you know whether if a man was granted compensation his clothes would remain in store? I cannot say.

660. Do you understand my question? I understand your question, but I cannot say. All I know is that a certain number of articles are brought before the Board and we certify to their quantity and quality.

661. Then you cannot answer my question as to whether the clothing that a man receives compensation for remains in the store? I do not know.

At 12:50 p.m. the Court adjourned until 2 p.m. the same day. At 2 o'clock the same day the Court re-assembled, pursuant to adjournment. *Present*:—The same members as before.

Lieutenant-Colonel George John Airey, New South Wales Artillery, appearing again before the Court, is reminded of his former oath, and further examined by the Court:—

Witness:—There is one thing I should like to correct;—my signature to that sheet of compensation is only a signature to certify that I have paid those amounts.

662. After the counting of the 1887 clothing, and ascertaining that it was correct in number and quality according to the vouchers, with whom was that clothing left? With the brigade quarter-master-sergeant.

663. Do you know that of your own knowledge? Yes.

664. Left in his charge? Yes.

His evidence is read to the witness, as directed by Rule of Procedure 81b.

The witness withdraws.

No. 1,425. Gunner Thomas Bailey, No. 2 Battery, New South Wales Artillery, having been called, and duly sworn, is examined by the Prosecutor, and says :—

This signature on the list that I have in my hand is like my writing, but the "T" is not like the way I put it. The "Bailey" is right enough. Now I see that the "e" is out in "Bailey." It is spelt "Baily" here; it should be "B-a-i-l-e-y." Still I write like that when I am in a hurry sometimes. I believe it is my signature written in a hurry. I see 9s. 4d opposite my name. I received some money, but cannot how much it was. I received it when I was down at Middle Head. I cannot from memory say how much it was. It was a small sum of money; it was not a pound. I received that money for compensation money for a Norfolk jacket. I cannot say whether those are my initials or not. In 1887 we initialled for our clothes. The signature on the book that is in the evidence is something like my writing, and the initials are something like my initials. The signature is something like my writing. I signed for my clothing in the year 1887. I signed in a book in the battery quartermaster's store. I cannot say whether it was Quartermaster M'Millan's book or Mr. Webster's book. I initialled for my clothes in the same book. I do not remember initialling for my clothes in any other book than Quartermaster M'Millan's. Looking at those initials there I cannot tell you whether I ever initialled for my clothes in Mr. Webster's book. I cannot recollect initialling for my clothes in any other book than Quartermaster M'Millan's, excepting my small book. I cannot remember whether I ever initialled for signature in more than one book. I know that I used to sign when I received my clothes. Seeing my my clothes in one of those books and my initials in another book, I cannot remember whether I initialled for my garments in more than one book. I remember signing for them, and that is all.

The Attorney-General:—Do I understand you to say that all books are admissible as evidence, and everything in them without any further proof?

The President:—This book of Mr. Webster's we cannot receive unless it is properly certified to. If they are produced by the officers-in-charge of them, and certified by them as being correct, then we receive them.

665. Do you wish to cross-examine the witness Mr. Attorney-General?

The Attorney-General:—Yes sir.

666. *The Attorney-General*:—What is your christian-name to begin with? "Thomas."

667. Did you say what you got compensation for? A Norfolk jacket.

668. Do you know who paid you that 9s. 4d.? I believe it was Mr. Bridges.

669. But have you any recollection about it? I believe it was Mr. Bridges.

670. Do you think you can write your name for me now 'Bailey' without much bother? Yes, sir.

671. Well, would you mind doing it? No, sir.

[Witness writes his name. In the first instance at leisure, and afterwards as he would sign in a hurry, and the names are handed in numbered exhibit 3t, signed by the President and attached to proceedings.]

672. You received compensation for one Norfolk jacket? Yes, sir.

673. Do you know the price of a Norfolk jacket? No, sir.

674. They gave you 9s. 4d. and you took it? Yes; you take what is coming to you.

The President:—Would you like to re-examine the witness Mr. Heydon?

Mr. Heydon:—Yes, sir.

Re-examined by the prosecution:—

675. *Mr. Heydon*:—You say it was Mr. Bridges who paid you the money? Yes, sir.

676. Do you remember at the time the money was paid to you whether you signed for it? Oh, yes, sir; you always sign for the money.

677. *By the Court*:—Did you sign in the presence of Lieutenant Bridges? Yes, sir.

678. *Mr. Heydon*:—And he paid you the money? Yes, sir.

His evidence is read over to the witness, as directed by Rule of Procedure 81 B. The witness withdraws.

Mr. Heydon:—I tender a number of vouchers for the year 1886; all are marked as correct by the prisoner. (Exhibit 85 handed in, signed by the President and attached to the proceedings.)

Lieutenant and Quartermaster James Little, Permanent Staff, having been called and duly sworn, said :—

I am a Quartermaster on the General Staff. I have had occasion to compare certain quantities that appeared in the compensation list for 1887 with the compensation vouchers for the same year. Eighty-three tunics are shown in the pay voucher (exhibit 21). This document makes five tunics in excess of those mentioned in the compensation list. In making up that pay voucher the tunics have been put down five in excess, and I make it six cloth trousers in excess in the voucher, four Norfolk jackets, five jumpers, five serge trousers, one patrol jacket. £385 15s 6d. is the total value on the compensation list, less 26½ per cent., and the amount appearing in the pay voucher is £344 8s. 10d. The difference is £15 13s. 4d. So that it comes to this—on the pay voucher both the clothing and the value of the clothing are in excess. That voucher has been marked as correct and initialled by Mr. Webster. I should say that it is the duty of the Brigade Quartermaster-sergeant, before initialling that voucher as correct, to see that it was correct.

679. *The President*:—Do you wish to cross-examine the witness, Mr. Attorney-General?

The Attorney-General:—No, sir; I have nothing to ask him.

Examined by the Court:—

680. Were you in the Imperial Service before you joined the Service here? I was, sir.

681. Then you can speak from your own knowledge of the way in which the duties of quartermaster-sergeants were conducted in the Imperial Service? Yes; I was in the quartermasters department for some time.

682. *By Mr. Heydon* (through the Court):—In taking the value of No. 3 Battery's compensation list you have assumed the additions to be correct? Yes.

His evidence is read over to the witness, as directed by Rule of Procedure 81 B. The witness withdraws. The Court adjourns at 4 o'clock in the afternoon until 10 o'clock on the following morning.

The Court re-assembled pursuant to adjournment at 10 a.m., on Wednesday, the 13th March.

Present: The same members as before.

Lieutenant William Throsby Bridges of the New South Wales Artillery being called and duly sworn said: I paid some of the men appearing in that list (Compensation List of No. 3 Battery), but not all of them. I believe I paid Sergeant Lynch and Gunner Bailey. They were in the District at the time, but I cannot swear that I recollect handing them any money. I should say that the signatures to that document are genuine signatures. When I paid the men they used to sign for the money in my presence. The money was sent out to me for the purpose of paying the men who were in the District. This document is in my handwriting. Still I cannot tell who the men were that I did not pay, excepting Dalton who did not get any pay at all. It was my duty to see that the men there did get paid; as far as I remember I paid all the men who were in the District personally. I refer to the men who were out at Middle Head as the men in the District, and the men whom I paid affixed their own signatures as receipts for the money.

Cross-examined by the Counsel for the Defence:—

683. *The Attorney General*:—Why didn't you pay Dalton? *Witness*: He refused to take the money. He said it was not enough.

684. Do you know whether he got more or not? No; he didn't get anything at all. He was discharged immediately afterwards.

685. Do you know where the compensation money comes from? As far as I know it comes from the officer commanding the battery.

686. You mean you don't know anything more of your own knowledge? Yes, that is what I mean.

687. Do you know as a matter of custom from whom the money comes? I expect that the officer commanding the battery gets it from the Paymaster.

688. Well you know it comes from the Treasury in the first instance, but do you know who gets it from the Treasury; I don't mean from your own knowledge now. It is the common talk in the force, is it not, that the men get two-thirds and the contractor one-third? It is generally known that the men get two-thirds and the contractor one-third.

689. How long have you been in the force? Nearly four years.

690. And that is a common talk in the force? Yes.

691. It has been common talk in the force for the contractor to get one-third and the men two-thirds? Yes.

Re-examined by the Prosecution:—

692. Do you mean that it has been the common talk in the force that the contractor gets the money wrongfully?

The Attorney-General objected to the question, saying that he did not wish to show by his case that it had been the custom of the contractor to receive the money improperly.

Mr. Heydon:—I submit that the whole point here is, as to whether this has been done properly or improperly—the whole gist of the thing is whether this custom was known to be an improper or proper question. What the prisoner here is charged with was obtaining money improperly from the Government in a manner which amounted to fraud on the Government. He assisted in it, and never informed his superior officers as to what was going on. Now my learned friend is trying to argue, that because everybody knew that the contractor got third, that Webster was justified in allowing the contractor to get this one-third when he knew that he was getting it improperly; surely the mere knowledge of some other person than the contractor was getting one-third cannot be justification of Webster's action, is he to know that the contractor was getting it improperly. It seems to me that my learned friend is trying to show that the officers of the force knew that this custom had existed for years.

The Attorney-General:—I am not trying to show anything of the kind; I admit frankly that none of the officers of the Force had any knowledge that any money was being paid improperly to the contractor, and when I use that word improperly I mean illegally. My case all through is that as far as the system is concerned, although it is one that would not bear investigation, still, it has been a system which has not in any sense partaken of fraud and which has, at the same time, existed for a number of years; and yet my learned friend asks this witness (an officer in the artillery) whether he, or any officer in the artillery, knew that an improper system was going on.

The President:—The Court are of opinion that the question cannot be asked in the terms you put it, including the word wrongfully; if you can ask it in any other way, Mr. Heydon, not implying a knowledge of fraud to the witness then it would be admissible.

693. *Mr. Heydon*:—Was this matter that you speak of, that the men got two-thirds and the contractor one-third, a topic of conversation? *Witness*: I don't know that it was ever a matter of conversation; I got it from my Sergeant-major in the first instance.

694. And did he go into the whole thing? Explain how the whole thing was managed? Well, when I spoke to him about it he told me that the men only got two-thirds and that the contractor got one-third.

695. But I don't suppose he told you what the contractor did for the one-third? No.

696. And I don't suppose those were matters formed a topic of general conversation? Well they didn't interest me much.

697. Was this the understanding in the force that the contractor drew money from the Treasury as for goods supplied, which goods he never supplied at all? I never heard anything about it.

698. Then were you aware at all (in this way of conversation that you speak of) what value the contractor gave for the one-third? No.

The Attorney-General objected to the question on the ground that it was a form of question that was calculated to leave a false impression in the mind of the Court when it had been admitted again and again that the contractors gave no value at all for the one-third.

Mr. Heydon:—Of course my learned friend is willing to admit that the contractor got one-third and gave no value for it because he cannot help admitting it; but what I want to get out of the witness is whether the officers were aware of the fact that the contractor was getting this one-third for nothing.

The President:—The Court are of opinion that the question can be asked.

[Objection disallowed.]

699. *Mr. Heydon to witness*:—I think you said that you did not know what value the contractor gave for this one-third? No.

700. Were you not aware that compensation was given in lieu of clothing, and that when compensation was allowed in lieu of clothing that no clothing at all was supplied? If a man got compensation for a tunic I knew that he didn't get the tunic as well; but whether the contractor supplied the Government with the tunic or not I did not know.

701. If the contractor supplied the tunic, would not the contractor have got the whole three-thirds and not the one-third?

The President:—The contract shows that. Several questions are being asked the present witness which the Court has judicial knowledge of, and which he would not be likely to know anything about.

[His evidence is read to the witness, as directed by Rule of Procedure 81 B. The witness withdraws.]

Lieutenant-Colonel Thomas Eden, General Staff, is recalled, is reminded of his former oath, and further examined by the Court:—

702. Will you look through the proceedings of the Board of Inquiry of which you were the President, and tell me when it began sitting? On the 26th of June last year.

703. And on what day was it finally concluded? On the 7th December.

704. We have had it from you that the prisoner was frequently before that Court to give evidence? Yes.

705. Was he requested to explain an apparent deficiency of £9 12s. 2d.? No explanation reached me about it, except what is in these proceedings.

706. Did he say anything about having paid Lynch, Loveless, or Bailey, any portion of the £9 12s. 2d.? I recollect nothing of the sort.

707. Since the Board of Inquiry concluded its sittings have you received from him any statement that he found out that he had paid a portion of this money to Lynch and Loveless? No, sir.

708. Do you know whose handwriting the body of this document is in? I should say Mr. Webster's; but I cannot swear to it.

The Attorney-General:—We have had Colonel Eden examined at considerable length, and does the Court think it right that he should be called by my learned friend for the sake of propping up his case? It will extend the proceedings to an indefinite time if witnesses are to be recalled in this way.

Mr. Heydon:—I restricted my examination of Colonel Eden before to certain charges, in order that the case might not be more complicated than possible. I am not calling Colonel Eden now in reply to my learned friend's cross-examination, and he is mistaken if he thinks that I require to do it in order to prop up my case. This resolve of mine has not been influenced in any way by facts that my learned friend has brought out.

The Attorney-General:—I maintain that it is a most dangerous thing to do. If my learned friend is going to pursue this course it may be necessary for me to recall all the witnesses that have been examined before the Court, in order to get rid of some of the evidence that Colonel Eden is giving now.

Mr. Heydon:—I am adopting this course in order if possible to shorten the proceedings.

[The Court is cleared.]

Upon the re-opening of the Court the President said:—I should like to state, for the information of the Court, that previously to the assembly of the first Court, as I may call it—the one that was first assembled—on being appointed President and having read over the charges and the summary of evidence, I, seeing that it would be likely to be a very long and serious case, directed the Assistant-Judge Advocate, Major Lassetter, to inform the prisoner's Counsel and his Attorney of the prisoner's right to claim to be tried on each separate charge separately, by which the Court would come to a finding on the separate charges. I did that, and mentioned my authority for it. It appeared to me that if the prisoner had taken advantage of what I had pointed out that the Court would have tried him upon one distinct charge and come to a finding on that charge. The proceedings then might have been very much shortened, and it would not have been necessary perhaps to have gone on with any of the other charges mentioned on this long charge sheet. But as we have gone on so long with the general charge sheet, without intimation from the prisoner that he wished to be tried upon each charge separately, which should have been done before pleading, the only way upon which we can go on is for the charges to be put before the Court in the manner that has been done now. By rule 84, on page 638, a witness can be recalled at any time by the Court, or by the request of either Counsel, by leave of the Court, before the second address for the prisoner; therefore the Court have come to the conclusion that witnesses can be recalled by either Counsel, provided that no question is asked upon charges that have been already dealt with. The Court wish the proceedings to go on as quickly as possible; but it will be much easier for them to form a judgment of the case if they have as much knowledge of it as can be placed at their disposal; therefore the Court will allow Mr. Heydon to call Colonel Eden.

The Attorney-General:—We were perfectly well aware that the Court did make that suggestion to the prisoner. We knew that we might have been tried upon each charge separately; but you see that it does not follow that if one charge had been decided in our favor the other charges would not have been proceeded with. Supposing the prisoner was tried separately on charge No. 1, and was acquitted upon that charge, it would have depended upon the prosecution whether we would have subsequently proceeded upon charge No. 2; and if he had been acquitted upon that charge, whether he should not have had to answer charge No. 3, and so on.

The President:—I think you have a wrong impression in that matter, Mr. Attorney-General. All the charges and their alternative charges could have been bracketted together in one charge, so that, instead of this long list of eleven charges, there really would have only been three or four.

The Attorney-General:—Yes; but supposing there were three charges, the prisoner would have had to answer each of them.

Examination by Mr. Heydon (through the Court) continued:—

709. *Mr. Heydon*:—Will you turn to page 120 of the proceedings before the Military Board of Inquiry of which you were President, and tell me whether the following questions were asked and answers given:—

Q. "Have you the statement ready regarding the deficiencies shown on the tables, of which you have copies, and which you promised to hand to the Board?" That question was asked of Mr. Webster, and the following answer given: "I have not. My reason for not furnishing it is that I have employed an actuary and a solicitor to thoroughly examine my books. Their examination is not completely concluded.

The

The solicitor has applied to the General, asking for extension of time for the actuary to give a correct report. This is all the explanation I can give." Q. "Where are your books?" A. "They have not left my office. Colonel Roberts recommended me to employ an actuary and a solicitor, the cost of whom I shall have to pay." Q. "You explained in your former evidence that your responsibility was not complete—in fact, it was not the same since your clerk had been furnished with a duplicate key of, and allowed to sleep in your store. To whom, then, did you first complain, and when and to whom did you first raise an objection to this arrangement, which you alleged reduced your responsibility for the store, previously admitted to be under your sole control?" A. "I never objected to this arrangement. Q. "Did you propose it?" A. "Yes, I did propose it—that he should have a duplicate key; that he could answer any question or give reference to any of the store books, and give any issue of clothing or necessaries during my absence. During my absence I have frequently found that things have been issued and not entered in the books. I have had to take steps afterwards to enter these issues." Q. "On the 15th instant, you said you had not made any proposition that anybody should have a duplicate key of the stores; but, now you have just admitted having made this proposition. To which statement are you going to adhere?" A. "I made no proposition. The proposition in the first place was made by the Adjutant, in order that during my absence he could refer to books, &c., in the brigade store. My statement made on the last assembly of the Board is the correct one." Q. "Considering your responsibility interfered with, why did you fail to make objection to this clerk sleeping in your store and the duplicate key arrangement?" A. "I failed to do that because I thought my clerk was an honorable and a trustworthy man. According to the Imperial Service, the stores are locked at night, the key given to the quartermaster." Q. "You think your clerk careless, you say; then why did you detain him?" A. "Simply because I should have to teach a new clerk, and thought it better to keep an old one not good enough, rather than go teaching a new one all the routine of my office. On several occasions I have spoken to Captain Savage about the carelessness of my clerk, this acting-Bombadier Loveless." On page 98 of the proceedings you will find the following questions put, and answers given by, the prisoner. Will you tell me whether this is what took place when he was called before you on that occasion? Q.—"What number of undermentioned garments were made from the list furnished by the Government during the period Sergeant Littleton has been master-tailor, viz, tunics, patrol-jackets, Norfolk jackets, jumpers, cloth trousers, and serge trousers?" A.—"I can tell by making it up from my books and the master-tailor's measurement book, and will produce it when the Board meets to take stock." That evidence was given on the 24th October, 1888, by the prisoner, and the previous evidence was given by him on the 19th November. Then on the 4th October the following evidence was given. Q.—"When was the last issue of part-worn clothing?" A.—"There has been none since 1886." Q.—"Take numbers received from the contractors 1886, 1887, and 1888?" A.—"Tunics, 1886 to 1887, from Riley Brothers, 543; cloth trousers, 517; serge ditto, 540; jumpers, 541; Norfolk jackets, 540; patrol jackets, 9. That is all received from Riley Brothers. This does not include staff, merely gunners and band, except the nine patrol jackets. The staff garments are not shown. In 1887 to 1888, from Henderson and Co., 396 tunics were received, 425 cloth trousers, 438 serge trousers, 417 serge jumpers, 8 patrol jackets for sergeants, 433 Norfolk jackets for all ranks. From 1888 to 1889, 8 patrol jackets for sergeants, 50 cloth trousers and 50 serge trousers." Q.—"By whose authority do Staff-Sergeants Woodward and Brakespere draw compensation annually for patrol jackets, not being warrant-officers?" A.—"They do not receive compensation except by the Colonel's authority. Lists for compensation are forwarded to the Colonel, and he gives the authority. In this year, 1889 to 1889, is the first time the compensation-list has gone to the General; previously Colonel Roberts' signature was sufficient. The reason the contract was sent to the General this time was because the contract, being only for a small number of trousers, cloth, and serge, the Colonel said the matter had better go to the General." Q.—"Has the contractor or the master-tailor, since 1886, forwarded the warrant-officers any articles of uniform?" A.—"I can only answer by reference to the master-tailor's books and to my slips attached to the master-tailor's vouchers." Q.—"How are the prices, mentioned in the compensation-list for these officers, higher than in the last contract referred to by you yesterday?" A.—"The amount of compensation was referred to the contractor to determine. He fixed the price for each garment as shown in the compensation-list. He sent his vouchers to Colonel Roberts, by whom they were forwarded to the Paymaster and submitted to the General, and, being sent to my Department for reply to certain questions, I therefore knew that they had been through these channels before the account was duly paid by the contractor. The amount, some £65 odd, was authorized by the Colonial Secretary to be paid, hence same amount for individuals has been submitted for the current year. There was a great deal of correspondence before these amounts were put through and got sanctioned." Q.—"Warrant-officer Griffiths is marked in the clothing roll of No. 3 battery for the year 1887 and 1888 for both compensation in lieu of and clothing, which is correct?" A.—"Compensation." Q.—"Can you explain why some issues of clothing have not usual initials and others appear to have a spurious initial attached as though in receipt, namely, to Sergeants Woodbridge and Taylor?" A.—"In case of any man belonging to a battery, the non-commissioned officer or other that is entitled to clothing the battery quarter-master sergeant is authorized to sign or initial for the clothing. If the man is present he signs for the stuff himself." Q.—"Can you show the Board where the clothing for staff sergeants and sergeants and the band clothing is entered in your books as received from the contractor for the current year and for 1886?" A.—"I cannot show this information in the books before the Board." Then on page 42, September 11th, 1888, there are these questions:—"Can you produce any previous extracts of receipts and issues to those now before the Board for 1887 and 1888?" A.—"Yes, in the old clothing book now before the Board. The balance of clothing for 1887 is shown in this book by proceedings of the usual Board 6th July, 1887." Q.—"How many tunics have you in store at the end of each clothing year, taking 1885, 1886, and 1887?" A.—"I cannot state because my books are not balanced until the Survey Board has been held, which has hitherto been held at uncertain and various dates, namely, 6th July, 1887, and 13th August, 1888. There was no survey previous to those dates. I may state that I have balanced my books on 31st March, 1886. There was no survey in that year." Q.—"Can you produce the result of balance arrived at by you on the 31st March?" A.—"It is shown in the detailed account—the battery quarter-master sergeant, or individual." Q.—"Can you furnish the Board with the detailed account from which the tailors' account vouched for by you have been compiled—that is, to the amount of £765 15s. 2d., dated 15th August, 1888?" A.—"I cannot produce them; particulars are shown in vouchers before the Board. The master tailor keeps no books except the measurement book." Q.—"Can you give balance of tunics

on charge in store for commencement of the clothing years 1885, 1886, and 1883?" A.:—"I cannot for 1885, because that was the contingent year, and issues, &c., were so mixed that I could only for 1886 take what appeared on hand, namely, ten tunics. In 1887 there were 207 tunics in stock, and this year 136." Then on page 45, dated the 13th September, 1888. Q.:—"Can you explain the blue pencil marks apparently 'R' on an ink 'M' in the clothing books 1st November, 1887, for recruits, on 1st page of same?" A.:—"The pencil mark in blue is an 'M,' and the ink letter is the same inked in afterwards by order of the commanding officer of the Permanent Artillery by my clerk. Acting-Bombadier C. Loveless, Permanent Artillery, can explain." Q.:—"By whose authority has the item 'remaking' been introduced?" A.:—"The authority is quoted by garrison order of the 5th June, 1888, signed by J. A. Compton, Acting-Brigade Major." Q.:—"Why does the master tailor receive an all-round price for every suit of clothes issued, whether same requires alteration or not, and is this given in addition to extra charges for altering?" A.:—"When, as sometimes happens, a remake (charge 18s.) is made up of alterations to two or three garments, the master tailor does not get the stipulated 1s. besides the 18s. There is no charge between the 1s. and the 18s., and whether the term 'remake' is mentioned in garrison order, 5th June, 1883, or not; it has nevertheless been used in preferring vouchers, and acknowledged by the pay officers. About 75 per cent. of tunics of those sent are of such a bad kind that alterations are necessary to this extent." Q.:—"What supervision do battery officers exercise over fitting and alterations, and do they check the master tailor's charges?" A.:—"They do not check the master tailor's accounts. I prefer the master tailor's charges straight to the commanding officer, who naturally on my initial as correct, signs and forwards them to the pay office. A battery officer witnesses the marking by the master tailor for alteration, inspects to see if satisfactory. Any further alteration needed, the master tailor has to complete at his own expense." Q.:—"How is the material supplied to the master tailor's shop expended?" A.:—"It is supplied by Government, and is expended as directed by me. The whole of the master tailor's shop is under my sole charge and direction." Q.:—"How are articles supplied on purchase to officers and others recouped to Government?" A.:—"The accounts are forwarded, initialled by Colonel Roberts, or the commanding officer present, or the adjutant to the pay office. There is no money transactions on this item passes through me." Q.:—"How are the brigade quartermasters-sergeants' accounts checked?" A.:—"The only inspection and checks on my books is the annual general inspection, except from time to time. Occasionally Colonel Roberts has conducted a similar formal inspection, but this cannot be regarded as an inspection amounting to a check." On page 63 the following questions and answers given on the 18th September appear. Q.:—"Can you show the Board how the material used in making up certain garments for warrant officers has been accounted for?" A.:—"I cannot now, but with the permission of Colonel, can refer to the ledgers, &c., and supply information at the next meeting of the Board." Q.:—"Can you explain why a Norfolk jacket has been debited against Gunner Hoogh, No. 1 battery, for the present year, and compensation is about being claimed by him?" A.:—"This man was originally in for compensation, and then got permission from officer Commanding No. 1 battery to receive a Norfolk jacket. This Norfolk jacket was fitted to the man in the brigade store, and noted for alteration. I may state that with reference to this clothing, the compensation is not yet dealt with." Q.:—"Whose are the initials under this receipt of for a Norfolk jacket to Gunner Hoogh?" A.:—"They are those of Battery Quartermaster-sergeant J. Taylor—the erasure by knife was by me, and was necessitated by me for having to remove the 'C,' which was for compensation, in order to insert 1a for the issue of a Norfolk jacket for alteration." Q.:—"Did Quartermaster-sergeant John Taylor initial as now appears in the Norfolk jacket column in your presence?" A.:—"He, the Battery Quartermaster-sergeant J. Taylor put these initials in my presence." Q.:—"Is it general to get a requisition from battery officers?" A.:—"I get a requisition and give the orders to the master tailor, say cloth for instance, at end of month the account is balanced. No one can go to the master tailor for anything required to be done by him with Government stuff without my permission. Then on page 78 the following appears as taken on the 3rd October." Q.:—"How do you calculate the amount of compensation due to warrant officers. Are they allowed a higher rate than staff-sergeants, and are they entitled to a patrol jacket annually?" A.:—"According to schedule for contract for 1886 to 1887, tunics, £5; warrant-officer and staff-sergeants patrol jackets, £4; cloth trousers, 23s. 6d.; serge trousers, 14s.; they are entitled to a patrol jacket annually." Q.:—"Did Sergeant Woodbridge, No. 3 battery receive a patrol jacket 1887, and who signed for it?" A.:—"Yes the battery quartermaster-sergeant signed for it in the clothing-book for the year 1887 to 1888. It is usual on any occasion for the battery quartermaster-sergeant to receive any clothing for his battery, to sign the clothing-book when the recipient is not there to sign for himself." Q.:—"Is he entitled to one annually?" A.:—"He is not (he Woodbridge) to one patrol jacket annually." I notice Colonel Eden that when Webster was asked to produce any abstracts for previous issue for 1887 to 1888, he said "Yes in the old clothing-book now before the Board." The balance of clothing for 1887 is shown in this book by proceedings of the usual Board, 6th July, 1887? I think this is the book.

710. He had a book which he produced to the Board? It was a book produced to the Board by the conveying officer. I cannot remember whether he produced it or whether it was sent to the Board.

711. Can you tell me in whose handwriting the book is kept? No; I cannot.

712. Whose is the writing on the top of that page? It is apparently Webster's, but I do not know.

713. Can you form any opinion about it? I should presume that to be Webster's handwriting, but it is only presumption.

714. You believe that from the appearance of the writing? Yes.

715. And this? I should say that that is Webster's also. [Exhibit 36 handed into the Court, signed by the President, and attached to the proceedings.]

716. Whose writing are the pages handed in and marked Exhibit 36, in? On the first page everything down to the word clothing, is in the prisoner's handwriting, and everything on the next two pages is in the prisoner's handwriting.

717. Was that book before the Board of Inquiry? Yes.

718. Then on the same occasion you asked Mr. Webster whether he could furnish the Board with the detailed account of the tailor's bills vouched for by him, or rather of a detailed account of the material from which those bills were compiled, and he said "I cannot produce them." Particulars are shown in vouchers now before the Board. The master tailor keeps no books except the measurement book. Were those vouchers attached by you to the proceedings. I want to see them if they can be got. Do you know what has become of them? Colonel Eden? No sir.

719. They were appended to the proceedings, were they? They were appended to the proceedings, and sent back with them to the General. [Exhibit 37 handed in, signed by the President, and attached to the proceedings.] I believe these are they.

720. And whose hand-writing is that? I believe it is Webster's. These are vouchers, as stated in evidence, containing particulars of the master-tailor charges for the amount of £765 15s. 2d.

721. Can you tell me what book was referred to in the evidence as to the letter "R" over the letter "M"? I think this was the book. [Book shown to witness.]

722. Can you find the letters "R" and "M" referred to? No, I cannot.

723. The place that you showed me just now is the initials referred to on page 65 as being the initials of the battery quartermaster-sergeant? Yes.

724. And that is the item? Yes; the item indicated by a blue-pencil mark and a cross on exhibit 38. [Exhibit 38 handed in to the Court, signed by the President, and attached to the proceedings.]

[At 1 o'clock the Court adjourned until 2 o'clock the same day.]

At 2 o'clock on the afternoon of the same day the Court re-assembled, pursuant to adjournment. Present:—The same members as before.

Colonel Eden re-appears, and having been reminded of his former oath, is cross-examined through the Court by the Attorney-General.

725. *The Attorney-General*:—Colonel Eden, have you got your report here. Did you report as follows:—“The evidence—

Mr. Heydon:—I must object to this, Mr. President. My learned friend cannot put in the report sent or issued by that Board of Inquiry to the officer who convened it, because that report itself is merely the result of what the Board was told by other persons.

The Attorney-General:—If my learned friend will let me ask the question he will see what I was going to ask Colonel Eden. What I want to know, Colonel Eden, is this: After making this full investigation and examination of a great number of people, didn't you make a report which contained the following words, “That the evidence points out that no books have been kept by the master-tailor,” and so on. And then “that the contractor, except in cases of warrant officers, who get full amount as their uniforms are local manufacture, gives through one person cash compensation of two-thirds for non-supplied clothing, for which he receives full cost from the Government?” Yes.

726. Did not you also say that the casualty clothing is not of much avail for re-issue—“These items the Board ventures to consider material evidence that the present system is grossly cumbersome, not equitable to the public, or conducive to a good tone of economy or efficiency, besides offering opportunity for collusion, of which up to the present no advantage seems to have been taken.” You reported that, did not you? I did.

727. Now, on page 88 of the proceedings, I find in another report the following:—“That there has been during the period brought under the Board's investigation a great want of supervision over the battery quartermaster sergeant's department, the books of which have been kept in a disgraceful fashion, and are unreliable. The management of issue and fitting appears to have been under the discretion of the brigade quartermaster-sergeant and master-tailor, and at the option of the latter whether he would charge 3s. 7d. or £2 10s. per suit for fitting. The Board considers the worst phases under its investigation to exist in the very large number of men annually allowed to receive compensation, involving a continuous increase of unfitting garments, ultimately to be re-made, in order to fit men of different stature. This appears to have been carried on without any regard to serving the public interest. This is shown by the fact that fully two-thirds of the clothing issued is charged for as having been re-made at the full price of making garments from the piece; so that each tunic of each class cost from 17s. to 22s. in addition to the original price of the garment, and plus the 1s. allowed for alteration, and of course other garments in like proportion. The following example will illustrate the surplus expenditure: In the indent on contractor for 1886 warrant officers and first-class staff-sergeants are included. The clothing was made to measure, and forwarded to the barracks, but was not issued to them. They received compensation instead. The clothing remained in store until utilised for men of shorter size, at an enormous expense to the public, caused in the following manner: A sergeant's tunic and patrol jacket would be supplied by the contractor for £3 6s. 2d. and £2 16s. 6d., respectively, but the public pays the staff-sergeant 8s. 6d. for his tunic, and £6 1s. 6d. for his patrol jacket, and subsequently pays 22s. for altering the tunic and 30s. for altering the patrol jacket; thus bringing up the price of these articles to £9 7s. and £7 11s. when finally issued.” Did you report that? I did so.

728. On page 90 of the proceedings you go on further to report:—“The Board desires to record its dissatisfaction at the manner in which Sergeant Littleton gave his evidence, especially with regard to the number of hands he employed, and his weekly wage account.” Did you report that? I did.

729. Then, on page 92, I find these words:—“The Board views with astonishment the repeated evidence of all absence of supervision by the Adjutant of the battery quartermaster-sergeant's costly department.” Was that a part of your report? Yes.

730. “There is not authority for re-making garments, but the custom has never hitherto been challenged, and all charges of this nature have previously been paid on the signature of the officer commanding the corps.” Did you also report that? Yes.

731. Can you tell me with regard to these compensation lists—the lists sent in by the officers of the batteries, in which it appears that there is a column showing the two-thirds of the amounts of compensation—can you tell me from your investigations, or from what you have known as to the custom of the force, where the contractor gets the two-thirds from, or how he gets it. How is he to get it if he does not send a voucher for goods which have really not been supplied? The impression is that he gets the whole amount from Government, and stops the one-third as it is passing through his hands. That is the conclusion I arrived at.

732. And for how long do you believe that has been going on? For three years to my knowledge.

733. Have you ever heard of that custom being disapproved of until quite recently? I considered that the meeting of this Board of Inquiry was the evidence of the first disapproval of that custom.

734. But apart from the investigation of that Board whatever it may be worth, you have never heard of any disapproval of the custom at all? No.
735. How long have you been connected with the Force? Just over three years.
736. You reported this matter as one of the things which the Board of Inquiry have discovered by this investigation, didn't you? Yes.
737. Have you ever heard of it until you discovered it in the course of this investigation? Naturally I had some foreshadowing of the substance of the investigation over which I had to preside; but nothing previous to that.
738. Nothing, until some idea was given to you of what the practices were, that you were going to inquire into? No.
739. Well I suppose you knew that those practices were considered satisfactory? It was to inquire into a matter which was considered unsatisfactory, or the Board would not have been called upon.
740. Your report consisted of matters that you had ascertained as a result of the evidence that had come before the Board? Yes.
741. These matters you embodied in your report, and laid before the authorities, didn't you? I don't quite comprehend your question.
742. Certain evidence came before you as Chairman of the Board of Inquiry; from that evidence you ascertained certain facts didn't you? We arrived at an opinion.
743. The opinion was based upon the evidence I suppose? Yes.
744. You embodied these conclusions of yours in a report didn't you? Yes.
745. And laid it before the authorities? Yes.

By Mr. Heydon (through the Court):—

746. I notice from what my learned friend read out to you in the first report, that you stated that the present system was very cumbersome, and that it afforded opportunity for collusion, of which up to the present no advantage seems to have been taken, didn't you? Yes.
747. Did you also state this "The evidence points out that no books had been kept by the master tailor. His accounts having been merely attested by a warrant-officer that he appears to have drawn a money allowance for fitting garments whether they needed alteration or not, and that his charges appear to have been high, specially when coupled with the fact that the garments are supplied at the Government expense"? Yes.
748. Did you mention that a comparison of the master tailor's receipts with those of his predecessor show that the former drew in one year as much as the latter drew in two years? I said the substance of it.
749. Did you say this: "It seems to the Board that no compensation should be allowed to them for clothing that has been already requisitioned"? Yes.
750. In paragraph 7 of your second report on page 90 of the proceedings I find these words: "The compensation list for 1887, when compared with the amount of money paid by the contractor, £229 12s. 7d., shows a discrepancy of £9 12s. 2d., which Mr. Webster states was part of his compensation for the year 1887 to 1888? Yes. I reported that.
751. And in paragraph 8 of your second report on page 91 of the proceedings did you say: "A comparison of the master tailor's statement of the wages he paid, and the only profit he insists he made, with the amount he reluctantly admitted having received during the twelve months from the pay office, displays an unaccounted for balance of some £194 after allowing for his qualified second statement as to weekly wages; thus provoking a suspicion that collusion antagonistic to the public interest has existed. The Board probably in this and other items of evidence had to contend with the fact that witnesses were conscious of the fact of not being on their oath"—did you say that? Yes.
752. Then paragraph 9 of your second report on page 91 of the proceedings states, "Though in his after evidence he attempted to qualify his statement. The master tailor shows that alterations might be effected at a cheaper rate—yet he kept this to himself and continued by Mr. Webster's authority, he says, to extort the exorbitant charges that did not obtain in Mr. Behau's time" Did you report that? Yes.
753. Paragraph 10 of the same report is as follows: "If the statements of Mr. Whitehouse, Quartermaster Sergeant Taylor, and Bombardier Loveless are worthy of belief, no complete confidence in the veracity of Mr. Webster can be entertained." Is this correct? Yes.
754. The last paragraph of that report states, "That Mr. Webster states that he brought to the notice of his superior officers the improper manner in obtaining money the contractor enjoyed through the compensation system." Is that in your report? Yes.
755. This is paragraph 2 of your third report on page 107 of the proceedings: "The paymaster cannot produce any authority for passing these remake charges but appears to have taken the signature of the officer commanding the Artillery forces as sufficient." The practice commenced in January, 1885, so that I think you said there that the practice goes back for three years? Yes.
756. Paragraph 3 of the same report contains the following: "The vouchers are made out by Mr. Webster's clerk for Sergeant Lyttelton from a book kept in the Brigade Store by the clerk under Mr. Webster's supervision. Sergeant Lyttelton puts his name on them as the claimant, Mr. Webster initials them as correct, they are then presented by Captain Savage, the Adjutant, to the Officer Commanding, for signature, and are then forwarded to the paymaster, who signs as to 'castings,' &c.: hence it should appear that the authority vouching for correctness devolves on the officer commanding in the first instance, and in the second on the Chief Paymaster." Did you report that? Yes.
757. Did you say in paragraph 8: "The statements of Mr. Webster and Sergeant Lyttelton vary so much and so often that little reliance can be placed on either. Their evidence only proves they had a free hand as to expenditure and manipulation of Government property, and that there was no check to their charges for labour"? Yes.
758. Then in paragraph 11 did you report: "Sergeant Lyttelton acknowledges to have received the whole of the money, viz., £765 14s. 2d. from the Pay Office, but is at a loss to account for its disposition. He would make believe that he paid upwards of £600 in wages, but cannot produce receipts from his employees. He also avers that he alone had the handling of the money. He appeared staggered as to whether he had received the several sums amounting to this £765 14s. 2d., and denied the receipt of one

item of £108; but on the vouchers bearing his signature being shown to him *seriatim*, marked 'A,' 'B,' 'C.' &c., he acknowledges the signatures as genuine, and that he had received the whole sum. There can therefore be no doubt as to who drew the money from the Paymaster, but what became of the money, or how it was distributed, is yet a secret." Was that in your report? Yes.

759. And also this: "Mr. Webster's statement appears to be untrue, as both Colonel Roberts and Captain Savage deny the assertion"? Yes.

760. Do you remember anything about that statement? I think it was a statement to the effect that Webster had appealed to Colonel Roberts and Captain Savage in some matter connected with his duties.

761. Do you remember anything more about it? No.

762. Well, I will suggest; was it by Mr. Webster's statement that he had brought under their notice the improper manner in which the contractor obtained money for compensation? Yes; I think so.

763. He said that he had brought it under their notice, did he, and they both denied it? I believe that was it.

764. Then, with regard to paragraph 13 of your third report, you say: "Mr. Webster's application was evidently not formal or through his adjutant." What does that mean? It was an application for some books.

766. Then in paragraph 18 you go on to say, "A study of the tables attached to these proceedings will show that the master tailor cannot possibly have done all the work he has charged for, even supposing all the garments said to be made were made. The Board is of opinion that garments to a very large number said to have been made cannot have been made as they cannot be accounted for nor are they in store and they have not been issued; but the tables of figures will show the discrepancies, together with the probable amount overcharged by the master tailor and the number of garments and other material to be accounted for by the Artillery Q.-M. Department." Was that your report? Yes.

767. Are those the vouchers from 1 to 4 which you append to the report as a portion of the report? Yes.

[Exhibit 39 A, B, C, D, and E tendered, signed by the President, and attached to the proceedings.]

768. Did you furnish a supplementary report in these words: "After further comparison of books, &c., &c., the Board prefers the following as an addendum. On going over the whole of the battery clothing books the Board finds that a slight discrepancy between the numbers shown as issues and the numbers shown in table 1. The statement now tabled as 5 and herewith attached explains where the differences occur—that is, the figures at bottom of table 3, viz., 6, 3, 9, are items which may be set against Mr. Webster's deficiencies quoted in table 1."—Was that the supplementary report you sent in? Yes.

[Exhibit 40 handed in, signed by the President, and attached to the proceedings.]

769. Can you inform the Court how this table No. 1 was amended. We have got a number of tables here, and one of them, No. 5, is said to be an amended report afforded about the ledger? That is the final report.

His evidence is read to the witness, as directed by Rule of Procedure 81 B. The witness withdraws.

William Jesse, having been called and duly sworn, is examined by the Prosecutor, and says:—

I am accountant in the firm of Riley Brothers. This is Mr. T. P. Riley's contract with the Government the supply of military clothing for the year 1886. (Exhibit 41 handed in, signed by the President, and attached to the proceedings.) Mr. A. J. Riley took the contract in the first place, but it was transferred to Mr. P. T. Riley. The amount of that contract was afterwards paid to Mr. P. T. Riley; in addition to moneys paid for goods in the contract, money was paid to Mr. P. T. Riley for other goods. These are the amounts that were received outside the contract price. All these documents are made out by me except the third, which is made out by Mr. Webster. The first three are copies of each other. I made up these goods from memory. There is a voucher for £284 13s. 4d., and there are others which are stated to be for different persons. I must have got the information for making these accounts up from Mr. Webster. He is the only man that I dealt with in this matter at all. I received the sum mentioned in the first voucher, £284 13s. 4d., from the Treasury, and I gave £201 12s. 10d. to Webster. With regard to other vouchers which, according to my addition, comes to £51 15s. 6d., when I got that money from the Treasury I paid it in full to Mr. Webster. (Exhibit 42 handed in, signed by the President, and attached to the proceedings.) Sergeant Griffiths was sent direct to him at Dawes' Point. I find all the other money I paid direct to Mr. Webster, £83 0s. 6d., was the amount paid to me. We were under the impression that that was our profit on the transaction. I never saw anybody but Webster in the matter. I don't remember whether I had any conversation about this £83 0s. 6d. I should not have placed the matter before Mr. Riley to give a cheque for £201 12s. 10d. unless I had known that the thing was correct, and that it was the custom of the Force to grant this compensation money, and to obtain our own profit. In connection with the military matters I saw nobody but Mr. Webster. The third or fourth payment on that list will show that it was the custom for the contractor to retain his profit. I should not have done this unless I was assured it was perfectly regular and proper. Mr. Riley was only the contractor for one year.

Cross-examined by the Counsel for the defence:—

770. *The Attorney-General*:—Tell me what you did for the £83 odd?

Witness:—We made up the invoices and had clerical work to do for it.

771. So to make out an invoice for £284 13s. 4d. you got £83 0s. 6d.? Yes.

772. You got it from the Government? Yes; but we were a fortnight before we got it from the Government.

773. Oh! because you were a fortnight getting it from the Government you charged £83 0s. 6d.? Well, if we had supplied the goods we should have had that much profit, but inasmuch as the men did not require the goods, we thought we were entitled to the same amount of profit as though we had supplied the goods.

774. Then you didn't get it for making out the invoice? No; we got it as our profit.

775. Do you know that in 1886 the custom was to allow you to retain so much by way of your profit? Yes.

776. Did you ever hear until quite recently that no such custom existed? I always understood that it did exist. I never heard it questioned. We only had the contract for one year.

777. Do you know that it has been a custom to allow other contractors their profit? Yes, or we should not have done it in this case.

778. Mr. A. J. Riley never had the contract, had he; he simply tendered? He tendered and had the contract also.

Re-examined by the Prosecution:—

779. *Mr. Heydon*:—You say that since 1886 you have understood that the contractors were entitled to this—was that from what you were told in that year? Yes.

780. And it was from what you were told then that you made out this contract? Yes.

781. Did you understand that it was the custom that other contractors paid the men two-thirds and deducted one-third for themselves? Yes; that was the assumption.

782. Were you told anything about the profit? There must have been a list of the men entitled to compensation sent in to me.

783. Unless somebody had come to you about this matter you would not have known anything about it? No; I should not. Our indent was sent home for the whole amount.

784. You say you told my learned friend that the same arrangement was made with other contractors? Yes; I was told that it was a general custom for contractors to do this.

785. And you never heard it contradicted? No.

786. And you believed it? Yes.

787. You wanted some assurance that that pay voucher was a valuable document? Yes.

788. And you got that assurance? Yes.

789. Now, I notice the £54 13s. 6d. is a sum from which you did not retain anything. What were you told about that? I paid the whole of that to Mr. Webster, with the exception of Mr. Griffiths' portion of it.

790. And what was said about it? I cannot tell you what was said about it I am sure.

791. Do you remember whether you were told at the time that they were all warrant officers for whom that compensation was claimed? No, sir, I do not.

This evidence is read over to the witness as directed by rule of procedure 813. The witness withdraws.

William Arthur Goding, having been called and duly sworn, is examined by the Prosecutor, and says:—

792. I am a clerk in the Bank of New Zealand. I produce four cheques amounting to £229 12s. 7d., and two others that amount to £65 10s. These cheques came through our bank, and were paid through our bank.

[Exhibit 43 handed in, signed by the President, and attached to the proceedings.]

The prisoner declines to cross-examine this witness.

His evidence is read over to the witness as directed by rule of procedure 813. The witness withdraws.

At 4 o'clock the Court adjourned until 10 o'clock the following morning.

On Thursday, March 4th, at 10 a.m., the Court re-assembled pursuant to adjournment. Present: The same members as before:—

Captain and Adjutant Savage, New South Wales Artillery, being called and duly sworn, is examined by the Prosecutor, and says:—

This is a true copy of the attestation papers made by the prisoner on enlistment, and it is signed by me as such.

[Exhibit 44 handed in, signed by the President and attached to the proceedings.]

The Attorney General objected to the admission of the document.

The President disallowed the objection.

Witness continuing:—This is a true copy of the original document, of which it purports to be a copy. Both my name and the prisoner's name are at the foot. When a document of that kind is signed by a recruit and by me as a commissioned officer of the corps in which the man engages he takes an oath. This is a regimental clothing book, in the possession of the brigade quarter-master sergeant, (the prisoner now before the Court.) It is a book in his department. This is a stock book belonging to the same, and this is an old clothing book belonging to the same. These are all in the brigade quarter-master sergeant's department. The prisoner is the head of that department, and as the head of that department is responsible for the books and all the entries made in them.

[Exhibits 44, 45, and 46 handed in, signed by the President and attached to the proceedings.]

Mr. Simpson formally objects to the receipt of any of these exhibits by the Court, but the objection was disallowed.

By the Court:—The stock book is a book in which all the articles of the brigade store are entered, including necessaries such as socks, shirts, &c. It is, in fact, the quarter-master sergeant's ledger.

Mr. Heydon:—The prisoner did not tell me that the contractor for the supply of clothing was obtaining money improperly before the inquiry before Colonel Eden was held. Since that Board began its investigations he has told me of the manner in which the money has been retained by the contractor. He has not told me that the money has been retained improperly. I was not aware that the contractor obtained one-third of the value for compensation for clothing for nothing except making out the voucher for the Treasury. At least not until the beginning of these proceedings. I was a member of the original Board, of which Col. Eden was the President, and through Mr. Whitehouse's evidence. I first became aware of this matter. I have been adjutant since 1885, and have been in the force since November, 1878. The prisoner did not say before the Board of Inquiry that he had told the adjutant, when furnishing compensation lists, that for simply putting in his voucher, and getting his cheque, the contractor got one-third cost

cost of every article for which compensation was obtained. I do not remember whether there has been any compensation list furnished since the Board began its sittings in June last year. There may have been—possibly a list for warrant officers' clothing. It was immediately after the Board commenced its proceedings that the prisoner told me of these things. I informed the Colonel and he sent for the prisoner. The practice of giving full compensation to warrant officers arose in 1887 to 1888, and the authority was granted, so I was informed by the prisoner, by Sir Henry Parkes, I believe, and it amounted I think to £65 10s. I speak from memory as far as the date is concerned. I cannot say whether full compensation was granted to warrant officers before that; that was the first I knew of it. I have nothing directly to do with these clothing matters. They lie with the officers commanding batteries, who send them in their turn to the officer commanding the force. They are sent on to the contractor, who gets the money and who returns it through Mr. Webster to the officers commanding batteries, who pay it away to individuals. I have nothing to do with the clothing myself. The clothing has been kept in the brigade quartermaster's store; it is in his charge. I cannot tell how long the prisoner has been brigade quartermaster sergeant; but he has held that position ever since I held the Adjutancy, and I believe long before that. There are records from which you can get the information. He succeeded Lanaghan who is not now in the force. He went mad, and he is dead now. In the year 1886, to the best of my recollection, the prisoner, Brigade Sergeant-major Green and the superintendent clerk, Mr. Bennett, and the master gunner, Mr. Tristram, were warrant officers. I cannot say whether Griffith was a warrant officer in 1886. Sergeant Peterson has never been a warrant officer, nor Sergeant Lyttleton, nor yet Staff-corporal Almond. The last two entries in that compensation list are in the prisoner's handwriting I should think. [Exhibit 47 handed in is signed by the President and attached to the Proceedings.] The prisoner was responsible to the officer commanding the Brigade for his clothing. I have said that I was a member of the Board of Inquiry over which Colonel Eden presided. At first the evidence was chiefly taken down by me. I took it down correctly as the witnesses gave it. I took it down in narrative form and the witnesses had it all read over to them. The following evidence was taken down by me on 26th June, 1888, and is the evidence of Warrant Officer Webster:—"I am the brigade quartermaster sergeant of the N.S.W. Artillery. Clothing for the Artillery is usually obtained in the following manner. Previous to the establishment of the D. A. Q. M. G.'s Department, Battery size rolls have been called for through the Pay and Quarter Masters' Department; but since the establishment of the D. A. Q. M. G.'s Department the size rolls have been called for through that department. The clothing has been issued in bulk to the regiment after being passed by the Garrison Board. A regimental board has then been held before the articles have been issued to batteries or individuals. The clothing year begins on the 1st April in each year. Under the heading of clothing the rank and file are entitled to one cloth tunic, one serge Norfolk jacket, one pair cloth trousers, one pair serge trousers, one serge jumper, and two pairs of boots annually. Sergeants are entitled to one cloth tunic, one pair cloth trousers (these are of better quality than the rank and file cloth) one pair serge trousers, one Norfolk jacket, and two pairs of boots annually, and one cloth patrol jacket every second year. Staff sergeants, first class, are entitled to a better quality than sergeants, namely A quality, and receive one cloth tunic, one cloth patrol jacket, one pair cloth trousers, one pair of serge trousers, and two pairs of boots annually. After the clothing has been passed by the Regimental Board it has been fitted individually by the master tailor and marked for alteration where necessary and taken possession of by the Battery Quartermaster sergeants who sign my clothing book when they take the clothing. In 1885 to 1886 this custom was not followed owing to the troops having gone to the Soudan. The regiment for the time being was formed into a dépôt, and I took each man's signature in my clothing-book when his clothing was issued to him finally. The officers commanding batteries finally passed the clothing after alterations. Colonel Murphy finally passed the clothing in 1885 to 1886. The following scale of charges is allowed to the master tailor for subsequent alteration. Cloth tunics 1s. each, cloth trousers 6d., serge trousers 6d., serge jumper 6d., Norfolk jacket 9d. These amounts are paid to the master tailor whether the alterations are required or not. For any "extensive alterations" the following scale is allowed:—Rank-and-file tunics 18s. each, sergeants ditto 19s. 6d. each, staff-sergeants ditto £1 2s. each, band sergeants ditto £1 19s. 6d. each, band, rank-and-file £1 9s. 6d., sergeants' patrol jacket £1 2s., Norfolk jacket, serge 11s., jumpers 6s. 6d., cloth trousers all ranks 7s. 6d., serge trousers all ranks 7s. For making and sewing on chevrons 6d. per bar. For making and sewing on good conduct badges 3d. per bar; for sewing on numerals, per pair 2d.; for sewing on buttons, per pair, tunics 8d. each; Norfolk jackets 4d. each, jumpers 4d. each. Under the heading "extensive alterations" I should allow the full amount if the collar, cuffs, and sleeves were taken off and remade. It is almost impossible to fix every sort of alteration required; but from my knowledge of tailoring I assess an amount for the different alterations from the scale laid down above—the high rate as compared to that of the Imperial Service is rendered necessary from the enforced employment of civilian labour in the tailor's shop. The master tailor gets no allowance for altering or fitting any garment that is not issued from store. Then on the 29th, the evidence goes on "I produce the garrison order of the 5th June, 1883, which reads as follows:—" Paragraph 1, the Commandant approves of charges being made against the public at the undermentioned rates by the master tailor of permanent artillery for work done or to be done in connection with the mode of supplying and fitting clothing, namely, N. S. W. Artillery, making staff-sergeants' cloth tunic complete £1 2s., making sergeants' tunic complete 19s. 6d., making trumpeters and rank-and-file tunics complete 18s., making band sergeants' tunic £1 19s. 6d., making band and rank-and-file £1 9s. 6d. Jackets, making sergeants' cloth patrol jackets £1 2s. To all ranks, Norfolk jackets, serge (making) 11s., making to all ranks, jumper ditto, serge, 6s. 6d. Trousers, making for all ranks, cloth trousers 7s. 6d., trousers serge, making to all ranks, 7s. Chevrons, making and sewing on chevrons per bar 6d., making and sewing on good conduct badges per badge 3d. Embroidered shoulder numerals per pair 2d.; repairs, sewing on sets of buttons, tunics, 8d. per set, Norfolk jacket 4d. per set, jumpers 4d. per set. To fitting and alterations of garments at the rate under. Cloth tunics 1s. each, cloth trousers 6d., serge trousers 6d., Norfolk jackets 9d., jumper 6d. The material for making up or alteration is paid for by Government, and is ordered on the annual contractors by requisitions as required. This of course is extra to amounts laid down as above. Gas and fuel being also paid for by Government. The master tailor's accounts are afterwards handed to me and I examine them and certify to their correctness or otherwise and take them to the Brigade Adjutant for signature of the Colonel commanding. The accounts are then forwarded to the paymaster for payment. Copies of the accounts are filed in my office. At the present time there are employed in the master tailor's shop four civilians (men) and two females and three soldiers, including master tailor. Then on the 9th of July I produce the rough notes from which I make up the master tailor's bills, also
my

my clothing book, which shows the issue of all articles and the receipts of the same, initialled by individuals, wherein compensation has been allowed. A "C" is placed in the column of the amount paid for compensation, and the signature of individuals not receiving compensation are not shown in the clothing book but in separate battery compensation lists. I produce the battery compensation lists for 1887 to 1888, which show that the following accounts have been paid for compensation:—No. 1 battery, £46 5s. 4d.; No. 2 battery, £19 4s. 7d.; No. 3 battery, £154 10s. 6d. These accounts are paid by the contractor, and are at the rate of two-thirds of the value of the article as paid for by the Government. The articles for which compensation is claimed and allowed are stored in my store and used for recruits as they join or deducted in the schedule for the following year. The contractor is in no way bound to pay any compensation claims. It is purely a personal matter to the individuals to whom it is paid though it is paid through a recognized channel.

Question by the Court:

791. Can you explain to the Court how it suits the contractor to give a cash two-thirds compensation for articles not required by any individuals which would have been issued to him had he needed them from those delivered and paid for? No, I cannot. The contractors have never made any application for the return of clothing for which they have made compensation claims.

792. Those rough notes that were spoken of in the evidence that I have last read out were produced, I believe? I cannot tell that these were, though portions of them are in his handwriting. Articles made in the master tailor's shop should be requisitioned for through the officer commanding the mens' battery for whom the articles are made. The master-tailor, in furnishing his account for such articles, should get the amount initialled by the officers commanding batteries. His vouchers would then be made out in the quarter-master's store, vouched for as correct by the quarter-master sergeant, and then brought to Colonel Roberts by me for his signature before being paid. In the first place, there should be a requisition by the officers commanding batteries, because no articles are made by the master tailor unless they are for men of abnormal size or unless the clothing has run out. A man of abnormal size is a man beyond the size of an ordinary gunner. I should hardly call Mr. Green a man of abnormal size. Though very tall, I should call him a fine, well proportioned man. Any alteration, or any making of clothing should be requisitioned for by the officers commanding batteries. The initials should be recorded by the battery quarter-master sergeant, so that he ought to have the records for the man's own protection. The battery quarter-master sergeant should examine the master tailor's vouchers and certify as to their correctness or otherwise before passing them on to the officer commanding the battery. With regard to the compensation of £16 7s. 6d. allowed to each warrant officer in the year 1887, the prisoner made a communication to me. He said that certain warrant officers had not been issued their clothing. The prisoner informed me that the clothing for these warrant officers had not been included in the schedule. The man interested either wanted compensation or clothing, and in the end they decided to claim compensation; and as there was nothing about these warrant officer's clothing, what was to be done? The prisoner was told to get a quotation from Henderson & Co. for these men's clothing. They said they would be willing to make the clothing for £16 7s. 6d. The matter was referred to the Colonial Secretary, and I was informed later on by Mr. Webster that the approval of the Colonial Secretary had been obtained; that the contractors had the money; and a request was made by the prisoner for authority to draw this money, which I accordingly gave him. The contract schedules for each year were prepared by the prisoner and submitted to the officer commanding. It was a matter that required a little going into, and I have been present during the time I have been adjutant, when the matter has been under consideration. The prisoner is mainly responsible for presenting the schedule for the approval of the officer commanding before it went on. It is a departmental business. I cannot say of my own knowledge that in the year 1887 any warrant officer's clothing was imported. I cannot say of my own knowledge how the warrant officers clothing was omitted from the contract. There was no reason whatever for it, as far as I know. The result of their omission was that the warrant officers, instead of getting £8 13s. 6d., as in the previous year, for compensation, got £16 7s. 6d.; but I cannot say who was responsible for the omission of this from the schedule. The prisoner used to draw up the schedule with the Colonel and myself. It was a matter of detail; it had to be gone into rather closely. I did not cause that omission in any way. I never looked on it as part of my duty to look after the clothing. The report as to what the contractor would charge for these things I obtained from the prisoner. I made no inquiries myself about it. I believe there is the absolute quotation in existence. I think that Webster produced a letter from Henderson, saying what he would make these things for; at least, that is the impression I am under. At all events it would not be a record of my department. If in existence, it ought to be produced by the brigade quarter-master sergeant, as it was in his department. I never authorized in any way the master tailor's making the same charges for "re-makes" as for "makes;" or, in other words, I never authorized him making the same charges for extensive alterations as for making the whole garment. It would not be any part of my business to authorize that. Only after these proceedings had begun was it that I heard of such a thing being done. In the year 1886 the warrant-officers were included under the head of sergeants and staff sergeants, and Brigade Quarter-master Webster was included in the contract also. I cannot say whether he took compensation for that year. The clothing imported for him, if he did take compensation, would remain in the store to the credit of the Government. The following year he took compensation again, but the clothing would not necessarily be in his store. It might have been used up during the year. A man might have been promoted from the position of sergeant to staff-sergeant, and in that case he could make use of the articles for him. Any such transaction as that ought to be recorded in Mr. Webster's stock book. I produced to the Board that was inquiring into these matters some documents. I furnished the Board with a return of the deceased casualties during the years 1886, 1887, and 1888. The warrant officers are attached for pay and rations to No. 3 battery, I think, but not for clothing; and, to the best of my knowledge, there are three Petersons in the force. Sergeant Peterson is no longer sergeant—he has been reduced to a gunner; and there is an acting bombardier called Peterson. In 1886 there was a Corporal Peterson, and he was the same as Sergeant Peterson. I cannot say whether there were three Petersons in the force in 1886. I think I can identify his handwriting. To the best of my belief that is the signature on the compensation roll for 1886. The whole of the warrant officers in 1887 did not take their compensation. I cannot say whether two of them did not. Although they only got compensation the year before for £8 13s. 6d., in the following year they got £16 7s. 6d. for the same garments.

garments. The point was raised in the usual regimental manner, and the money was allowed, that is all I know, as to whether it will be allowed or not, for the following year. I do not know the question has not been decided. The garments that come out for staff sergeants and warrant-officers in 1856 went into Webster's store. They were never issued. Next year those garments could have been issued to them if they wanted compensation that year as long as they had never been issued. It does not follow that because they did not choose to take the garments in the hope of getting £8 13s. 6d., that they would get £16 7s. 6d. I cannot tell you how it came about that the prisoner's clerk came to have a duplicate key for the brigade store. I did not direct that he should have a duplicate key. How he came to sleep in the brigade quartermaster-sergeant's office was at the personal request of the prisoner, as a better means of looking after the valuable clothing there. It seemed a reasonable request, and it was granted to him. The store is at the Victoria Barracks and at the Brigade Office. The prisoner does not live in barracks. He is a married warrant officer, living out of barracks with permission. He lives at Ashfield. The store is in rather an isolated position. I cannot give you any idea when it was that he asked for this man to sleep in the store. It has been since we have been located at the barracks. He never complained to me that that arrangement in any sense diminished his responsibility. He never said that his responsibility was any less on that account. He never said that the issue of this duplicate key gave him less security for his department. He has had an opportunity of making such complaints to me if he liked. He complained to me latterly of carelessness on the part of his clerk, but not before the institution of these proceedings, only since this inquiry began. He said his clerk was careless, and that through several mistakes of his in the returns, he had been rapped over the knuckles, and I advised him to get rid of the clerk. His excuse to me for not doing so was that he had had some little trouble in training him for his duties. It requires a man of some little education, and that particular bombardier possessed the required amount. He could not have got rid of him out of the force because he did not think he was sufficiently careful, but the man might have been sent on to some other duty. It was not for Webster to get rid of him himself, but the officer commanding would not have foisted a clerk on to anybody in Webster's position if he had not thought him suitable. I think the man gets 6d. a day extra for helping the quartermaster-sergeant. I do not know, as a matter of fact, that he got anything. I should not think that a man that gets 6d. a day would take any responsibility on himself.

793. *The President*:—Do you wish to cross-examine the witness, Mr. Attorney-General? *The Attorney-General*:—Yes, sir, I do.

Cross-examination:—

794. *The Attorney-General*:—Webster never insinuated that this man has been dishonest? No. Simply that he could not personally attend to all these details, and that sometimes the clerk had to do it in his absence.

795. Was not that the subject of his complaint? Yes.

796. And that through his clerk doing things wrongly he (the warrant-officer) got called over the coals? I think you said that Webster was anxious that everything should be looked after; and as the store was in an isolated place he asked that the clerk might be allowed to sleep there? Yes.

797. And the clerk did sleep there? Yes.

798. Had not Webster to leave the barracks occasionally? Yes; he had to leave the barracks every afternoon at 3 in order to go to Kidman's, the contractors.

799. And he has other outside duties to attend to also? Yes; he has very responsible outside duties.

800. And they would take him away from the barracks? Yes.

801. Frequently? Yes; he would have to go on parade, and see to stores on the Governor's guard, and also at out districts. The stores on the Governor's guard are looked after by us, and there are also daily complaints, and he has got to go and see after them.

802. When he told you, as you say, after the commencement of the investigation, the custom was, in respect of the contractor keeping one-third for himself, he never suggested that there was any impropriety in the thing? No; he referred to it as a matter of custom.

803. Was it not at that investigation that, as far as you recollect, you first heard of this custom being questioned? Yes. Upon Mr. Whitehouse's evidence.

804. The first time you ever heard the custom questioned, if it was a custom, was upon the investigation before the Board of Inquiry? The first time that I ever heard that the one-third was given to the contractor was at the investigation.

805. And the first time that you ever heard of it being questioned was at the investigation? Subsequent to the investigation, when Webster, myself, and the Colonel, were in conversation about it.

806. You know Colonel Airey don't you? Yes.

807. He was in command of the forces at one time, was he not? Before I joined.

808. Did you know Captain Fitzsimons? I have heard of him, but I did not know him personally.

809. Do you know when he died? I do not.

810. Have you ever heard of Colonel Airey and Captain Fitzsimons going to General (then Colonel) Richardson, and asking him about this matter of compensation, and the General saying, "make the best arrangements you can with the contractors?" About three weeks ago I was standing at the side gates of the barracks with Lieutenant Le Mesurier.

Mr. Heydon:—Does the Court think that a conversation took place three weeks ago between the witness and another officer can be given as affecting the knowledge of the Major-General.

The Attorney-General:—I have asked you to call the Major-General long ago, and you do not seem inclined to do so.

Mr. Heydon:—If ever hearsay evidence was objectionable I think it is objectionable here. My learned friend says that he has asked me to call Major-General Richardson, but surely there is nothing to prevent my learned friend calling him himself if he likes.

The Attorney-General:—I shall not ask Captain Savage about the conversation at all.

Witness:—I cannot answer your question more directly. I was going to say that I heard —

Mr. Heydon again objected.

The Attorney-General:—I want to ask him if he has ever heard of Colonel Airey and Captain Fitzsimons going to General Richardson when he was Colonel Richardson about this matter. I have heard that there was such a custom, and now I want to find out if it was authorized by Major-General Richardson. Now, not that the General knew exactly what it was going to be, but that he gave a sort of authority

authority to Colonel Airey and Captain Fitzsimons to do what they thought best with the contractor. I have already got Colonel Airey to say that he had a knowledge of such a custom, and now I want to show how such a custom originated.

Mr. Heydon :—If my learned friend wants to prove this matter he must prove it in a proper way. He must call Major-General Richardson himself.

811. *The President* :—Can you answer that question of your own knowledge? I can tell the Court what Colonel Airey informed me, if that will do.

The President :—The Court are agreed unless the witness can answer of his own knowledge, he cannot give any evidence on that point.

812. *The Attorney-General* :—Then I ask you this. "Did Colonel Airey himself tell you that he had done this very thing, that he had gone with Captain Fitzsimons to General Richardson when he was Colonel Richardson, and got authority to make the best arrangements he could with the contractors?"

Mr. Heydon again objected.

The Attorney-General :—I am told that I asked Colonel Airey this very question yesterday. I have no distinct recollection of it myself, but if I did, then I say I have a right to contradict what he then told me if I like.

The President :—The Court disallows the question, Mr. Attorney-General.

The Attorney-General :—Then I shall ask the Court to recall Colonel Airey.

The President :—You may interpose him now if you like.

Witness :—I wish to correct a statement given in my evidence with regard to the schedules being made up by the prisoner. The size-rolls are made up by officers commanding batteries, and forwarded to the Brigade Office; and the prisoner has generally attended with myself before Colonel Roberts when these size-rolls have been gone into. The size-rolls are then sent forward as received, and the schedules are made up from them in the Treasury.

His evidence is read to the witness, as directed by rule of procedure 81 B, and the witness withdraws.

Lieutenant-Colonel George John Airey, New South Wales Artillery, appears again before the Court; and being reminded of his former oath, is further cross-examined by the Attorney-General through the Court:—

813. *The Attorney-General* :—Colonel Airey, yesterday I asked you whether you had not gone with Captain Fitzsimons to General Richardson (then Colonel Richardson) and spoken to him about this matter of compensation, and whether he did not tell you to make the best arrangement you could with the contractor;—you said that you did not remember having gone to him, but you might have done? Yes.

814. Now I want to know whether you didn't say in the presence of Captain Savago, within the last three weeks, that you had gone to the General when he was Colonel Richardson and spoken to him about this matter of compensation, and that he had told you what I have said? I cannot say whether Captain Savago was present or not. I said to Colonel Roberts —

815. Did you say the same thing to Colonel Roberts? Not in those words exactly.

816. Now, Colonel Airey, I must ask you to answer this question.

Mr. Heydon objected to the course the Attorney-General's cross-examination was taking.

The President :—I think the Court will ask the question. (*To Witness*) :—Would you answer this question, Colonel Airey, yes or no, that Mr. Attorney-General will put to you? I do not think it is a fair way to put it.

817. Oh, that is for the Court to say? I will not answer unless I am allowed to explain.

818. *The Attorney-General* :—Have you been thinking about it since you went outside? Yes; I have.

819. Didn't you say to Colonel Roberts within the last three weeks that you had actually gone to General (then Colonel) Richardson with Captain Fitzsimons to ask him about this matter of compensation, and that he told you to make the best arrangement you could with the contractor? I don't think those are the words that I used.

820. Will you swear it? I believe I did not say it in those words.

821. Now, will you swear that you did not? I believe I did not use those words, but I will not swear that I did not.

822. Well, what did you say? I said that both Major Fitzsimons and myself received the sanction of the General to make arrangements for compensation.

823. Why didn't you mention that to me the other day when I was asking you these things? Because you didn't ask me.

824. Is that your reason? I didn't know what you wanted to bring out by your questions.

825. Were you speaking about the compensation of the men? I was speaking about the compensation of men in my battery.

826. Was there a question of compensation or payment to the contractor or compensation or payment to anybody else except the men mentioned in that conversation? Only of compensation to the non-commissioned officers and men.

827. Did the word contractor appear at all in your late conversation with Colonel Roberts? I don't think so.

828. Did you say to Colonel Roberts that you and Major Fitzsimons had had permission from the General to make the best arrangements you could with the contractor for compensation? Yes; that is the substance of it.

829. Was what you told Colonel Roberts the fact? Certainly.

830. Can you tell us the time of Major Fitzsimons' death? Not exactly; I think it was about 1833.

The President :—That can be found out, Mr. Attorney-General.

His evidence is read to the witness, as directed by rule of procedure 81 B. The witness withdraws.

At 1 o'clock the Court adjourned until 2 o'clock the same afternoon.

At Two o'clock the Court reassembled, pursuant to adjournment. Present—the same members as before.

The President:—It comes to the knowledge of the Court that Captain Fitzsimons died with the rank of Major, in November, 1882.

Captain Savage is recalled, reminded of his former oath, and the cross-examination continues.

831. *The Attorney-General*:—Captain Savage, you have said to-day, positively, that Webster never called your attention to the manner in which the contractor was being paid, or rather to the way in which he was in the habit of deducting one-third? Not until the proceedings before the Board of Inquiry commenced.

832. Do you remember when you were examined before the Board of Inquiry, in October, 1888, did you not then say that you had no recollection of his having drawn your attention to the matter? If it is on the proceedings of the Board, I said it.

833. And I suppose your recollection would have been better then than it is now? I don't see that it would. Since those proceedings were instigated my mind has worked a good deal upon these questions.

834. You know when one's mind dwells upon a question for a long time, that one is very likely to become imaginative? Yes; but placed in the position that I am now in, on my oath, where my recollection affects the prisoner, I have been particularly careful as to my answers, and have spent a good deal of time in assuring myself of the facts and thinking over all that has transpired between myself and the prisoner.

835. Just look at that copy of the proceedings and see whether you did not say that you had no recollection of the prisoner having drawn your attention to the fact that the contractor deducted one-third? I did say that.

836. Had you any knowledge at all as to how these compensation claims were paid before the investigation? Not as a matter of fact; my impression was that they were paid through the paymaster to the contractor, and not by the Treasury to the contractor.

837. So that you really have not any knowledge at all about this proceeding? Not about the one-third being retained.

838. No! You didn't even know whether it was the Treasury or the paymaster who paid the contractor? No.

839. Do you find you are wrong about that belief? Yes, sir.

840. Do you know that there was an inspection of the books of the prisoner by the General himself? I have heard so, although I was not present with the brigade at the last general inspection. I was told off for special duty at Middle Head. Captain Milward was then the Acting Adjutant, and I cannot say of my own knowledge.

841. There is generally an annual inspection of the books by the General, is there not? Yes.

842. Do you, of your own knowledge, know that Webster ever paid away money for which he did not obtain receipts? Yes; frequently.

843. Not his own private money, but public money? Yes; public money. I have also known that Mr. Webster has on one or two occasions advanced money out of his own pocket to meet the pressing claims of men who are looking for such moneys as ration moneys.

844. Had he a great deal to do as Brigade Quartermaster-sergeant? Yes; at times his duties were very onerous.

845. During the time you have known him what has been his character? I have always found him to be an excellent reliable man.

846. And strictly upright and honorable in everything? Yes; in everything in which I have had anything to do with him.

Re-examined by the Prosecution:—

847. *Mr. Heydon*.] You said to my learned friend that the time of the inquiry before the Board was the first time that you had ever heard the custom questioned. Was it the first time that you had ever heard of the custom at all; I mean the custom by which the contractor retained one-third of the compensation-money? Yes.

848. You say that you have known the prisoner to pay away public moneys without getting receipts. Was that a proper thing for him to do? Well, I hardly understand the meaning of the question. Was it the recognized thing by the authorities do you mean?

849. Well, was it a proper thing to do? It was a foolish thing to do—foolish for the man's own sake.

850. In paying away these moneys without getting a receipt for the payment. Do you know whether any record of the payment would be kept? The particular monies I am alluding to are moneys paid away in lieu of rations.

851. I take it that where public moneys are dealt with and paid away there should be a record of the payment. Do you mean, when you say that it was paid away without a receipt being obtained, that there was actually no record of it? No; there would be a record of Webster's obtaining the money for disbursement.

852. But ought there not to be a record of the disbursement? It is not in my department. I cannot say.

853. Did the prisoner ever apply for any books to you? No; not to my knowledge.

Examined by the Court:—

854. You say that the compensation for the warrant-officers amounted to £16 7s. 6d. each, and that it was made out in the way you have described, and received sanction and so on? Yes.

855. Now the next year was not the money for warrant-officers made out in the same way? Upon the same basis.

856. And the amount ascertained in the same way? I cannot ascertain that.

857. Was it not made out for that year in the same manner and forwarded to the Major-General for sanction? It was made out on that basis, and to the best of my recollection it was forwarded in the same manner by Colonel Roberts to the Major-General for his sanction.

858. How far did your duties as adjutant bring you into contact with the prisoner as regards clothing, or perhaps I had better put it to you in another way—what are your duties in your present position? My duties as adjutant, I take it, are to look through all the correspondence passing through, and to the best of my ability to ascertain when all the vouchers that come in for the Colonel's signature are correct, and

and generally, in a military sense, to be looked on as the voice of the colonel; to see that his orders are being carried out; to see that nothing is going on wrong; and if it will help the Court I will hand in a letter which will explain my position I think, and also that of the quartermaster-sergeant.

859. Is that letter in your handwriting? No; it is a copy of a letter which was addressed by the officer commanding the artillery to the General upon Mr. Webster's promotion.

860. Does it define both your duties? It defines the prisoner's duties.

861. Well, can you answer the question now. Do your duties as adjutant bring you into contact with the prisoner in regard to the safe custody of the clothing and the keeping of the clothing account? No; I have nothing to do with the clothing account, nor yet with the safe custody of the clothing.

862. Just now we have received certain books for which you have vouched as being responsible? No, sir; I hope the Court did not understand that I am in any way responsible for those books.

863. That is what I want to know. You are not responsible to the officer commanding for the clothing or the accounts? No.

864. Do not all official papers pass through your hands, and are not they placed by you before the commanding officer? Yes, they should, but it frequently happens when I am away on duty that papers are passed directly to the officer commanding.

865. Would there be no record of them? Yes, there would.

866. It was mentioned that the officer commanding should sign an order for clothing;—can you tell me on what paper those signatures should be? They should be on the vouchers, I think; there is an order to the effect that the officers commanding batteries should initial for all orders; I can produce that order if you like.

[Order produced and read by the President.]

867. That means Colonel Baynes before he was Chief Paymaster? Yes; he was then called Brigade Pay and Quartermaster; that order has been to a certain extent modified by this memorandum, issued on the 29th of August, 1883.

[Memorandum produced and read by the President.]

868. You say you have been Adjutant since February, 1885;—since then, has that order been carried out? Not in its entirety.

869. Can you tell me to what extent it has not been carried out? I have no recollection of seeing anything of the rolls referred to here since I have been adjutant.

870. Would it not have been your duty as adjutant to have seen that these orders were complied with? I can only say that since I took over the adjutancy I was informed by Mr. Webster of the usual custom in regard to these matters. I deemed it no part of my duty to interfere with the standing custom of the regiment at that time.

871. You carried on the custom as it was told you by the brigade quartermaster sergeant? Yes. There is one part there which says you are to refer accounts quarterly, but Mr. Webster said that it would complicate accounts, and it was better to send monthly instead of quarterly returns.

872. Was there any suggestion made by the commanding officer about these orders not being complied with? No, not that I am aware of.

873. You talk about the orders for the warrant officers' clothing having gone through your hands to get the signature of Colonel Roberts, and then going on to the General to be forwarded to the Colonial Secretary;—should these vouchers not have come back through you before you gave authority for the payment? In the ordinary course they ought to have come back.

874. But you have no recollection of seeing these vouchers again after they left your hands for the first time? Never.

875. Can you tell me how the staff of the New South Wales Artillery draw their clothing or compensation, and who pays it? They draw it through the brigade quarter-master sergeant, but I don't know who pays it.

876. You don't know who pays it? No.

877. It is left, as far as you know, entirely to the brigade quarter-master sergeant? Yes, sir.

878. Did the prisoner ever complain to you that he was overworked—that there was more work than he could well do? Yes; the prisoner has informed me from time to time that he thought his work was very heavy.

879. Did he ever ask for more assistance? He has asked for extra storemen.

880. And was that assistance supplied to him? Yes.

881. Did he ever apply to your knowledge for an increased rank of quarter-master, seeing that the duties were such as to warrant a quarter-master's position? No, sir; he applied for warrant officer's rank.

882. And he got that? Yes.

883. Did he never apply for the position of quarter-master? He might have done, but I have no recollection of it.

884. Amongst the books that we have in evidence there is no book or ledger containing the master-tailor's accounts;—are you aware whether the prisoner ever had such a book? The prisoner once produced a book to me purporting to be an account of the master-tailor's.

885. You have seen such book? I have seen that book.

886. Did you examine it at all? No; beyond looking at it, I never considered it any part of my duty to look into these books.

887. Although you were not in any way apparently in charge of the clothing account you have told us something about the prices—in fact we have had documents before us showing that the cost of a tunic is 19s. 6d., and the cost of remaking that tunic, which has not been worn, is authorized as 18s.;—do you know who authorized this scale? No.

888. When the compensation lists come in from the various batteries you say that all the documents as a rule go through your hands? Yes.

889. Can you remember these documents bearing the colonel's initials? The documents I allude to are those for compensation for Battery No. 3;—did they pass through your hands? No; I cannot remember that they ever passed through my hands, but in the ordinary course they would have passed through my hands.

890. To the best of your belief, is it likely that corrections would be made before or after the officer commanding initialled certain vouchers for compensation? They would have been made before; every correction should be made before it comes to us and initialled by the officer or other person making such correction; that is the usual custom.

891.

891. Can you tell us how these vouchers are submitted; have you any knowledge of your own? No; only what I have known since the Board of Inquiry.
892. Well there are several corrections in red ink on this copy which is initialled by Colonel Roberts and Colonel Murphy; who are they likely to have been made by? I should say by Colonel Murphy.
893. Do these lists come straight from the officers commanding batteries to the officer commanding the force? Yes.
894. Is it the custom for the officers commanding batteries to sign them at once, or to pass them over to pass them over to the brigade quarter-master for correction? That I cannot say; when they are received they are registered and passed through the brigade department to be registered in the departmental registers before being submitted to the Colonel.
895. So they may have been registered in the quarter-master's department before being seen by the Colonel? Yes, that would be the proper thing.
896. So that if these corrections have been made before Colonel Roberts saw them they would be initialled? Yes, although they may have been passed over.
897. Would you pass corrections that were not initialled? Not in an ordinary sense; I might by oversight.
898. Are these compensation lists filed in your office? Copies are kept in the brigade quarter-master-sergeant's office, I believe.
899. Yes, but are the copies of them under your control? No, but I can get at them at any time by calling for them.
900. *By the Court.*] Do you remember any order being issued for destroying any clothing that was condemned by any board; either a board in 1886 or 1887? I don't remember any brigade order being issued to destroy such clothing, but instructions were given to members of a certain board to destroy certain clothing.
901. That would be on the face of the proceedings of the board? Yes.
902. And was there any authority given them to strike off charge of the clothing destroyed in that way? Not that I know of, but I should imagine that the authority to destroy the clothing would be synonymous with the authority to strike the clothing off charge.
- [His evidence is read to the witness according to Rule of Procedure 81 B. The witness withdraws.]

Thomas Lovedale Nicholson having been called and duly sworn was examined by the Prosecutor and said:—

- In the year 1879 I was the contractor for clothing for the Permanent Artillery; when the tenders were called in the first instance, the clothing was all made in the country; we had to make it to fit to the satisfaction of the officer commanding battery; there was a probable number, not the exact number as there is now; there was a probable number of the warrant officers' clothing required; we imported all the fittings that would be required—the gold lace and so on; after the goods had arrived, I found that there were a number of men entitled to what was called compensation; the men used to parade, I have seen them myself, before the commanding officer, with their tunics on, and if they were passed as correct, they had an order upon me as contractor, and I gave them two-thirds of the value of the tunic and trimmings; the full value of the tunic and trimmings at that time was something like £5; £1 18s. I think; they received two-thirds; I got the order and was paid the full amount from the paymaster, Major Baynes; the money did not go through the Treasury at that time; in some cases where the men preferred it, they got private clothing, and in that case they got the full amount of the value in claiming, as the one-third came out of the amount as profit; in those days we used to make the clothing in the Colony, and if the man got compensation we did not make or deliver his suit at all; this compensation was never mentioned in the contract at all; the suits would be in the contract; there was a probable number named; I had to make the things fit; I did not get anything extra for making the things fit; supposing it was a very bad fit, the commanding officer would very soon send it back to me; we did not send any vouchers for remakes in those days, as there were no remakes; these orders the men brought down to me were for clothing included in the contract; I gave them two-thirds, and got one-third; or, if they got a private suit of clothes, then I gave them the full money, because I got the profit upon the private clothing.
903. *The President.*] Do you wish to cross-examine the witness, Mr. Attorney-General? *Attorney-General.*] Yes, Mr. President.
904. *The President.*] They were all "makes," then? *Witness:* Yes, all "makes."
905. In 1879, when you asked to keep back for yourself one-third, what used you to do for the one-third? I had the cloth and trimmings in my hands.
906. Which you could make up for next year? Well, if I was lucky enough to get the contract. The blue cloth was only available for regimental clothing, and it is hard to get rid of the trimmings.
907. At all events you did not supply anything for that one-third? No.
908. Who was the man with whom you had to deal? Mr. Webster was one, Swinbourne was another, and Davey was the third.
909. Have you heard of a man called Lannigan? I heard of Lannigan, but I do not remember having had any dealings with him. The other three men were battery sergeants.
910. You said there was no mention whatever in the contract about this compensation? Yes, I said that.
911. According to the contract you had to supply a probable number of clothes? Yes.
912. You might have to supply 100, or you might have to supply 150? Well, I suppose they could have compelled me to have done it.
913. But you could not compel them to have taken any particular number at all? No.

Examined by the Court:—

914. Did you retain that one-third for yourself? Decidedly.
915. Was it upon those probable quantities that you tendered? Decidedly.
916. You mean in the expectation of getting them? Yes, I took the chance of it.
- [His evidence is read to the witness as directed by Rule of Procedure 81 B. The witness withdraws.]

No. 1093. First-class Master Gunner Tristram, senior warrant officer New South Wales Artillery, having been called and duly sworn, was examined by the Prosecutor, and said :

I did not get compensation in lieu of clothing in 1887. I did not get the clothing instead. I got a portion of my clothing. I claimed compensation for a tunic and never got it. I never had any conversation with prisoner about how it was that I did not get that compensation. However, I never got it. In the year 1886 I got compensation I got £5 odd. That is my signature. Now I know that the exact amount of compensation I got was £5 15s. 8d. in the year 1886. I was a warrant officer in 1886. I believe it was Lieutenant Bridges gave me the £5 15s. 8d. I said I would sign it and take the money, but that that would not deter me from finding out why I did not get more. That remark was made to the officer who paid me. I have not received the difference from that day to this.

The Attorney-General :—What particular charge has this reference to ?

Mr. Heydon :—This is the eleventh charge.

The Attorney-General :—This eleventh charge is, obtaining an excessive sum of money for himself and other warrant officers, and as far as this evidence has gone this witness was a warrant officer who received a smaller sum of money than was his due.

Mr. Heydon :—If I find that a warrant officer gets two thirds the value of his clothing, and I find that he is entitled to two thirds, then I prove that two thirds is what a warrant officer should get for his clothing.

The President :—What I understood from Mr. Jesso's evidence yesterday was that the prisoner drew from him the whole of the warrant officers' money, amounting to £8 odd for each warrant officer.

Mr. Heydon :—Yes, he drew the full amount. But we say that he only paid a portion of it, leaving a balance in the prisoner's hands unaccounted for. Here is a statement in the prisoner's handwriting to the effect that the warrant officers are entitled to two thirds, and yet we find him in the following year claiming the whole of the money for himself and the other warrant officers.

The Attorney-General :—In reply to what my learned friend says to the effect that that paper was evidence under the eleventh charge of the prisoner having obtained an excessive sum of money for himself and other warrant officers, I should like to point out that he also says in 1887 he obtained for warrant officers the full amount of their compensation, whereas he ought only to have obtained, according to his own entry on that paper, two thirds. Then my learned friend says that inasmuch as he ought to have obtained two thirds when he got the full amount in 1887, therefore he obtained an excessive amount. Now I maintain that that is quite immaterial, because that refers to 1886, and the evidence for the prosecution shows that in 1887 the warrant officers for that year were by the direct authority of the Colonial Secretary allowed their compensation in full. Surely this evidence cannot prove us guilty under the eleventh charge. I certainly submit that it is quite immaterial.

Mr. Heydon :—The question is not that the Colonial Secretary authorised this money, but how he authorised it.

The President :—The Court disallow the objection.

Witness continuing.] I have been here nearly five and a half years. There were no warrant officers in the corps when I came. I was the first appointed so that the first time compensation was given to them must have been since that date. I drew compensation for years 1884, 1885, and 1886. In 1887 I got nothing. I was entitled to it but I did not get it. The warrant officers do not parade in order that the commanding officer may inspect their clothing. Their word is taken. In 1887 I applied for compensation.

Cross-examined by the Counsel for the defence :—

917. To whom did you apply for compensation? There was no regular way of applying. Mr. Webster might wire "Do you apply for compensation," and I should reply "Yes."

Examined by the Court :—

918. It did not go through the battery office? Yes.

919. Did you receive full compensation in 1884 and 1885, or only two thirds? I received a great deal more than in 1886. I believe that I never received less than £5.

920. Would there be a great difference in the number of articles for which you received compensation that would account for that difference? Oh no! As far as I understand the system here, the amount annually is equal.

921. In the year 1886 you received £5 15s. 8d. for sundry articles put down here. In 1884 had you more articles for which you would receive compensation? Was that why you received £9 formerly instead of £5! No the same clothing as far as I remember.

922. And was that what made you make the remark that you did not think it was enough? Yes, I was astonished at the amount, having received larger amounts on two previous occasions.

923. And did you apply for anybody for the difference? No Sir, I believe I mentioned it to yourself on one occasion, and you recommended me to bring the matter forward. Several things prevented it. We were very busy at the time, and so were you; and, I thought I would rather let the matter slide than have a row about it.

[His evidence was read to the witness as directed by Rule of Procedure 81 B. The witness withdraws].

At 4 o'clock the Court adjourned until the following day.

On Friday, the 15th March, at 10 o'clock, a.m., the Court reassembled pursuant to adjournment. Present: The same members as before.

No. 1 Brigade Sergeant-major Green, warrant officer, having been duly sworn, is examined by the Prosecutor, and said :—

In the year 1886 I received my compensation. I cannot exactly state the amount I received. I received for a tunic. I took it for granted that it was the right amount. I received it from Mr. Webster. I did not sign anything. I belong to the staff but am attached to Battery No. 3 for pay and rations. I believe that staff-sergeants are all included on the staff for clothing. In the year 1887, when I received compensation, I did not get clothing. That was the year I got £16 7s. 6d.

924. *The President* :—Do you wish to cross-examine the witness, Mr. Attorney-General? *The Attorney-General* : I do, sir.
925. *The Attorney-General* :—If you got compensation money, you could do what you liked with it? It was given to me for that purpose.
926. You are not bound to buy clothing with it? No.
927. You have been for many years in the force? Nearly eighteen years.
928. What rank had you when you first joined? I joined as a battery sergeant-major.
929. Would that be a warrant officer? No, sir.
930. Had you compensation in those days? If I wanted it in lieu of clothing.
931. How would you get it? I should get it from my own battery.
932. You would get it from the commanding officer of your own battery in the same way as the men? Yes.
933. What year are you speaking of now? I cannot go back all those years.
934. Yet you did not get the full amount then? I cannot tell whether it was the full amount or not.
935. You know that for many years men have been allowed two-third's compensation? I cannot say. I have nothing to do with the payment of the men. My duty is not that way at all.
936. But you might know about it all the same? No, I do not.
937. Have you never heard it spoken about in the force? Well, you see, I am away from the men. I am a senior, and don't mix up with the men in conversation of that sort.
938. Well, but have you never heard it from the seniors? No.
939. Have you known Mr. Webster long? About seventeen years.
940. And what has been his character as an honorable man? I have always known him so.
941. During the whole of those seventeen years? Yes. Well, I would not say the whole of the time, because the first year or two he got into a little trouble.
942. Yes, we all get into a little trouble occasionally; but it was nothing dishonorable I suppose? It was nothing dishonorable. I should always trust him.
943. *The President* :—Do you wish to re-examine the witness, Mr. Heydon? *Mr. Heydon* :—Yes.
944. *Mr. Heydon* :—How long have you been a warrant officer? Since 1884.
945. When the compensation was got through your commanding officer, how would it be carried out? At one time it was done by the men going down to the army contractors themselves.
946. Did you ever do that? Yes; I have done that once or twice.
947. And after that it used to come to you through your commanding officer? Yes.
948. Can you tell me how long it is since Mr. Webster was appointed quarter-master sergeant? I cannot give the exact date.

Examined by the Court:—

949. Mr. Green, you will remember, I suppose, the difference of money for compensation—for instance, if in 1886 you received £3 or £4, would you remember whether the amount made in 1887 was the same? That is the year they applied for compensation for warrant officers; then I got £16 odd.
950. And in 1886 you received much less than that? Yes; I received for a tunic, but I cannot recollect the amount.
951. Would the difference in the amount of money cause you to make any inquiries why it should be so much greater one year than another? Well, when we had our clothes altered, I had my tunic altered, and I believe that Anderson charged me £2 odd for putting on a new collar, and that makes a deal of difference to a tunic. Now it is made differently. I found that Anderson got £4 10s. for a coat without any tracing lace on it at all, and the trousers now are of a better quality than they were formerly.
952. But I believe in 1886 you were a warrant officer? Yes; but it was not all broad-cloth. I may say that the tunic was the same as a staff sergeant's.
953. But what I want to arrive at is, that you attributed the difference between this amount to the quality of the clothes, so that they would not make you wonder how it was that you received £16 one year and only £3 or £4 the year before? No, sir.
- His evidence is read to the witness, as directed by Rule of Procedure, 81 B. The witness withdraws.

No. 401.—Superintending Clerk Frank Bennett, Warrant Officer in the New South Wales Artillery, having been called and duly sworn, is examined by the Prosecutor, and said:—

I got £8 odd for compensation in 1886. It was compensation for all four articles of clothing that I am entitled to. I also got compensation in the year 1887—£16 7s. 6d. I did not get any clothes at the time. Staff-sergeants are most of them attached to Battery No. 3. The staff-sergeants are Steer, Brakespere, and Goodall. Those are the only three now. Steer would not be a staff-sergeant in 1887. Staff-sergeants are attached to Battery No. 3 for everything.

Examined by the Court:—

954. I believe you are in charge of all vouchers that come to Colonel Roberts' office? I see most of them.
955. And I presume you make an entry in your books? When they belong to another department I do not make any entry at all; I pass them on.
956. Do you remember seeing these vouchers [Exhibit 42]? I remember this one, and this, and any of them bearing my stamp.
957. Look at them again, and tell me if you know any reason why some of them should be initialled by the Major-General and some not; it appears that they all bear on the same subject? I cannot say. They are usually all initialled by the Major-General. I should think that all these vouchers should have gone through the Major-General.
958. Is there any order for the payment of the money? No; I don't recollect any order.
959. Would such vouchers go through your Department to the Major-General? Yes; they go to the Paymaster first, and he takes them down to the General for his approval.
960. But would they go direct from your office to the Paymaster? Yes.
961. So that in that case you would have a record of them? We should have a record of those that are stamped.

962. I suppose you are very careful about your stamp? Oh, yes. This for £284 13s. 4d. could not have gone through our office at all; it does not bear our registered number; those that bear our registered number are the only ones that pass through our office.

963. How is that some of them went through your office and some did not? They have been entered in the Quarter-master Sergeants books without going through our books at all.

964. But is that regular? Well, we like to keep the Department vouchers separately.

965. Is Staff-corporal Almond in the Force now or not? No, sir; he is dead.

Cross-examined by the prisoner's Counsel:—

966. How long have you known Webster? Twelve years.

967. And what has been his character during that time—has he been an upright, honorable, and honest man? Through all that time I have known him to be a thoroughly straightforward and honorable man.

Examined by the Court:—

968. Are Staff-corporals attached to No. 3 battery as well as Staff-sergeants for clothing? Yes.

His evidence is read to the witness, as directed by Rule of Procedure 81 B. The witness withdraws.

Second-class Master Gunner John Griffith, Warrant-Officer, New South Wales Artillery, having been duly sworn, is examined by the Prosecutor, and states:—

I remember Riley's year; it was the year 1886; I got my compensation for clothing in that year; it was £8 odd for all the garments that I was entitled to; I received it from Mr. Jesse, at least, I think it was from Mr. Jesse; at all events it was from a gentleman in Mr. Riley's office; I think it was for £8 13s., but I cannot say the exact amount. For the following year I got for compensation £16 7s. 6d.

969. *The President*:—Would you like to cross-examine the witness, Mr. Attorney-General?

The Attorney-General:—Yes, sir.

970. *The Attorney-General*:—How long have you known Webster? Seventeen years.

971. What has been his character during that time? He has been a thoroughly good comrade.

972. No, but as an honorable man? A thorough upright and honorable man.

Examined by the Court:—

973. How did you obtain your compensation for clothing in 1887? I received it from Webster.

974. Did you give any receipt for it? I think not.

975. There was no book or anything of that kind to sign? No sir.

976. Did you ask how it was that you received more than you had before? No sir; except that there was an improvement in our dress and we had to pay for the alterations ourselves.

977. Do you know anything about that one-third deduction? I know all about it.

978. You are the man we want then. But I mean of your own knowledge? I know that I have received two-thirds since 1873.

979. And do you know where one-third went to? The contractor.

980. And when you received this £16 odd would it be the full amount or two-thirds? It would be the full amount.

981. And how is that? Since 1885; ever since I have been on the staff I have received the full amount.

982. That means that the staff received the full amount and the rank and file two-thirds? Yes, because our accounts do not go through the batteries.

983. In 1887 did the warrant-officers apply for an increase of compensation? No; they applied for compensation in lieu of clothing.

984. To whom was it made? First of all to Mr. Webster, and to my belief Webster made out the lists and submitted them to the Colonel to approve of them.

985. Did it ever strike you as peculiar that the alteration in the cloth and trimmings should come to nearly double what it was before? Yes. This year there is no contract price and no discount off, as there was the year before, so that this year we got the full amount that was we should have to pay if the clothes had been made in the Colony.

986. Do you know when the clothes ceased to be made in the Colony from your own personal knowledge? No sir; I cannot give the date from my own personal knowledge. I might tell you that the last suit I had was made in the Colony in 1885.

987. And since that you have obtained compensation and bought your own clothes? Yes; for instance this jacket was made in 1885 and so is the tunic that I wore at the opening of the Court. I have been exceptionally lucky as an employed man in being able to save my clothing.

988. In fact the compensation was a great boon to you? A great boon, sir.

Mr. Heydon:—I have ascertained from the brigade orders that the prisoner was made quarter-master sergeant on the 6th May, 1880, and on the 5th June, 1884, he was made a warrant-officer in consideration of the extra duties he had to perform.

His evidence is read to the witness as directed by Rule of Procedure, 81 B. The witness withdraws.

No. 1582. Band-master Martin Devery, New South Wales Artillery, having been called and duly sworn, is examined by the Prosecutor, and said:—

I did not receive compensation in 1887. I have received no compensation since I joined the corps in September, 1886. I do not know why I did not get compensation in that year. I was appointed a warrant-officer in December, 1887.

The prisoner's counsel declines to cross-examine this witness.

His evidence is read to the witness, as directed by Rule of Procedure, 81 B. The witness withdraws.

Colonel Charles Fysho Roberts having been called and duly sworn, is examined by the Prosecutor, said:—

I am the Colonel Commanding the Permanent Artillery. I remember the inquiry that was held in the the matter of clothing; after that on the 4th of February. I may have forwarded an application made through me by the prisoner. Yes, I did forward such an application. That is it. [Application produced.] Later on the prisoner made an explanation to me of an alleged deficiency of £9 12s. 2d. It was after this that he made an explanation to me. It was certainly after this that he made the explanation to me. To the best of my belief, he had not previously made any statement to me about the £9 12s. 2d. At the present time I do not remember anything of any explanation he made to me. He stated to me that he could not exactly find the receipts for them at the time, but that he felt positive that he had compensation for these articles mentioned in this memorandum—three battery jackets, one tunic, two pairs of cloth trousers, one pair of serge trousers, all for sergeants. That was the explanation he gave at the time. He informed me that there was a supplementary list drawn up for these articles, and I believe there was too, but that at that time he was not able to find it. That was the explanation which he had given to me when I wrote that memorandum on the 4th of February, 1888. In the year 1887, I never authorized the prisoner to make a payment of £4 1s. 10d. to Sergeant Lynch. A similar payment to Gunner Bailey, and full compensation whatever it was to Loveless by name. But I gave instructions that all compensation should be paid. I never authorized the payment of compensation to these persons behind the back of their commanding officer, unless what I have said is behind the backs of the commanding officers. I never gave a deliberate order that these payments should be made behind the backs of the commanding officers. The signatures on these vouchers are my initials. They were put on after the vouchers were made out. I never sign a blank paper; they were drawn up in the usual form. I have nothing to do with drawing up these. I should say they were drawn up by the contractor. I did not authorize the drawing up of these vouchers. I did not authorize the contractor to draw them up. On one of these documents there is a certificate that services have been performed and so on. Before signing the certificate I asked whether it was correct. To the best of my recollection I asked the adjutant. I do not remember whether I ever had any conversation with the prisoner about it. One of them has the word "correct" on with the prisoner's initials to it. That was on before I put my initials and name on. I took it for granted that the documents were correct. I took it for granted that they were correct, because I have never known the prisoner to mislead me at all. When the compensation lists came up from the batteries they were laid up before me. I believe I initialled them and passed them on. I believe they came in the ordinary way. They were laid on my desk in the ordinary routine of business. The ordinary custom is that when I go into my office I find a set of documents before me which I have to deal with. I suppose that somebody has put them there, but how they got there I do not know. They came through the Brigade Office clerk or the adjutant. Finding these compensation lists on my table I should initial them and forward them on the quartermaster-general or to the person who has charge of the clothing department. I am unable to say what the next thing done with them would be. It would be after the compensation lists of the year were laid before me and initialled by me that such a document as the £344 odd would be put before me to be signed by me. That pay voucher would as a rule be on my table. After signing it I should pass it to the clerk or whoever was responsible for a record of it and it would then leave my office. When I signed the pay voucher and the certificate, I was aware that the clothing had not been supplied; because it was on the compensation list. It was supposed to be a summary of the battery compensation lists which I had initialled. I did not check the details to see whether there was a summary of them. I have not time to do that sort of thing. I did not check it because I have not sufficient time to go into all those details. When I signed the compensation pay vouchers, I was not aware where they were got from. I always believed that it was got from the paymaster or through the paymaster. I was not aware of what was done with the money after it was got, beyond the fact that two-thirds of it was returned to the Permanent Artillery. I had no knowledge whether the paymaster paid the other one-third at all. I have no knowledge at the time this was signed that the contractor retained the other one-third. I have learned it within the last six or seven months. When furnishing compensation lists the prisoner did not say to me at the time, that for merely putting in his voucher and drawing his cheque, the contractor got one-third compensation for every garment for which he got compensation; but he told it to me afterwards—lately. It is not the fact that when presenting the compensation lists on two or three occasions that he told me of this. The compensation lists are presented to me for my signature on an average once a year, and unless supplementary lists are sent in, it is all the compensation for one year. I do not think I could have forgotten the prisoners telling me that, if I had been told it on two or three occasions. Beyond initialling the compensation lists when I found them on my desk, I did not give any other authority verbal or written in reference to these compensation lists. I cannot tell you by what authority warrant officers received full compensation instead of two-thirds, beyond that they were allowed it by the Colonial Secretary. I think it was in 1887 to 1888, that warrant officers were allowed full compensation by the Colonial Secretary. Assuming that the warrant officers obtained compensation in full for the year before 1887 to 1888, I know of no authority by which they got it. I suppose it was on the usual authority if they got it. Application would have to be made to authorize them receiving compensation and if the contractor chose to do it without it was his lookout. If the contractor gave three-thirds to the warrant officers and did not get the money from the paymaster it is his business. I really cannot explain. I cannot at this moment remember the pay voucher for 1887 being submitted to me. I remember it now. I cannot say who laid it before me. I wrote an explanation here as to prices. The explanation says the prices here quoted are less than they have been hitherto charged. I ascertained that as far as I can remember from the lists that we have for reference as to the value of a warrant officer's tunic. I am not aware that I referred to the contract for the previous year. We are not furnished with contract, or copies of them. I cannot remember whether it was by reference to the previous year that I made that explanation. I know this, that the cost of a warrant officer's tunic has always been very high. I cannot remember upon what authority I made that statement about the rate of prices. I remember Mr. Webster speaking to me and saying that the warrant officers should supply themselves. If a man's garment should last for another year he would be entitled to receive compensation, but he would be obliged to supply, at his own expense, any clothing he might require afterwards for the current year. Suppose he took compensation for a pair of trousers, and another pair of trousers were wanted, he would have to supply himself with them. If he took compensation,

compensation, and the Board recommended that he might still obtain a casualty tunic without having to pay for it. This document (exhibit 42) bears either my initials or signature. They are for the year 1886. At the time I signed them I suppose that I was aware that they were for compensation. Webster's compensation for that year was £8 13s. 6d. When I made the statement on the fact of the £65 10s. voucher that that rate was less than had hitherto been paid, I cannot say that I remembered that Webster had during the previous year received only one half that amount. It was under a different contract. When I said that the price £16 7s. 6d. was less than had hitherto been paid, I did so upon a list of the prices at which the contractor would supply the articles. I do not remember who made the list before me. I believe I asked for it, and, as well as I can remember, I asked the adjutant, Captain Savage. I signed the certificate on the £334 voucher because I trusted the prisoner, and I knew at the time that the voucher was for compensation. This is the usual form you have to sign; the words "services rendered" do not mean that the clothing mentioned on it have been supplied. It is the only form of voucher we have to make anything out upon. It is a mere form. One has to sign that the computations are correct. I merely sign this as a claim, and the services cannot be faithfully performed until the money has been paid. I signed the £334 voucher as a claim for men who were entitled to money in lieu of clothing. The word "services" mean this as far as I am concerned in signing it—that the men for whom this claim was made made were justly entitled to it. It is necessary, in order to obtain this money for compensation, that some article should be placed opposite to the account for the same. Money compensation should represent certain articles of clothing. These are the articles which the men do not receive, but to which they would be entitled. Each man is entitled to a certain amount of clothing every year, and if he does not get them he gets compensation, and to recover this compensation you must have something to show for it; hence these articles not supplied are put down, I believe. There is an authorized scale by which the master tailor charges as much for re-makes of garments as for making them in the first instance. I believe that order was issued by the Commandant. I know that whenever the master tailor's accounts have been submitted, the same amount has been put down for re-makes as for makes, and I believe that that was by the authority of a Garrison order. It emanated from the Commandant's office. I was under the impression that all the charges were correct when the master tailor's vouchers were submitted to me. The master tailor's vouchers were submitted to me for my initials in the course of the usual business routine—possibly by the Adjutant. I should ask if these garments had been made. I should probably ask the Adjutant. There are certain rules which have to be gone through. I do not know whose initials these are in blue pencil. It is something like the Commandant's if he ever wrote with a blue pencil, which I do not think he did. I cannot recognise them. I cannot say whether they were there before I signed. I signed these after making inquiry from the proper person, whoever that was, whether the proper services had been rendered. These vouchers are for work done for the different batteries, for which the officers commanding them have to satisfy themselves that the claim is correct. I should not inquire from them whether the orders were all right. I should just ask if it was correct, and suppose that it would not have been done unless the necessary orders had been made. I should probably ask the Adjutant if it was correct, and if he told me that it was I should sign as a matter of course. It is the proper course to inquire from the proper authorities if the matters are all right, and if I am told that they are all right to sign those vouchers. The proper authority really is the officer commanding the battery. If the Adjutant was not present I should send for the officers commanding the batteries. If he was present then I should ask him. These vouchers are submitted under an order, No. 83.

Examined by the Court.

There is nothing on these documents to show that the battery commanders have signed them. It possibly might not be right that they should come before me without the battery commander's signature. There is nothing on those documents to show that the battery commanders know anything at all about them. I think this is in Loveless' handwriting.

Examined by the Prosecutor.

There is no signature by the Adjutant to show that the "services" have been correctly performed. Unless that person initialled his authority there is nothing to authorise them. Captain Milward was Adjutant for the time being whilst Captain Savage was away at the School of Gunnery.

At 1 o'clock the Court adjourned until 2 p.m. same day.

At 2 o'clock the same afternoon the Court reassembled pursuant to adjournment. *Present:* The same members as before.

Witness again appears before the Court, and being reminded of his former oath, continues:—

I cannot remember if I ever authorised these sums for re-makes. If I did it was not on my own authority. I never authorised the same charges for re-makes as for making garments upon my own authority. I suppose in signing vouchers a certain amount of authority was given. Except in that way I never authorised the charge being made. I have become aware lately of the custom by which the contractor retains one-third of the money on these vouchers for which no goods were supplied. That is since July. I was not aware of it before.

989. *The President:*—Do you wish to cross-examine the witness, Mr. Attorney-General? *The Attorney-General:*—Yes, sir.

990. *The Attorney-General:* You had become aware of the custom since the Board of Inquiry? Yes.

991. How long have you become aware that that custom has existed? I have been aware that this custom has existed within the last fortnight or three weeks; that this custom has existed for some fifteen or sixteen years;—that is, that the custom that one-third has been retained by the contractor has existed for that length of time.

992. The question put to you by Mr. Heydon was this: Were you aware of the existence of the custom by which the contractor got one-third for doing nothing? Are you aware now that there was ever a custom that the contractor got one-third for doing nothing, or that the contractor got one-third to cover a possible loss that he might sustain by the men not requiring their clothes? What I understood was that the contractor received one-third, but for what I do not really know.

993. It is not part of your duty to go into every detail? No, certainly not.

994. You have a great deal of work to do, and you have people under you, and consequently you must take a great many of these things upon trust? Certainly.

995. It is not part of your duty to see whether the clothing of any individual man had been passed by the officer commanding a battery? Not of any individual man; I believe that is the duty of the battery officer.

996. I believe as far as this system is concerned you have recommended certain alterations? I have from time to time.

997. The system which has been in vogue for some years by which men received the clothing has not met with your approval? Not entirely. I think the present system is the best;—that the Government should get the size clothing from England, in which case the alteration is reduced to a minimum.

998. Do you remember ever having been told by Mr. Webster that men ought to get compensation who were not included in the battery lists? I have some recollection of the supplementary lists being brought in.

999. By Webster? Yes, by Webster.

1000. Supposing a man was entitled to compensation, and his name did not really appear in the battery list, and you were satisfied that he was entitled to compensation, sending the detail back to the officer would cause a certain amount of delay, would it not? Yes, considerable delay.

1001. So that the amount of money which a man ought to get for compensation might be included in a voucher sent in by the contractor, although the name of the man did not appear in the ordinary list? Yes, perfectly possible that is. In fact for all I know the officer of a battery may send word that a man requires compensation.

1002. Whose name is not in the list? Yes.

1003. And it was not an unusual thing under those circumstances for the amount that would go to that man to be included in the voucher? It may happen. Several months often happen before we get the pay voucher, and changes must take place. In No. 3 Battery the list has just been considerably altered owing to the delay in getting compensation.

1004. And if the lists have to go back to the battery officer the delay would be still greater? Yes, because it would have to go through the whole routine again.

1005. Colonel Airey said he was in command of the artillery for a time. Where were you then? I had not joined the force then.

1006. Did you take command of the artillery after that? Yes.

1007. Then if a custom existed before you took command the fact is that that custom would still go on, and it being an old custom it would not have been brought to your knowledge, and you would not know anything at all about it? I inquired what the custom was, and was told that it was for the men to get compensation; and we usually accept the custom until it has been countermanded. Indeed, now I know that a custom of compensation did exist in 1873, because I have seen orders bearing that date. I could produce them if necessary, I have some of them in my pocket. [Exhibit 50 handed in].

1008. Did Webster ever produce the receipt for the payment of money to amounts which did not appear in the compensation list? Not to my recollection.

1009. For instance, Lynch, is £4 10s.; did he produce you a receipt for that? When I was taking a summary of evidence for the Court he produced a receipt for £4 odd. Lynch admitted that it was a receipt.

1010. Did he show you a receipt for a man called Loveless? No, he did not, but he told me that he had one.

1011. Did he mention having received receipts from other men which he had lost? He mentioned the names of several men to whom he paid compensation money, but he was not very sure of the amounts. I think Burgess was one of the names that he mentioned. I remember that very well, because Burgess died very shortly afterwards.

1012. Was he alive at the time? No, I think not.

1013. Do you know where Loveless is? He is at present in hospital, sick.

1014. Can he be examined; Yes, I think so, but not down here.

1015. Have you had knowledge of Webster for many years? I have known Webster for nearly 13 years.

1016. All that time what character has he borne? He has been strictly honest as far as I know.

1017. You believe him to have been strictly honest during the whole of that time? Yes, to my knowledge.

1018. That is your belief? I have never discovered anything wrong with him. I have discovered a certain amount of carelessness, but nothing deliberately wrong.

1019. Well, in your opinion has he been all that time as far as you have been able to ascertain, a very upright and honorable man? As far as I have known. If I may make a statement, Mr. President, I would like to inform the Court that in addition to those orders I was verbally informed by Colonel Airey that the custom for the contractor to retain one-third had been in existence for many years.

1020. How long ago was that? About a fortnight ago.

1021. *The President*:—Do you wish to re-examine the witness, Mr. Heydon? *Mr. Heydon*:—Yes sir.

Re-examined by the prosecution:—

1022. *Mr. Heydon*:—Can you tell me what was the date upon which you took the summary of evidence when the prisoner made this statement to you? I cannot tell you exactly. It was within the last month. It was some time during the latter half of the month.

The President:—It was received by the A. A. G.'s Department on 16th February, 1889.

1023. Was it while you were taking that summary of evidence that he told you about this receipt? Yes; I asked him about it. I said are you quite certain you cannot find them? And during adjournment he found them amongst some old papers of his.

1024. Well, did you put those statements of his down in his statement? I cannot remember just now.

1025. I have been looking for it, and here is what he says: "I deny having embezzled the sum of £9 12s. 2d. paid me for compensation. In fact I am out of pocket by all the compensation columns, and this I feel I shall be able to prove too." You say that it was at that time that he told you about the receipt, and about Burgess? As well as I can remember it was. We sent for Lynch, and Webster produced this document from an old file.

1026. There is nothing about Lynch in this summary;—did you get anything from him? I called Lynch before me and asked him if this was his receipt, and whether he had received the money, and he said "yes."

1027. Would you look over this and tell me whether there is anything about Lynch in it? If there is not, I know that I forwarded a memorandum to the Brigade Office to say that the receipt had been produced. No; it is not here, but I know that I gave information about it directly I got it.

1028. Well, with regard to this custom which you say that you have heard about during the last fortnight, and were not aware of before;—can you tell me what was the difference between the custom followed in 1879 and the custom followed in 1887? I really cannot tell you, because 1879 was ten years ago. This compensation depends upon the contractor.

1029. From what you learned a fortnight ago about the custom, can you tell me what the difference was in 1879 and the custom in 1887? No; I cannot remember what the custom was in 1879.

1030. Yes, but merely taxing your memory with the conversation of a fortnight ago, can you tell me what the difference was between 1879 and the custom in 1887? None, I should suppose, unless it was by some special arrangement with the contractor.

1031. You have said that after the list was made up information would be sent that some additional man was entitled to compensation, and then he would get it without the trouble of sending the compensation list back, because that would lose so much time? If there was any money to get he would certainly get it.

1032. He would get it without the list being sent back to the officer? Yes.

1033. The pay-voucher simply records the number of garments. It does not record the names of the men. Would any supplemental list supplying the names of those men? It might be.

1034. Would that be a proper course? If there was no money, certainly.

1035. Then he would be entitled to pay without putting the name down at all? No; the officer commanding the battery would have to account for it.

The President:—I understand that Colonel Roberts means that if the officer commanding a battery had money over from some other compensation he could pay that man.

1036. *Mr. Heydon*:—Yes, but I am asking about cases now which occur when the name is not on the list. I understand that a list of men is made out (of men entitled to compensation), and the compensation that each man is entitled to is put beside his name. The amounts are added up into a total, and that amount of money is paid to the officer commanding a battery in order that he might disburse it to these men? Yes. As I have explained; so much time elapses frequently between the list being sent in and the money being received for payment that it might be necessary for a man to draw some article of clothing; then he would not receive compensation for that article, and that money would remain in the hands of the person who drew it or the officer commanding a battery.

1037. In the case of any man, who should be discovered subsequently, being made out, and the payment to whom of compensation is authorized, what record would be made of such a man? I should say that when the officer commanding a battery paid this compensation he would have to correct the list to show that he did not give the man clothing as well as compensation.

1038. But you told us that the list would not be sent back to the battery before correction, so as to save time? I am talking of when the compensation is to be paid. If you refer to No. 3 Battery you will find out where alterations have taken place.

1039. You say that after battery lists have come up word comes that some additional man is entitled to compensation? Yes.

1040. Then that compensation is put in the pay-voucher, is it? It is not added on to the pay-voucher because the money is already in hand.

1041. How can that money be in hand when that man's name is not in the compensation list? For the reason that I have given you.

1042. But that might answer in some cases, but not invariably? I should think it would invariably operate.

1043. Is there any other record taken of that man's name? What other record do you refer to?

1044. Would there be any records of the names of the men I am referring to? A supplementary list would have to be sent in.

1045. And whose duty would it be to send that list in? It would be the duty of the officer commanding the battery.

1046. And if there were no supplementary lists we would take it for granted that there would not be any other men desiring compensation? No.

1047. Do you know where the supplementary list would be? I should think in the pay-office.

1048. Would there be any record of them taken on the way? The batteries would have copies of them I should think.

1049. However, if there is one in existence at all we ought to be able to find it amongst the records at the pay-office? Yes, I should think so.

1050. How long would it take? Of course a man entitled to pay, you would ascertain if he was entitled to compensation because his commanding officer informed you that he was? Or sent up a notification.

1051. Then how long would it take to send down the battery compensation lists to him for the battery officer to add on the name of the man who was entitled to compensation? Well, it might take a long time, because the lists might have left our possession.

1052. I thought that you said that you did not send it down because it would take so much time? For this very reason, but I should have to get it back from some other office.

1053. *By the Attorney-General (through the Court)*:—Supposing the voucher was being prepared for the contractor to send to the Treasury, and it turned out that in the battery list the name of one man was omitted (who was entitled to compensation for a tunic), would not the amount (the value of the tunic it would really be)—would not that be inserted in the voucher and sent on to the Treasury as if it had been supplied, when we know it had not been supplied, to prevent the delay that would accrue if that list had to be sent back to the battery officers? I should think that would be the reason.

1054. So that it does not follow that because compensation appears for five tunics whilst there are only four in the list that the man does not get that compensation money? No, certainly not.

1055. And that would subsequently come under your knowledge, and you would approve of it and ratify it? Yes, if he was entitled to it.

1056. Then it follows that the men would get compensation if his name did not appear on the list? But as I have said before the battery officer must account for it.

1057. I believe you have said already "I told the prisoner to pay all compensation but I cannot say whether the name of Lynch." It is not a fact that you told him to pay all the compensation that men were entitled to, even although their names might not appear in that list? Well my order would cover that.

By Mr. Heydon, through the Court:—

1058. Colonel Roberts has told us that he had nothing to do with making up the pay vouchers, and that he did not authorize the making up of the pay vouchers; I should like to ask him how it is that he has said to my learned friend that the value of the tunic for compensation would be inserted in the pay voucher without being inserted in the compensation list? I said, "might," be.

1059. *By the President*:—Would you look at that No. 3 Battery list; it is initialled by you. If you will look on the page I have shown you, you will find a red ink correction, and there are some others on some of the other pages. We want to know whether that correction would have been on the list before or after the list had been submitted to you? In all probability it would have been made afterwards. Probably one of those men had clothing, and the amount of compensation was reduced afterwards.

1060. But these red ink corrections were not made as far as you remember when it was signed by you? As far as I can remember it was a perfectly clean copy.

1061. Did you give anybody authority to alter what you had sanctioned? I did not.

1062. And if those alterations in the money columns had been made by you, would you not have initialled them? I should have initialled them, and probably given some explanation on the body of the list below.

1063. The very first name here on the No. 3 compensation list is that of Staff-sergeant Goodall. There are several red ink alterations, and in Goodall's case one in pencil. An alteration from £5 2s. 7d. to £4 13s. 3d. Can you tell by whose authority or by whom these alterations are made? I cannot.

1064. Can you tell us by whose authority they should have been made? By the authority of the officer commanding the battery.

1065. But the officer commanding the battery has already told us that they were not made by him. Is it a proper thing that vouchers that you have initialled should have been altered without your authority? I should have been informed of it, certainly. These books are battery records, you see; and I have nothing more to do with them. This is a correct copy evidently. I simply receive these battery compensation lists, and any alterations that take place after I cannot be answerable for.

1066. Can you tell us whether the voucher of Henderson & Co. are made out from the corrected lists or from the original? I cannot say. I believe Henderson made it out himself.

1067. Do the staff-sergeants as a rule draw their compensation for clothing through the batteries? As a rule I believe they do.

1068. And warrant-officers? If they are included on the battery lists, then they would draw it from the battery too.

1069. But we want to know what the custom is? I think you will find that they are attached to No. 3 Battery for everything. For rations, pay, and clothing. If you have any size rolls you will find their names on them.

1070. We want to know whether the prisoner was authorized to pay the various warrant-officers? Yes, this was authorized by me after the money was received for this reason—the contractor had got nothing on his schedule; they had to be specially made, and the contractor was paid in full.

1071. Then what is the custom with regard to warrant-officers? The officer commanding the battery should certify that their clothing is good.

1072. And all the warrant-officers are attached to No. 3 Battery? Yes, I think so.

1073. And claims from compensation should go in from officers commanding batteries? Yes; but in cases like this, where their claims have been omitted, there would have to be a special arrangement, because they have no claim upon the contractor.

1074. Reverting to 1884, when Messrs. Riley had the contract, various vouchers went in for several warrant-officers—Webster and Green, and others—apparently initialled by you;—will you look at them? There is my signature, but no initial to this one of Webster's; Peterson's is initialled, but not signed.

1075. And I should also like to know whether some of these vouchers have been apparently sent on to the Major-General, and others have not? I cannot tell you; I know that at that time Riley was asking us very frequently for his money, and perhaps these vouchers went on to the General for him to sign whilst I was away. I know some of the contractors have gone to the General for him to sign vouchers whilst I was away.

1076. *By the Attorney-General* (through the Court):—Is this the memorandum you sent on to the General:—"From Colonel Roberts. Telephoned 15th November, 1889, from Colonel Roberts to Assistant Adjutant-General. Have traced two payments for certain out of £9 12s. 2d., amounting to £6 12s. 4d. Now investigating a third payment. This refers to first charge. Compensation lists do not appear to be correct in addition?" Yes.

1077. So you were satisfied about two of the payments at all events? Yes, Loveless and Lynch's. [Exhibit 51 handed in, signed by the President, and attached to the proceedings.]

1078. *By the Court*:—You said that some of these vouchers were sent on very likely whilst you were away;—they are all initialled by you? No, there is one that is not, I think. In some cases these payments have been made through the pay office.

1079. Then you do not know why these vouchers are all differently initialled? No.

1080. There is one more question I want to ask you—were you satisfied with the way that Mr. Webster kept his books? I found fault with him once or twice for careless entries.

1081. But, as a rule, were you satisfied with the way his books were kept? Yes.

His evidence is read to the witness as directed by rule of procedure 81 B. The witness withdraws. The Court adjourns until 10 o'clock Monday, 18th March.

On Monday, the 18th March, at 10 o'clock, the Court reassembled pursuant to adjournment. Present:—
The same members as before.

No. 462 Acting Brigade Quarter-master Sergeant Frederick James Wilson, having been duly sworn, was examined by the Prosecutor and said:—

This is No. 3 Battery compensation list for 1887; I made those lists out in the first instance; When I made them out they were handed to the officer commanding No. 3 Battery; after that I saw them in No. 3 Battery Office; Colonel Murphy, the Officer Commanding, was present; nothing was done with the list in my presence then; I do not remember having seen them afterwards; I made the other list out too, they are supposed to be made out in duplicate; the first item in that list of Thomas Frost, is a tunic £3 17s 6d; one of these lists embodies the alterations made in the other one; they were both made out by me; I cannot say whether I made the second list out after seeing the alterations in the first. This is a true copy; they are both true as far as that goes but one is an office copy; both of these copies are supposed to be made out at the same time; they are both in my handwriting; to the best of my belief the red ink figures are in Colonel Murphy's handwriting; I never had any conversation with anybody about those alterations; I do not remember noticing them even when I made out the fair copy; Colonel Murphy passes the men and gets their signatures; there is nothing in my office that would refresh my memory as to when I made out the clean copy; to the best of my knowledge both these copies at the same time; one would be a copy of the other; Sergeant Goodall was a Staff-sergeant at that time; these figures represent the amount coming to the man after deducting 26½ per cent. and one-third.

1082. *The President*:—Do you wish to cross examine the witness, Mr. Attorney General?

The Attorney General:—I do, sir.

1083. *Attorney General*:—I see opposite Charles Goodall, there seems to have been something written in pencil? Yes.

1084. And then when this list was prepared Goodall was down for a pair of serge trousers? Yes.

1085. And the compensation for serge trousers has been struck out and compensation for a Norfolk jacket has been substituted? I don't know about the Norfolk jacket.

1086. Well look at this? That is a patrol jacket.

1087. Look at that, you see there is a No. 1 put there in the Norfolk jacket column? Yes, sir; it has been struck out.

1088. Originally it was compensation for serge trousers and that was struck out and compensation for a Norfolk jacket was put in, and then compensation for a patrol jacket? Yes, sir.

1089. And after he seems to have got compensation for a patrol jacket? Yes, sir.

1090. Here is a man called Wilson, the third man on the list; was he not down originally for compensation for serge trousers? There is a smudge, sir; I cannot tell.

1091. It is an erasure; but at all events there has been something in that column which has been rubbed out Is that not so? Yes, sir.

1092. So with Woodbridge. Does not Woodbridge appear to have been down originally for cloth trousers and then a Norfolk jacket? Yes, sir.

1093. When were those alterations made. After you prepared the list or before? It must have been afterwards, sir.

1094. Goodall was originally down for £5 2s. 7d. in that list. That is struck out and £4 13s. 3d. is put in—can you account for that alteration. Do you know how you first came to put him down for £5 2s. 7d., and then to put £4 13s. 3d. in. You have done it in both—look. I suppose you cannot explain at this distance of time how it was done? No, sir.

1095. Is that alteration in ink, in your handwriting? No, sir.

1096. Do you know whose handwriting it is? No.

1097. You see in the other list an alteration in pencil, £5 0s. 7d. has been altered to £4 13s. 3d. Do you know whose handwriting that is in? No, sir.

1098. Is it in yours? No.

1099. So that it has been altered since it left you? Yes.

1100. By whom you cannot say? No, sir.

The President:—Do you wish to re-examine the witness Mr. Heydon.

Mr. Heydon:—Yes, sir.

1101. *Mr. Heydon*:—I think you said to my learned friend that Staff-sergeant Goodall was first of all down for a pair of serge trousers, and then that was scratched out and a Norfolk jacket put in place of it, and then that was scratched out and a patrol jacket put in place of it? No, sir; the patrol jacket remained.

1102. If a patrol jacket was put down instead of a pair of trousers the amount of compensation would be increased? Yes, sir.

1103. *By the Court*:—By whose authority did you deduct one-third the value of the garment? My authority was Mr. Webster's.

[His evidence is read over to him as directed by rule of procedure 81 B. The witness withdraws.]

Lieutenant-Colonel Murphy, being recalled, is reminded of his former oath, and examined further
by the Court:—

1104. Would you look at that list, Colonel Murphy. I think there is Sergeant Goodall's name at the top, and there have been some alterations? Yes.

1105. Were those alterations done with your sanction? I should like to see my own list. There were two lists sent in.

1106. Here is your list? There were some differences, and we had to send in another list. It was sent in in blank—I mean without signatures. This is the first list that was sent in; there were some mistakes, and a second list had to be made out; and these were the fair copies of the second list embodying the corrections.

1107. Whom were they made by? They were not made by me, nor, as far as I know, in my office.

1108.

1108. Then that second list had also got alterations in it? Yes; I explained that in my evidence.
1109. Yes; but Sergeant Goodall's alterations appear on the corrected list? I understood that it was corrected before it went into Colonel Roberts' office.
1110. That is a copy of the corrected copy? Yes.
1111. That alteration in Goodall's amount was made in your office? Yes.
1112. And it ought to have been initialled by you? Yes, it ought to have been initialled by me. If this list is to be added up with the corrections in, you would find that it would come to the correct amount. If it had been added up without that alteration, you would find that the amount would come to more.
1113. But we want to find where the alteration was made? Oh, that alteration was made in my office, and ought to have been initialled by me.
1114. Do you know what compensation Goodall got? £4 13s. 3d.
1115. He signed for it in your presence, I suppose? Yes.
1116. Was Sergeant Goodall the only staff sergeant in your battery who drew compensation that year? He was the only staff-sergeant in my battery who was paid compensation by me.
1117. You have all the staff-sergeants attached to you? I have all the staff-sergeants attached to me.
1118. Are they attached for clothing as well as pay and rations? Some are attached for clothing, and some for pay and rations only.
1119. And warrant officers are attached to you also? Yes.
1120. Are they attached for pay, rations, and clothing? They ought to be.
1121. Did you ever pay them compensation for clothing? No; I don't remember having paid any staff-sergeants or warrant officers compensation for clothing. I remember applying for it.
1122. Would you look at that list and tell me if you have ever seen it before? No; I have never seen that list.
1123. Turn over three or four pages, and you will see another from Battery No. 3? No; I have never seen that list either.
1124. You were in command of the battery in 1886? Yes, sir.
1125. You say that these warrant officers and staff sergeants were attached to your battery, and are you aware whether they were ever paid any compensation? Not in 1887, as far as I know.
1126. And would it have passed through your hands if they had received compensation? I think it ought to have done.
1127. Do you know whether it is the custom in the corps to which you belong, for the warrant officers and staff sergeants to draw their compensation through any other means, except through the officer commanding their battery? I do not really know of my own knowledge.
1128. Do you know that it is the custom for anybody else to pay compensation? Well, as a matter of inference, I conclude that, as it had not come through me, it must have come through somebody else.
1129. *By Mr. Heydon*, through the Court:—When the prisoner paid you the £154 10s. 6d., did he ask you how much he wanted, or did he pay you the amount without asking you what you wanted? The prisoner said, I have received the compensation from the contractor, and the amount is £154 10s. 6d., which was two-thirds of the compensation on the list, less 26½ per cent.
1130. He did not ask you how much was coming to you;—how much was your share? No; he gave me the sum that I applied for.
1131. Then there ought really to be four existing copies of this list—there would be the original and duplicate of the one that was sent in and corrected, and the original and duplicate of the one that was sent in after correction? Yes.
1132. *By the Attorney-General*, through the Court:—You are clear about that, Colonel Murphy, that the money was paid to you without your asking about the amount? Yes; the amount on the corrected list. There was no question about it.
1133. You do not mean to say that the prisoner said to you, your share or the share of the battery is so much;—he simply gave you the money? Yes; he simply gave me the money.
1134. What did he say to you when he gave you the money? He said that it was compensation money from the contractor, and handed me £154 10s. 6d., and that is the amount on my corrected list.
1135. There is a compensation list missing? Well, I do not know whether it is missing or not.
1136. You do not see it before you, do you;—and there was an original and duplicate of that list, was there not? Yes; and it is not before me.
1137. Can you say what appeared in that list from recollection? This is the original list which was sent in, and here are the corrections made. The original list is apparently before me.
1138. Then what is not before you, Colonel Murphy? The original and duplicate of the second list. There were three lists made.
1139. Have you the list retained in the office? Yes.
1140. You have only one original before you? This may be an original or it may be a duplicate.
1141. And there is another one that is not there? There are two lists that are not there.
1142. What did this Goodall get compensation for eventually? He got compensation for one tunic, one pair of cloth trousers, and one patrol jacket.
1143. When the list left you, was he not down for compensation for serge trousers? Yes, it was on it.
1144. Well that is what I say;—when that list left you, he was down for compensation for serge trousers? No, for cloth trousers.
1145. When that list left you, was not Goodall down for compensation for serge trousers;—look at it? Apparently there is an erasure here.
1146. So that, can you say that when that list left you, he was not down for serge trousers? I cannot say, for this is not the list upon which the compensation returns were made out.
1147. Well try again;—was he not put down for a Norfolk jacket in the first instance, and was not a patrol jacket put down afterwards? Yes.
1148. Well, when the list was sent in originally, was he not down for serge trousers? No.
1149. But you said he was? No; I say he was down for a Norfolk jacket.
1150. Well, let us take it that you must have passed his Norfolk jacket as being good enough for another year? If the other list was as wrong as possible, it does not matter as long as this was the one that was sent in.
1151. It does appear from that list that he was entitled to a Norfolk jacket? Yes; it does appear as if he was.

1152. *The President* :—Do staff sergeants wear Norfolk jackets? No, they do not.
1153. *The Attorney-General* :—Well, it may have been a mistake for a patrol jacket? Yes.
1154. All I care about showing is that these lists are altered and corrected, and although they are sent in as correct they are not always correct. You knew perfectly well when you prepared that list that the men were only to get two-thirds? Yes, when the second list was prepared.
1155. And you knew where the other third went? Yes. I knew it went to the contractor.
1156. You knew that all along? Yes.
1157. And you knew when you sent in that list that two-thirds went to the men and one-third to the contractor? Yes.
1158. Do you know of your own knowledge that the custom by which the contractor deducted one-third for himself received the approval of General Richardson? I cannot say.
1159. Have you heard it spoken of in the Force? I have heard it spoken of.
1160. You have heard it spoken of in the Force that the custom which has existed that the custom was approved by General Richardson when he was Colonel Richardson? Yes, I have heard it spoken of as having received his approval.
1161. You know that Colonel Airey was commanding this Force before Colonel Roberts? Yes.
1162. In those two lists you say you received £154 10s. 6d. On the amended list the amount only comes to £149 8s.; there is a difference of £5 2s. 6d. to account for. Why was it you received from the prisoner the whole amount on the first list, not on the amended list? I stated that if the Court would add that list up they would find that it would come to £154 10s. 6d. I reported that there was a balance.
1163. Were the alterations which changed the total from £154 10s. 6d. to £149 8s.—were those alterations made after receiving the money from the prisoner? Yes, they were.
- [His evidence is read to the witness, as directed by rule of procedure 81 B. The witness retires.]

Mr. Claude Solomon, chief paymaster to the Military Forces, having been called and duly sworn, is examined by the prosecutor, and states :—

I have made a search for the contracts for the supply of clothing for the Military Forces as far back as I can find them. I have them here; they represent the years 1874, 1877, 1878, 1879, 1881, 1882, 1883, and 1884, also 1887 and 1888. Those are the forms of the contract as far as I can see from them, and those are all that I have been able to find. There are eleven, including two for 1887. I discovered them in the office. I cannot say whether there is such a form recorded in the office every year. They may have been sent on to the pay office with the vouchers.

Mr. Heydon :—I tender these documents, Mr. President.

The Attorney-General objected to the documents being placed in evidence on the grounds—(1) that they were not original contracts, and (2) that they were immaterial to the case.

Mr. Heydon admitted that the first was a fatal objection and did not further press the point.

The President :—The Attorney-General's objection is upheld.

Witness continuing :—We know nothing whatever of compensation vouchers. I know nothing at all of papers with regard to compensation in 1877. I have never seen any compensation pay vouchers since I have been in the Force; but I have seen vouchers for clothing supplied by the contractor. I have seen vouchers for clothing of late years. Up to 1888 the vouchers were paid by the Treasury. Since 1888 they have been paid by the pay office. If vouchers for clothing supplied were paid at the Treasury they were passed through the pay office for the signature of the paymaster; they would be sent to the Treasury and paid; I remember a voucher for clothing supplied to the amount of £65 10s. coming to the pay office for signature—that is the document; that was sent on by the pay office to the Treasury for payment in the ordinary course; it returned to our department with a minute on it; I have the minute from the Treasury with me; the voucher was handed by a clerk into the pay office to Warrant-Officer Webster, and the minute was held at the pay office with the duplicate voucher; it was Pay-clerk Loney who handed the voucher to Mr. Webster; I was not present at the time; I did not give him the pay voucher to take up to Mr. Webster; I know that he handed it to Mr. Webster, because he told me so; the duplicate voucher was held in our office; the other voucher never came to our office again; this voucher which has an endorsement on it by Colonel Roberts was the one Loney gave to Mr. Webster; at the time that voucher came to me it had not a minute on it from Colonel Roberts or from the Colonial Secretary; these vouchers came to the pay office from the Artillery Brigade office, and were forwarded by us to the Treasury; I have some of the pay vouchers in the time of Master-tailor Behan; they are receipted by Behan; these are all that I can trace; they extend from the 1st September, 1883, to December, 1885, a period of sixteen months; I do not know of any authority for a charge of re-making at the price of making garments; I know of no authority for a charge of re-making at all; I do not know of any authority for charging as much for making extensive alterations as for making a garment altogether; as far as I am aware, there is no authority for the pay office paying vouchers for re-makes.

1164. *The President* :—Do you wish to cross-examine the witness, Mr. Attorney-General?

The Attorney-General :—Yes please, sir.

1165. *The Attorney-General* :—I see here in this first voucher an item for making goods, can you say whether they were made or not? I cannot.

1166. And here is an item for re-making? No.

[His evidence is read to the witness as directed by rule of procedure 81 B. The witness withdrew.]

Major-General John Soame Richardson, C.B., having been called and duly sworn, is examined by the prosecutor, and states :—

I AM the officer commanding the Military Forces of New South Wales; I have been in command of the local forces since 1865; I was not aware of a custom by which the contractor for the supply of clothing received one-third of the value of the clothing for nothing; I was not aware that he received one-third of the compensation for clothing; I first heard of it just before the Court of Inquiry commenced; I was not

not until latterly aware of a custom by which warrant officers received the full value of their garments in compensation, instead of two-thirds, although I believe a case in which it was done came before me, and I have forgotten whose case it was; there is an endorsement by me of the £65 10s. voucher; I took the signature of the officer commanding the Permanent Artillery, to the effect that the amount was correct, and I endorsed it accordingly; my endorsement was after that memo. signed by Colonel Roberts; at the time that I endorsed that, I was not aware what amount to warrant officers had previously been paid. [Exhibit 51 handed in, signed by the President, and attached to the proceedings.] There was an alteration in the form of contract about the date of my garrison of the 9th February, 1883; I cannot tell you whether it was an extensive alteration or not; then, on the 5th June, 1883, and the 29th June, I issued a general order authorizing certain charges for making garments and certain charges for the fitting and alterations of the garments. [Exhibits 52 and 53 handed in, signed by the President, and attached to the proceedings.] I never authorized any charges for making garments, other than this charge of "fitting and alteration" mentioned in this order; I was not aware that charges were being made by the master tailor, that charges were being made for re-making garments on the same scale as for making them; I would not have authorized it; it would be necessary to issue a garrison order to authorize such an alteration as that; I cannot remember whether I authorized any change in the quality or pattern of the warrant officers' uniform between 1886 and 1887; there might have been such an order regarding trimmings and so on, but I cannot recollect; I am not aware of any order justifying an increase in the cost of the warrant officers' clothing from some £8 odd in the year 1886 to some £16 odd in the year 1887; I do not remember the question of increasing the cost of the warrant officers' garments being brought under my notice; if I had made such an order for increasing the cost of warrant officers' clothing I think I should remember it; I remember in the very early days, after the Force was first organized, some of the officers came to me to point out that the men would be entitled to compensation, and I remember saying to them, "Well, see what arrangements you can make with the contractor," but what the arrangement was I really cannot say; I should think that would be about the year 1872; in those days the clothing was all made in the Colony, and the man, instead of having his clothes made up for him by the contractor, elected to receive a certain amount of compensation, which would be settled, I believe, with the contractor; I have never heard what custom was adopted; compensation never comes before me; I make an annual examination of books under section 25, paragraphs from 27 to 44, Queen's Regulations.

1167. *The President*.—Do you wish to cross-examine the witness, Mr. Attorney-General? If you please, sir.

1168. *The Attorney-General*.—I suppose you really mean that these compensation matters are matters that you have not been in the habit of dealing with? I have not dealt with compensation.

1169. Somebody else inferior to you in the Force does that? It has been between the officer commanding the artillery, the paymaster, and the contractor.

1170. When you say that the officers came to you to say that some of the men were entitled to compensation, do you mean that those officers were Colonel Airey and Major Fitzsimons? I think they must have been, for they were the commanding officers of the corps; so I think they must have been.

1171. Were they the officers? I cannot swear that they were.

1172. Do you remember? I don't remember the individual officers.

1173. That is not an answer. I ask you whether it was Major Airey and Captain Fitzsimons, and you say you don't remember? No.

1174. Do you remember those officers coming to you and saying that they had made an arrangement with the contractors? No.

1175. Would you take it upon yourself that these officers, whoever they were, did not tell you that the arrangement they had made with the contractor was that he was to receive one-third and the men were to receive two-thirds. Mind, it is a question of asserting; it is not a question of swearing? No, I won't assert it.

1176. Is your memory a good one? On some points.

1177. And you found it necessary to make some little memoranda up? Certainly.

1178. And you made them up from books and documents, haven't you? No; it was more in order to refer, if necessary, to the exact section under which we do certain things.

1179. Then it is not to refresh your memory at all? No; it is more to refer you the sections under which we do certain things.

1180. Is there a master tailor in the Volunteer Artillery as well as in this Force? I do not know. They manage with the clothing entirely themselves without any reference to us.

1181. Supposing there is a master tailor, have not the charges of the master tailor to be authorised by you? No; the whole thing is handed over to the officers commanding the different regiments. The Government merely pays £2 a head for each efficient man.

1182. Do you know that the same charges are made in the Volunteer Artillery for re-makes that are made for makes? I know nothing at all about it.

1183. Who would be the officer who would tell us that? Colonel Wells or the Adjutant, Captain Nathan. All I have to do with the Volunteer Artillery is to see that the corps is properly clothed.

1184. *The President*.—Do you wish to re-examine the witness Mr. Heydon? Mr. Heydon: There are some questions I should like to ask him.

1185. *Mr. Heydon*.—General Richardson, you cannot say whether or not these officers who waited upon you told you that the contractor was to get one-third? No, I cannot.

1186. Do you remember that they told you that he was to get one-third to which he was not entitled? No, certainly not.

1187. You were asked by my learned friend whether you could say positively whether the contractor was to get one-third of the cost for garments that he never did supply, and that he had no right to supply? No, I was never told that.

1188. *By the Court*.—You were three or four days inspecting those books, were you not? I cannot say positively.

1189. About how long did it take you? I dare say it took one or two days. Webster's books were included amongst them.

1190. Would that be an audit? No. The inspecting officer is not an auditing officer. He merely has to see whether all the books are kept in the prescribed system.

1191. Who would audit them, then? The Commanding Officer, Colonel Roberts, or other officers of the regiment acting under him, are supposed to audit them.

1192. Did those vouchers ever come before you, General Richardson? No.

1193. What is done with vouchers as a rule for the payment of money? They go direct to the paymaster, except perhaps one or two which may be submitted to me accidentally. If there is any question of the hastening of payment, for example.

1194. Now will you look at those vouchers for 1886—you will see that some are initialled by you and some are not. We want to know the reason for this? That may be a case in point, but as a rule they do not come before me. It has sometimes happened that the contractor has brought them to me to ask me to initial a voucher particularly in order to facilitate his payment.

1195. Has the officer commanding the Artillery authority to sanction the charges made by the master tailor for what are termed re-makes? Certainly not.

At 1 o'clock the Court adjourned for luncheon. At 2 o'clock the same afternoon the Court reassembled. Present: The same members as before.

Major-General Richardson was reminded of his former oath and further re-examined by Mr. Heydon through the Court.

1196. *Mr. Heydon*:—Colonel Roberts has initialled some of these vouchers, and in some cases the quartermaster's initials are on as well? The initials of the officer commanding the Artillery will be on before mine.

1197. Would the initials of the prisoner be on before yours? Oh, certainly.

Mr. Heydon:—I tender this document,

The Attorney-General objected to the document inasmuch as it contained a reference to the clothing of Sergeant Peterson, whose evidence had been previously expunged by the direction of the Court.

The President:—The Court will receive this document, not as having anything to do with Peterson's evidence, which is expunged, but merely because it shows the procedure of the orders from the prisoner to the contractor. It appears that this compensation voucher went through the pay-office on the 21st June, and this jacket was ordered on the 22nd May. It does not show when the garment was received. It merely shows that there was an order from Mr. Webster to Mr. Riley, countersigned by the Adjutant.

1198. *By the Court*:—The Paymaster used to be called the Pay and Quarter Master I think? *Witness*: Yes, previous to 1885.

1199. Did his duties as Pay and Quarter Master extend to the supervision of the Brigade Pay and Quarter Master's accounts? No. He was merely a vehicle for getting the clothing and for the payment.

[His evidence is read to the witness as directed by Rule of Procedure 81 B.]

[The witness withdraws.]

Gorwillock Loney, having been called and duly sworn, says:

I am a clerk in the pay office; this voucher came from the contractor to the paymaster in the first place, and then it was signed by the paymaster, and sent to the Treasury; the examiner sent it back; the examiner's name is Cantor; an artilleryman came to the pay-office for it; I do not know whether I said anything to him; I do not know who the man was; he brought a memorandum for it; Mr. Solomon has the memorandum that this man brought.

1200. *The President*:—Do you wish to cross-examine the witness, Mr. Attorney-General? *The Attorney-General*:—No, sir, thank you.

[His evidence is read to the witness as directed by Rule of Procedure 81 B.]

[The witness withdraws.]

No. 1060, Quartermaster-serjeant John Taylor, New South Wales Artillery, is called and duly sworn:—

The Attorney-General (to Mr. Heydon): What charge are you going to examine this witness upon?

Mr. Heydon:—On the fifth, sixth, seventh, and eighth charges.

The Attorney-General submitted that the fifth charge was invalid, on the ground that the prisoner was not charged therein with having embezzled any goods with the care of which he was charged; it was perfectly consistent with the wording of the charge, he argued, that the prisoner had embezzled goods over which he was not the custodian at all, or indeed that he had embezzled goods which were not the property of the New South Wales Artillery.

Mr. Heydon submitted that the objection was not a good one, inasmuch as the prisoner had been charged under the proper section in the words of the section, and that it was unnecessary for the explanatory words of the charge to be technically accurate; on page 609 of the Queen's Regulations that very principle was laid down.

The Attorney-General argued that it was not a mere matter of form, it was a matter of substance; there was really no offence at all laid down in the charge.

The Court is cleared. Upon the reopening of the Court

The President said: Mr. Attorney-General, the Court overrules your objection.

The witness was then examined by the Prosecutor and said:—

One of the initials to the Norfolk jacket is not mine; as battery quartermaster serjeant I have prepared compensation lists; in 1886 I sent in a compensation list of each item that each man requires; I was not present in 1886 in Mr. Webster's office when there was a conversation as to how those sheets should be drawn up; I was present in 1887 when such a conversation took place; we were told by Mr. Webster that we had to deduct one-third, consequently the lists were sent back by him; he did not explain that to me, but I heard some rough words spoken between Mr. Webster and Sergeant Wilson; we made out a fresh list then, and deducted the one-third; this is my battery clothing book for 1888 and 1889; we put down the men's names and a red ink "C" in some instances where the man has applied for compensation; they are supposed to sign here when they have received the whole of the amount, but as it was not due until the 31st March they put their signature there; I am responsible for the correctness of

of the book; wherever a garment is put down and initialled, you may take it that the man has received his clothing, and wherever there is a red ink "C" you may take it that he applied for compensation; this book is not signed by me.

Mr. Heydon:—I beg to tender the books.

The Attorney-General:—I object to the receipt of the books by the Court.

The Court was closed. When the Court reopened, the President said:

The Court upholds the objection entered by the Attorney-General, and they cannot receive these books in evidence, as they are not signed by the commanding officer or the officer whose duty it is to make such a record.

Witness continuing:—I issued the articles of clothing and entered them in the books. The officer commanding the battery certifies to the correctness of the books; of course, I keep the books—in one sense. 1201. *The President*.] Do you wish to cross-examine the witness, Mr. Attorney-General? *The Attorney-General*: No, sir.

1202. *By the Court*.] Does the commanding officer certify annually to the correctness of the clothing books? I cannot say.

1203. During the time you have been quarter-master sergeant, has he ever signed those clothing books? No, sir.

1204. Does he ever see them? Yes, he sees them about once a month.

1205. What does he see them for? To see that every article is signed for.

1206. In fact, to see that the book is properly kept? Yes.

1207. And he has never signed it? No, although he has looked over it about once a month to see if it was correct.

1208. Is that your signature in that book opened before you there? Yes.

1209. Well, tell us what it all is? Before the Commandant's inspection, the prisoner called me up and said that it was necessary to have my signature in the column, and after looking to see that they were correct, I put my signature there. That was in 1887 to 1888;—that is, the articles that I have received, and also some of the men from the Brigade Store—I don't say that I have received them all.

1210. And those with the "C" over them—what does that mean? Those are the men who applied for compensation, and in this year—1887 to 1888—received it? Yes.

1211. And you certify that they received it? Yes.

1212. In fact, your compensation list ought to correspond with this list? Yes.

1213. And you signed that to your knowledge those men received the compensation money? Before signing this book, I have a look at my own private compensation list, and if these articles are correct, I sign it.

1214. In fact, if any man's name was done with a small "C" against it, and that was not correct, you would not sign your name to the sheet? Certainly not.

1215. Can you tell what those are? Yes, this is 1887 and 1888.

1216. And what is the next? That is the same list.

1217. How do those lists come there? I cannot say, sir.

1218. Do you put them there? No, sir.

1219. Which is the original of these two, or are they both made together? I cannot say which is the original list.

1220. How is it made out? I made it out in triplicate.

1221. Two of them you sent to the Brigade Office? No, I keep two myself.

1222. Which is the one you sent to the Brigade Office? This is the one, according to the stamp.

1223. Were these alterations made in your office? No, not to my knowledge.

1224. Are the alterations embodied in the second list? From the appearance of the list they have been made in the second one.

1225. Is this a copy in your handwriting of the second one? No, it is done by a clerk in No. 1 Battery.

1226. You send this sheet in clean? Yes, sir; I would not think of sending it in with all these alterations in.

1227. And you don't know how they came there? No, sir.

1228. You said just now that you heard some rough words between Sergeant Wilson and the prisoner. Do you remember the purport of those words or the words themselves? I cannot remember the exact words, sir.

1229. Do you remember the purport of them? I remember the subject of the conversation; it was about the one-third. The first list we sent in was less the 26½ per cent. only, and Mr. Webster said he was not going to do our work; we were to take off the one-third.

1230. But do you remember what Sergeant Wilson said? Sergeant Wilson asked what the one-third was for, and I don't think he gave him any satisfactory answer.

[His evidence is read to the witness as directed by Rule of Procedure, 81 B. The witness withdraws.]

The Court adjourned till 10 o'clock the following day.

On Tuesday, the 19th March, the Court reassembled pursuant to adjournment at 10 a.m. Present:
The same members as before.

The Attorney-General asked the permission of the Court for an accountant, whom he was going to call as a witness for the defence, to be present during the examination of the remaining witnesses for the prosecution, and, Mr. Heydon offering no objection, permission was granted. [Exhibits 63 and 64 handed in signed by the President and attached to the proceedings.]

Lieutenant-Colonel George John Airey being recalled is reminded of his former oath and further examined through the Court by the Attorney-General.

1231. *The Attorney-General*:—You said the other day that General Richardson, then Colonel Richardson, had authorised you to see the contractors and make arrangements with them about compensation, and so on? Yes.

1232. Did you, as a matter of fact, make arrangements with the contractor that they were to keep for themselves one-third and that the other two-thirds were to go to the men for compensation? Certainly not.

1233.

1233. What arrangement did you make? As I explained the other day, the men got their order and took it down to the contractor themselves and made their own arrangements with him.

1234. Did you make any arrangement with the contractor? To the best of my recollection I did not.

1235. Will you swear that you did not? I could not swear it at this length of time.

1236. Did you tell General Richardson, then Colonel Richardson, that you had made an arrangement with the contractor, and that the contractor was to receive one-third? No, I did not.

1237. Did you say in the presence of Colonel Roberts and Lieutenant-Colonel Murphy, within the last three weeks, that you had made such an arrangement, and that the General, when he was Colonel Richardson, had approved of it? To the best of my recollection I did not.

1238. Will you take it upon yourself to say that you did not say this to Colonel Roberts and Lieutenant-Colonel Murphy? To the best of my belief I did not.

1239. Will you go beyond that and say positively that you did not? To the best of my recollection I did not.

1240. It is only three weeks ago? To the best of my recollection I did not.

1241. Did you say that you could make short work of this case against Webster by saying that you had made such an arrangement, and that the General, when he was Colonel Richardson, had approved of it? I never said anything of that sort.

1242. Nor to that effect? Nor to that effect.

1243. *The President*:—Do you wish to further re-examine this witness Mr. Heydon, because if you do you may put the questions through the Court. *Mr. Heydon*: I do sir.

1244. *Mr. Heydon*:—What is your belief, Colonel Airey, as to making any arrangements with the contractor yourself; do you believe that you did or that you did not? I do not believe I did make any arrangement myself as far as I can recollect.

1245. Have you any recollection of making any arrangements with him yourself? No.

1246. Do you think that if you had made such an arrangement yourself it would have gone so completely out of your mind as to leave you no recollection of it? I think not. To the best of my recollection all these arrangements were made through the Paymaster in those days.

1247. You have been asked whether you said, within the last three weeks, that you had made any arrangement with the contractor, that you had told General Richardson, when he was Colonel Richardson, and that he had approved of it; have you any recollection of having said that to anybody? I don't recollect having said it.

1248. If you had said it—of course we will presume that you would not make untrue statements—if you had said it, would it have been true? No.

1249. *By the President*:—Do you remember who the contractor was when the arrangement was first made? There have been several contractors.

1250. Yes; but in 1872 or 1873, when the arrangements were first made, can you tell who the contractor was? I cannot be sure, I think it was Moore and Henderson.

1251. Was it not Moore, Henderson, and Co.? I think it was.

1252. That firm became Henderson and Boucher, and now it is Henderson and Company? I believe so.

[His evidence is read to the witness, as directed by rule of procedure 81B. The witness withdraws.]

The Attorney-General stated that he had forgotten, when asking Lieut.-Colonel Airey about the alleged conversation, to refresh his memory by allusion to the time and place at which such conversation was said to have occurred. Perhaps it would be as well if the witness was recalled and further examined on the point.

Lieut.-Colonel Airey, being recalled, is reminded of his former oath, and cross-examined by the Attorney-General:—

1253. *The Attorney-General*:—I want to ask you if you did not say in the presence of Colonel Roberts and Lieut.-Colonel Murphy what I have asked you already, since the beginning of March, and at the Victoria Barracks? I think I have said no.

1254. Yes, but I did not refer to the place. Now I want to direct you to the place in which the alleged statement was made;—the place is in the messroom of the Victoria Barracks, and the time, since the beginning of March? I can say —

1255. You have already denied it, and now I am directing your attention to the time and place;—do you still say that you did not say it? I still say that I did not.

1256. Are you prepared to swear it? Will you repeat the question. I believe what you ask me is that I have made arrangements —

1257. Have you forgotten it already; the shorthand-writer will read the question to you (*question read*). Will you take it upon yourself to swear that you did not say what I have asked you in substance and effect? I have already said —

1258. Will you take upon yourself to say that you did not say it in substance? I have no recollection of it.

1259. Will you swear that you did not? I will not answer that question. I have already sworn that I did not say any one of them, and I will not swear the other. I am prepared to say that I never said that I will make short work of the case.

1260. Very well. Did you say, in substance, the same thing;—will you swear that, in substance, you never said you could soon put an end to the case against Webster? I will swear that I did not say it, in substance or in meaning.

1261. Will you say that you didn't say, in substance and effect, that you had made arrangements with the contractor, and told General Richardson, when he was Colonel Richardson, that you had done it, and that he approved of it? To the best of my recollection I did not say that.

1262. Will you swear it? To the best of my recollection I did not say it.

1263. I submit that the witness is bound to answer my question—to say whether he will swear it or not. The liberty of the prisoner may depend upon his answer?

The President:—You must answer the question—Yes or No—Colonel Airey.

May I have the question read again?

Question read again by the shorthand-writer.

1264. Will you now swear that you did not say it? Ah, now it is beginning to dawn upon me—
1265. Oh, it is beginning to dawn upon you, is it;—will you answer my question, yes or no? I decline to answer it, yes or no.
1266. *The President*:—An answer is required from you, as to whether you will swear the conversation did or did not take place? I will swear that a conversation took place.
1267. Then will you answer the question as to the subject and effect of that conversation? It is putting it in a different light from the Counsel altogether.
1268. *The Attorney-General*:—The Counsel knows what he is about without help from you, Colonel Airey? Yes; but you are trying to put words into my mouth which I did not say.
1269. Will you swear that in the mess-room of the Victoria Barracks, since the 1st March, in the presence of Colonel Roberts and Lieutenant-Colonel Murphy, you did not say what has been read to you? I am certain that I did not say—
1270. Will you swear it? Yes; I will swear that I did not say in substance or effect what was put by you.
1271. *The President*:—Do you wish to put any question to the witness, Mr. Heydon?
Mr. Heydon:—Yes, sir.
1272. *Mr. Heydon* (through the Court):—Now for your explanation, Colonel Airey;—I would ask you what you did say? My conversation was relative to something else altogether; it was about the compensation of 1886. I had said that I had seen the General about it that morning, and he had said that he would approve of it.
1273. *The Attorney-General* (through the Court):—That is, that he would approve in 1889 of something that had taken place in 1886? The matter had not been settled. The money had not been paid.
1274. And you will swear that you didn't say the other thing? I will swear that I did not say the other thing.

His evidence is read to the witness, as directed by Rule of Procedure 81B. The witness withdraws.

Lieutenant and Quarter-master Little having been called and duly sworn, is examined by the prosecutor, and said:—

I was a Member of a Board of Inquiry on the clothes and compensation, and during the time of that inquiry I made investigations in the matters of cloth and clothing received into the prisoner's store with the view of balancing those matters as far as possible; I made inquiry into the quantities of rank and file tunics, cloth trousers, serge trousers, jumpers, and Norfolk jackets that had been received and issued; I could make no investigation into the staff-sergeants' and band clothing because there was no record of it in the prisoner's books, therefore this inquiry was confined to rank and file garments and sergeants' trousers; the prisoner was asked if he could show where staff-sergeants' and sergeants' clothing was entered, and he said in effect that he could not; he did not say that he could not show where the band clothing was entered; he said it was entered amongst the rank and file clothing; the books were before the Board when he was asked that question; I think he had access to them, but I cannot say, as the President had the books under his control; I think he referred to them two or three times, but I cannot be sure; the Brigade clothing-book (exhibit 45) covers from 1881 to October of 1887; the entries cover the clothing up to the end of March, 1888; from that book it appears that there were on hand on the 31st March, 1886, 10 tunics, 8 serge trousers, 18 serge jumpers, 14 Norfolk jackets; it is stated there also that the following articles were received from the batteries in 1886: 12 cloth tunics, 5 cloth trousers, 8 serge trousers, 5 serge jumpers, and 11 Norfolk jackets; I did not say that there was any balance of articles in the store in 1887; then the following articles were received from the batteries in 1887, at least I take it so, although there is no date to the entry: 30 cloth tunics, 50 cloth trousers, 7 serge trousers, 5 serge jumpers, and 10 Norfolk jackets; the amounts stated to have been received from the contractor for clothing in the year 1886 was from the 17th September to the 19th November: 543 cloth tunics, 517 cloth trousers, 540 serge trousers, 541 serge jumpers, 540 Norfolk jackets; on the 13th May, 1887, the following articles were received from Henderson & Company: 396 cloth tunics, 425 cloth trousers, 438 serge trousers, 417 serge jumpers, 433 Norfolk jackets; the following articles are here stated to have been received from the contractor for the year 1888: 50 cloth trousers and 50 serge trousers; during the course of the inquiry I made certain investigations as to the quantity of cloth that had been received into the prisoner's store; I mentioned to him that there was a great deal of cloth received that I could not see any account of, and he forwarded me one subsequently of the garments made from cloth, showing the quantity of cloth used in the making up of these garments, and the number of garments made; on this return the following figures are given: 13 tunics, 49 jumpers, 170 cloth trousers, 91 serge trousers; these were received from master-tailor in 1886; in 1887 the numbers made were: 17 cloth tunics, 2 jumpers, 26 cloth trousers, 21 serge trousers; and in 1888: 1 tunic, 88 cloth trousers, and 149 serge trousers were received from the master-tailor; this is a return which the prisoner forwarded to me subsequently; I did not tell him that there was a deficiency; I was furnished with another return made by the master-tailor; this second return contains the following figures:—cloth trousers 64, from material; serge trousers 104, from material; and taking those items into account I cannot find any deficiency in the cloth. [Exhibits 66 and 67 were handed in, signed by the President, and attached to the proceedings.] The following articles were issued to batteries from 6th April to August, 1886: 9 cloth tunics, 36 cloth trousers, 18 serge trousers, 7 serge jumpers, 8 Norfolk jackets; the following articles were issued to Nos. 1, 2, and 3 Batteries, on the 4th November, 1886: 350 cloth tunics, 350 cloth trousers, 368 serge trousers, 350 serge jumpers, 361 Norfolk jackets; the following articles were issued to Nos. 1 and 3 Batteries on the 1st April, 1887: 210 cloth tunics, 238 cloth trousers, 260 serge trousers, 229 serge jumpers, 231 Norfolk jackets; the following new articles appear as having been issued by sale: 57 cloth trousers, 63 serge trousers; the Board assembled and took stock, and I was present on the 27th October last year; there were in stock at that time 96 cloth tunics for gunners, 19 Norfolk jackets, 28 serge jumpers; then there appears here a statement that the following articles were issued since the 6th July, 1887: 34 cloth tunics, 63 cloth trousers, 72 serge trousers, 35 serge jumpers, 35 Norfolk jackets; I have a record of the clothing issued in 1888, as appears in the prisoner's books; I have got his entries in the book: 291 tunics, 309 cloth trousers, 333 serge trousers, 312 Norfolk jackets, 308 jumpers; in the prisoner's stock-book the following articles appear in hand on the 1st January, 1886.

60 cloth tunics, 112 cloth trousers, 119 sergo trousers, 100 sergo jumpers, 78 Norfolk jackets; from No. 3 Battery 12 tunics, 5 cloth trousers, 8 sergo trousers, 5 jumpers, 11 jackets; the issues to the batteries of 1886 also appear; issued since 1st January, 1886—50 cloth tunics, 112 cloth trousers, 111 sergo trousers, 82 sergo jumpers, 61 Norfolk jackets; from the contractor in 1886—543 tunics, 511 cloth trousers, 510 sergo trousers, 541 jumpers, 540 Norfolk jackets; from the contractor in 1887—396 tunics, 425 cloth trousers, 438 sergo trousers, 417 jumpers, 433 Norfolk jackets; then, as before, from the contractor in 1888—500 cloth trousers, and 50 sergo trousers; received from 1, 2, and 3 batteries in 1887—30 cloth tunics, 50 cloth trousers, 7 sergo trousers, and 10 Norfolk jackets; then from the return which has been put in by the prisoner to account for the cloth received from the master tailor in 1886—130 tunics, 170 cloth trousers, 91 sergo trousers, 49 jumpers; then from the master tailor, 1887—17 tunics, 26 cloth trousers, 21 sergo trousers, and 2 jumpers; from the master tailor in 1888—1 tunic, 150 cloth trousers, and 253 sergo trousers, which make up a grand total of 1,072 tunics, 1,507 cloth trousers, 1,530 sergo trousers, 1,119 jumpers; I ascertained the issues in the year 1886, by taking the battery book between the 1st January and the 31st March, 1886; the issues were—76 tunics, 74 cloth trousers, 77 sergo trousers, 75 Norfolk jackets, 70 jumpers.

[Questions interposed by the Attorney-General.]

1275. Are there not entries in these battery-books—not a single one here and there, but many entries showing issues of goods which did not appear in Webster's books? I cannot point out one; the totals of Webster's books and these battery-books do not agree; the battery-books show a greater issue than Webster's, and I took the battery-books to give him credit for them.

1276. What is the total difference of issues shown? I did not make any account of it, but to the best of my knowledge it might run from five suits of clothing to fifteen.

1277. And where were the others entered that were issued; supposing there was more clothing issued where would it appear? I do not think that it would appear at all. If it did not appear in those books I do not think you would find them anywhere.

1278. They would appear in the soldier's private books would they not? I do not know.

1279. Every soldier has got a private book in which he puts down things of this kind, does he not? I do not know, sir.

Examination-in-chief continued:—

[During the course of the inquiry the officers commanding batteries were asked to furnish a list of the clothing appearing in the battery lists for the years 1886 and 1887, but not for year 1888, and they did so, these are the returns that were furnished. Two of them are signed by the officers commanding the battery. This amended one is not signed yet. It was sent in before it was signed, but the difference is very slight.]

The President:—It appears that I have here in the summary of evidence the returns counted by the quartermaster-sergeant, counted in Colonel Roberts' office, and vouched for by the signatories of officers commanding batteries.

The Attorney-General:—That does not make it evidence, sir.

The President:—Yes; but if we have the Quartermaster-sergeants in to say that they had counted these figures, and the officers commanding batteries in to prove their signatures, that would be sufficient.

[The further evidence of this witness was postponed, during the interposition of other evidence.]

Quartermaster-Sergeant Taylor was recalled, reminded of his former oath, and examined through the Court by the Counsel for the prosecution:—

1280. Do you remember a demand being made for you to prepare an order for the amount of clothing issued between 1886 and 1887 as appearing in your battery-books? Yes.

1281. Did you prepare such a statement? Yes.

1282. Did you add them up correctly? To the best of my belief I did.

[Exhibit 68 handed in, signed by the President, and attached to the proceedings.]

1283. Does this show the numbers? Yes.

1284. *The President*:—Do these include sergeants, or only rank and file? They include sergeants' tunics, but I don't think they include the annual issue to recruits. I also sent in a second list.

1285. The second list includes the recruits for that year—twenty-three of everything; and then there is also an included item of purchase—ten cloth-trousers and eight sergo trousers. That is for the year 1886 to 1887?

Mr. Heydon (to witness):—What would that item of purchase be?

Any man who wants to purchase a pair of trousers I give him an order upon Mr. Webster, and he gives the order to the master tailor or to the contractors, as the case may be, and that year I think there were a number mentioned on that list who obtained clothes by purchase.

1286. Then you made another examination? Yes, sir; some time afterwards.

1289. Where did you do it? In my own office.

1290. Does this represent the copy you made in your own office? Yes.

1291. And you handed it to your commanding officer? Yes, sir.

1292. *By the Attorney-General*:—You said you made the first count for somebody? No, sir, not the first count, I made the second count in Colonel Roberts' office.

1293. Then you found you made a mistake in the first count? No; I cannot say that.

1294. Where is the first count? By the order of the officer commanding No. 1 Battery I was told to make a list of the number of the articles of clothing that had been issued.

1295. And what did you do with it? It is here. That is the first list.

1296. And then you made another one? I was ordered to go to Colonel Roberts' office and in his presence count the number over. The numbers were taken by Colonel Roberts, but I do not know what they were. The list that the President has will not agree with the first, because there were no recruits and purchases in the first and there were in that one.

1297. And you say that those garments were made by the master tailor? In some cases; in other cases they were made by the contractor.

[His evidence is read to the witness as directed by rule of procedure 81 B. The witness withdraws.]

No. 936 Quartermaster-sergeant William McMillan (Field Battery), having been duly sworn, was examined by the prosecutor, and states:—

I MADE up a list of clothing issued between the years 1886 and 1887; I made it up to include all the articles issued excepting sergeants'; to the best of my belief I made it up correctly; I did not make the first count up including sergeants; the last one I made up did include sergeants; in the first instance I was told not to include sergeants, and I did not include them. [Exhibit 69 handed in, signed by the President, and attached to the Proceedings.] Afterwards I made another count and another list; my methods of making up the lists differed; in the last I included recruits and sergeants and everybody; 1886 to 1887 there were twenty-one recruits; that would be twenty-one of everything; that would include the year 1886 to 1887 from the 1st January to the 31st December, 1886; for the year 1887 to 1888 there was clothing issued to nineteen recruits, and the next year twenty-three recruits; when I sent in the first list I do not know whether I included recruits; I cannot say whether I included recruits for 1887 to 1888 in my first count or not; those amounts are from the 1st January, 1886, as far as recruits go, and the clothing year from the 1st April; the only issue between January and March would be recruits' and people who purchased their clothing.

The President:—Would you like to cross-examine the witness, Mr. Attorney-General?

The Attorney-General:—I should, sir.

1298. *The Attorney-General*:—You were asked to make up some accounts and some calculations last night, were you not? Yes, sir.

1299. And you refused to do it? I said that I did not think it was correct, as my commanding officer was not here.

1300. *Mr. Heydon*:—It was only to count up some tunics, was it not? Yes.

1301. And we counted them up, didn't we? Yes.

His evidence is read over to the witness as directed by Rule of Procedure §1 B. The witness withdraws.

At ten minutes past 1 the Court adjourned for luncheon.

At 2-15 the same afternoon the Court reassembled pursuant to adjournment. Present —The same members as before.

Quartermaster-sergeant Wilson is recalled, reminded of his former oath, and examined through the Court by the Prosecutor:—

1303. You remember being told to make a return showing the issues of clothing to sergeants from 1866 to 1867? Yes, sir.

1304. Is that the return? Yes.

1305. And making this out did you count it up from the books? Yes.

1306. Did you to the best of your belief do that correctly? Yes, sir.

1307. Did you do it again? Yes, sir.

1308. And what did you include the second time? I included sergeants.

1309. Is this the one? Yes.

1310. And on this occasion also I suppose you used your utmost care to make a correct return? Yes, sir.

1311. Did you count up the issues to recruits for the first three months for the year 1886? Yes, sir; I carried them right through; that would include from the 1st January up to the 1st April for the year 1886, including the annual issue, and for recruits.

1312. In your first return you took for the clothing year? Yes, sir.

1313. In the second return you took from the 1st January, 1886? Yes, sir.

1314. So you took the last three months of the previous clothing year? Yes, sir.

1315. During these last three months your issues are for recruits and for purchased clothing? Yes, sir.

1316. *The President*:—Do you wish to cross examine the witness, Mr. Attorney-General?

The Attorney-General:—I do, sir.

1317. *The Attorney-General* (through the Court):—In what books did you make these returns? In No. 3 Battery Clothing Book.

1318. That is in the battery book? Yes, sir.

1319. Do you know that the men themselves have small books? Yes, sir.

1320. Did you look at them at all? Yes, sir.

1321. All the books? Well, that is the Colonel's duty, it is not mine.

1322. Well but did you look at them, at the small books of the men? I may not have looked at them all.

1323. But did you look at any of them? Yes, sir; about two-thirds.

1324. Did they assist you in making up the returns. They were no use to you were they? No, sir.

1325. Did you find that clothes were entered in the small books which were not entered in the battery books? No, sir; clothing is not entered in the small book at all.

1326. So that if a man got a tunic and so on, the small book would not show what he had got? No, sir; a man merely signs for the amount of clothing that he has received.

1327. And does a man sign Webster's book as well? No; I think not.

1328. Well, he initials it, doesn't he? Yes, sir.

1329. Did you examine Mr. Webster's book at all? No, sir.

1330. Do you know that men have signed the battery books for the receipt of clothing for which they have not initialled Mr. Webster's book? I cannot say, sir. I cannot speak of Mr. Webster's book at all.

1331. Would you look at that book? That is my signature.

1332. What is that signature to? To the clothing received.

1333. Turn over the page;—do you see it all bracketted? Yes, sir; that is my signature.

1334. What does that sign refer to? The clothing that I received for the men of my battery.

1335. Has it anything to do with compensation? All the compensation is marked in red ink.

1336. So you have signed for the compensation and clothing as being correct? Yes, sir.

1337. How is that signature put there? The book was brought to me for the Commandant's inspection, and it was signed by Mr. Webster, and I signed on his requisition. I took it for granted that all was correct.

1338. I do not know whether I understand it aright—is that the second list you made out, and does that include the recruits clothing from the 1st January, 1886, to the 1st April? Yes, sir.

His evidence is read to the witness as directed by Rule of Procedure, §1 B. The witness withdraws.

Quartermaster-sergeant

Quartermaster-sergeant William McMillan was recalled, reminded of his former oath, and further examined by the Court:—

1339. Just look at that book; is that your signature across the page? Yes sir, it is my signature.
 1340. Turn over the leaf backward? Yes sir, those are my signatures.
 1341. What does that signature refer to? It must refer to the fact that the clothing has been received by the men of my battery.
 1342. Anything else besides clothing? Yes sir, compensation too.
 1343. How is that signature obtained—did you go to Mr. Webster's office to sign it? I should certainly go to Mr. Webster's office because it is his book.
 1344. Did you sign it as correct? Yes, sir; I did not compare lists to see whether it was correct; I took it as a matter of course.
 1345. *By Mr. Heydon* (through the Court):—Do you remember one year getting clothing in lump from the store, and signing for it, and it was afterwards returned? I remember one year getting a certain amount of my clothing in bulk, and the balance was returned, but not in bulk.
 1346. Did you sign for it when you got it in bulk? I believe I did, sir.
 1347. Was this the entry? Yes, sir.
 1348. I see ninety of each was issued in bulk, and you signed for them? Yes, sir.
 1349. Some of the articles were returned? Yes, sir.
 1350. And what you issued would appear in your battery books? Yes, sir.
 1351. The amount finally received by you from the prisoner, is included in your battery returns? Yes, sir.
 1352. *By the Attorney-General* (through the Court):—Those goods that were returned to Webster, he is charged with the receipt of; is he not? Certainly, sir.
 1353. Now do you remember the troops coming back from the Soudan, in June, 1885? I do, sir.
 1354. That was the end of the clothing year after the clothing year for 1885 had passed; was it not? The clothing year begins on the 1st April.
 1355. I suppose most of these men wanted clothing, didn't they? In fact the whole of them.
 1356. Do you know when they were supplied? In June or July, 1885, I think. I know they were all supplied with clothing in that year.
 1357. *By Mr. Heydon* (through the Court):—What did you sign for in this book? I signed a return showing the amount I had received and the amount I had returned. Mr. Webster started to issue the suits to individuals, and the order came that he was to issue them in bulk; and I returned the balance, and what I had issued to the men appears in my books.
 1358. *By the Attorney-General* (through the Court):—Do you know of any of your men, or any men in the artillery, having an extra lot of clothing at any time. You know they get clothing once a year, and you would know if they had double suits, or more suits than they ought to have, or more jumpers and Norfolk jackets? They get them by purchase. Dozens of them get them by purchase.
 1359. After their clothes are worn out? Yes, sir.
 1360. And would they be entered in the books? Only in my pay ledger.
 1361. Suppose a hundred men got jumpers, and tunics, and Norfolk jackets, and all this sort of thing, they would be issued from the store, would they not? Yes, sir.
 1362. Would the issue to these men of jumpers and Norfolk jackets appear in the battery clothing books? No, sir.
 1363. So that it is perfectly consistent with men getting a lot of clothes from the store of which no record appears in the battery clothing book? I know of men getting dozens of articles in my battery by purchase that would not appear in the battery clothing book.
 1364. And the same thing takes place in the other batteries, I suppose? Yes; I suppose so. But I am not certain.
 1365. *The President*:—But when men purchase goods it is recorded in your ledger, and it would be paid to the paymaster at the end of the month. Does any of that money pass through Mr. Webster? No. None at all.
 1366. A man who gets a jumper is charged in your pay ledger, so much for the jumper, and at the end of the month it is paid to the paymaster, and shown in your abstract? Yes, sir.
 1367. *By the Attorney-General*:—The goods would go out of the store, of course, and there would be no entry in that book? Yes, sir.
 1368. *The President*:—There is one more question I want to ask you, you said that ninety suits of clothes would not be shown in your battery clothing book except those that were issued? That is so, sir.
 1369. Would you not have put the receipt down in your battery clothing book, and have struck a balance between what you received and what you issued? No, sir; they only show the number issued to the men. I had to make up a return showing the number I received, the number I issued, and the number I returned to the store, for Colonel Roberts.

[His evidence is read to the witness, as directed by rule of procedure 81 B. The witness withdraws.]

Quartermaster Sergeant Taylor was recalled, reminded of his former oath, and further re-examined by the prosecutor through the Court:—

1370. Can you account for the clothing issued in bulk? Here is my receipt for the garments mentioned in the clothing ledger.
 1371. What was done with them? We had orders to commence fitting clothing in the afternoon or morning. In the afternoon or morning I received orders from Mr. Webster to return them again, on the ground that the officer of No. 2 Battery had objected to the men of No. 1 and No. 3 receiving their clothing, because there was not enough to complete his own battery. So I returned them to Mr. Webster. If I received 130 suits those marks opposite each man's name would not be there. I believe that 130 suits were issued to Battery No. 3 in the same way.
 1372. *By the Attorney-General* (through the Court):—Have you any entry in any books showing that you returned those 130 uniforms? I cannot say, sir. The officer who commanded would have obtained the receipt.
 1373. Have you any receipt? No, sir, I can only bring Mr. Webster's clerk as a witness.
 1374. Have you any entry in any books showing that you returned them? No, sir. 1275.

1375. Have you any receipt from Mr. Webster? The officer commanding the battery would have that.
 1376. If he had received them he would have given a receipt, would he not? Yes, sir, to the officer commanding the battery.
 1377. *By the President*:—You were present when each amount was issued? Yes, sir.
 1378. To make it quite clear, can you tell me whether they go from Mr. Webster's store to the officer commanding the battery, and then to the men? I take so many men of the battery into Mr. Webster's store; those men, in the presence of the master tailor, are fitted in, and the master tailor marks them. The men do not give any receipt until they are completely fitted.
 1379. The officer commanding the battery is present in Mr. Webster's store? Yes, sir, and they are supposed to be passed by him before leaving the tailor's shop. He sees them all before they are passed.
 1380. Was that the custom in force in 1886? Yes, sir.
 [His evidence is read to the witness, as directed by Rule of Procedure 81 B. The witness withdraws.]

- Quartermaster-Sergeant Wilson recalled, and reminded of his former oath, and examined by the Court:—
 1381. In 1886 I signed for 130 of each rank and file garments issued in bulk.
 1382. Do you remember what became of this 130? I cannot say for certain. I believe they were returned to the Brigade store.
 1383. *By the Attorney-General* (through the Court):—You cannot say; you did not do it yourself? I did, sir.
 1384. And the men afterwards received their garments in the usual way? Yes, sir. From Mr. Webster's store.
 1385. As well as you remember, you returned those 130 the same day? Yes, sir.
 1386. Have you got any entry in your books showing that you returned them? No, sir.
 1387. And you have no receipt from Mr. Webster, I think? No, sir.
 1388. They were simply ordered to be returned, and they were returned? Yes, sir.
 [His evidence is read to the witness, as directed by rule of procedure 81 B. The witness withdraws.]

Lieutenant and Quartermaster Little is recalled, and reminded of his former oath, and further examined by the Prosecutor. He said:—

From my own counting the amount of clothing issued in 1886 was—289 tunics, 319 cloth trousers, 318 serge trousers, 297 Norfolk jackets, and 295 jumpers. In 1887 it was—303 tunics, 323 cloth trousers, 325 serge trousers, 298 jumpers, 296 Norfolk jackets. I arrived at the issue of clothing for the year 1888 by counting each one separately, from the Brigade books produced before the Court. There were 291 cloth tunics issued, 303 cloth trousers, 333 serge trousers, 308 jumpers, 312 Norfolk jackets. I took steps to ascertain what amount of clothing was sold from the prisoner's store. I got the returns of necessaries, which included these things, from the pay office. I have them here, and subsequently I got the documents from Mr. Webster—2 tunics, 135 cloth trousers, 142 serge trousers, 7 jumpers, and 4 Norfolk jackets. This shows the clothing issued by payment from the store in 1886 to 1888. This last, which is in the prisoner's handwriting, agrees with these returns. [Exhibit 71 is handed in, signed by the President, and attached to the proceedings.]

The President:—That makes 1,057 tunics, 1,169 cloth trousers, 1,195 serge trousers, 1,000 serge jumpers, 1,003 Norfolk jackets.

Witness continuing:—I put down the issues on the 31st March, 1886, and those I obtained from the battery books from my own count. The prisoner has down in his books for the same quarter, amounts somewhat different. Less in some cases, and larger in others. These are as correct as I can make them. I saw those figures in the prisoner's book. But I counted them by the battery books, because I thought that they would show a greater issue, but they did not. I have not checked those by the prisoner's books at all; I cannot swear that those were the real figures that we got at the Board of Inquiry. Now I know that they are the results of what I found out, when I was sitting on the Board of Inquiry. I have ascertained the value of these things at contract price. The value of them, according to my calculation, is £546 12s. 3d., that is the value of the deficiency. That is the contract price. The tunics are the dearest things.

At 4 o'clock the Court adjourned until 10 o'clock the following morning.

On Wednesday the 20th March, the Court reassembled pursuant to adjournment at 10 a.m. Present: The same members as before.

Lieutenant and Quartermaster Little was recalled, reminded of his former oath, and further examined by the Prosecutor; he said:—

That (upon exhibit 38) is the initial which the prisoner said, when before the Board of Inquiry, that he saw Quartermaster Taylor put there. I have made out from the master tailor's vouchers that the proportion of remakes to the total quantity charges (including the fitting and alteration charges), is about 40 per cent. of tunics. I made this calculation last night, and I cannot entirely remember it now without entirely refreshing my memory with it.

The Attorney-General objected to the witness being allowed to refresh his memory in this instance, and insisted that the calculations should be made by the prisoner before the Court, there and then.

The President:—The Court are of opinion that the memorandum can be referred to by the witness, and the objection is therefore disallowed.

Witness continuing:—The proportion of remakes to the total quantities is as follows:—21½ per cent. cloth trousers, 25½ per cent. serge trousers, 35 per cent. jumpers, 42 per cent. jackets. Jumpers are a kind of loose jacket which falls over the waist and buttons. I did not check this line with the prisoner's own book. The figures shown in the prisoner's book at 36 c. as received from the contractor, are for rank and file garments alone, and not for the sergeants. Looking at these figures on exhibit 35, I find that 565 tunics were received from Riley, including those of the sergeants and the band; 438 tunics appear in the

the year 1887, under Henderson's contract, including those of the sergeants and band. This includes 21 sergeants and 21 bandmen, that is, 42 altogether, and deducting the 42 it leaves 395, which is the amount which the prisoner has debited himself. In debiting himself, he has omitted the sergeants and the band. In my credits I have omitted the sergeants, but I do not think that I omitted the band. I think the band is included, so that that extent in my brief, I have credited the prisoner in excess. The returns which I obtained from the officers commanding batteries were supposed to include all people excepting sergeants, in the case of tunics for that year 1887, it would make a difference of 21. In 1886, there were 20 band tunics, so that that would make a difference of 41 tunics altogether, in favor of the prisoner.

[Exhibit 72 handed in, signed by the President and attached to the proceedings.]

This represents accounts against Nos. 1, 2, and 3 batteries, and they amount to £234 19s. 4d. There is a very strange and striking coincidence in two of the vouchers, they having the same number of alterations. It is the February voucher for No. 3 battery, and the February voucher for No. 1 battery which shows this coincidence, 15 tunics are said to be remade for both batteries, 17 Norfolk jackets, 11 cloth trousers, 12 serge trousers, and 12 jumpers; fitting and altering cloth trousers 117 on each; Norfolk jackets 114, cloth trousers 122, serge trousers 121, serge jumpers 121. Down to that point the two vouchers agree in every respect, and then comes an item in which they vary for the first time. That is in the matter of two chevrons. The work done for those two batteries up to that time with the exception of the two chevrons, appears to have been identically the same in every respect, and during the course of my inquiry on the Board, I could not find any explanation of that coincidence. There was no explanation asked. I do not remember that there was any explanation asked of any of the witnesses. One of the witnesses called was the master tailor. I don't think that he was asked to explain that, I don't remember that he was at any rate. The coincidence was noticed during the sitting of the Board. But I think it was after we had done with the evidence, and were going over some papers. So far as I can recollect, Lyttleton was not asked for an explanation of that fact. At the same time I cannot say that he was not. Though, it strikes me that he was not. During the investigation that was made by the Court of Inquiry, there was no document produced justifying the charge for remaking that I am aware of.

The Attorney-General objected to the last statement of the witness on the ground that this Court could not be bound by any opinion expressed by the Board of Inquiry.

1389. *The President*:—Would you like to cross-examine the witness, Mr. Attorney-General? *The Attorney-General*:—I should, sir.

1390. *The Attorney-General*:—Mr. Little, have you any idea who is on his trial here? Why, yes, Mr. Webster.

1391. That is your idea? Yes.

1392. And that is mine, too; but you know that indirectly, and behind this there is a great deal more? I do not understand you, sir.

Mr. Heydon objected to the course the Attorney-General was pursuing in his cross-examination. His learned friend's questions, if they meant anything, insinuated that somebody else was on his trial but the prisoner. He was responsible for the conduct of the case for the prosecution, and he challenged his learned friend to throw off his mantle of insinuation, and tell the Court what he really meant.

The Attorney-General:—I will not speak directly now. I will tell you what I mean at the proper time.

Mr. Heydon:—I ask my learned friend not to make cowardly insinuations in this way. He is protected by his robe, and I ask him not to go on in this cowardly way.

The Attorney-General:—Anything that Mr. Heydon may say I attribute to a little ill-temper, and I do not like charges of this kind. I am only asking the prisoner questions, and I shall conduct the case as I think proper.

1393. *The Attorney-General*:—Have you been connected with the Artillery Volunteers for any time? Yes, connected in duty.

1394. You are a Volunteer Artilleryman are you not? I am not.

1395. Is not that the uniform of a Volunteer Artilleryman? No.

1396. You have been a Volunteer Artilleryman? Never in my life.

1397. You are connected with them now are you not? Yes.

1398. Have you ever been a member of the Permanent Artillery? No.

1399. Have you ever said if ever you were an officer you would make it very hot for the Permanent Artillery? No.

1400. Would you say such a thing? No.

Well, I will not ask you any more about it.

Mr. Heydon:—Perhaps my learned friend will name a time and place for that statement also?

1401. *The Attorney-General*:—Well, I will give you the time and I will give you the place as near as I can,—about fifteen months ago at the Victoria Barracks did you ever say that if you ever got your commission, you would make it—perhaps you did not say very hot—but you used some word conveying the same meaning, for the Permanent Artillery? I never said such a thing. I may have said that if I was quartermaster in the artillery I would have things conducted in a different way. I may have said something of that sort.

1402. Have you ever been an accountant? Never, sir.

1403. Until you investigated these accounts you have never been an accountant at all? I have been a soldier all my time.

1404. But you have suddenly blossomed into an accountant? No, sir; anybody can make figures.

1405. You have evidently made figures. Do you know Mr. Roberts, of the firm of Blomfield and Roberts? I have heard of him.

1406. Do you know that is one of the best firms of accountants in Sydney? I have never heard it.

1407. You don't know much about accounts or accountants then, do you? No.

1408. You know he brings out a totally different result from you, don't you? Yes.

1409. From the same material? No, not from the same material.

1410. From the same material with the exception of what? Of information forwarded to me at one time by the prisoner, which is not in Mr. Roberts' calculation.

1411. Don't you mean that he has arrived at different results from you, with the same material with the exception of that one paper from the master tailor? No, I don't.

1412. Is not that what you meant just now? I don't know.

1413. Don't you mean that he had not that one account of the number of articles made up from cloth by the master tailor? I don't know that. I know that he had not certain information that I have.
1414. What information have you that he had not? It is the statement of clothing made from material.
1415. Hadn't he the same material with the exception of that? I don't know that he had the same material, but I know that he had not that particular statement.
1416. Look at that, and say if that is not the account you meant which Mr. Roberts had not? That I believe he had not.
1417. You also say that he had not that? I do not know about that.
1418. You believe that Mr. Roberts had not this account, numbered 66, but you do not know whether he had the account numbered 67? No.
1419. Now, you, in basing your calculation as to the number of tunics and serges, and so on, deficient, assume that that account (66) is correct? Yes, sir.
1420. Is not that account made out by your own clerk, and in your own clerk's own handwriting? I do not know.
1421. Well, hand it back, please. Now, then, you do not dispute, do you, Mr. Little, that if the results arrived at by Mr. Roberts from the books and documents, and so on, all of which you had before you—you do not dispute that if Mr. Roberts' results are correct, then you must be all wrong? No; I do not admit that I am all wrong.
1422. Put this on one side and take the battery books, and all the books to which you have had access don't you admit that you are wrong? No.
1423. Are you right? Well, as right as a man can be.
1424. You have said you do not know whose handwriting that is, look at it again? I must say that it is like my clerk's handwriting, but I never noticed that before.
1425. Oh, Mr. Little, Mr. Little? I am here sworn to tell the truth.
1426. I asked you five minutes ago whether that was your clerk's handwriting, and you said you didn't know? Well, I would not swear to it now.
1427. So that really when you arrived at your conclusions you were guided by the statement in that paper in the handwriting of your clerk? I would not swear that it was his handwriting.
1428. Well, we will assume that that is your clerk's handwriting? Very well, suppose you do.
1429. Well, but I may, may I not? Yes, you may, if you like; but I do not know that it is my clerk's handwriting all the same.
1430. How long has he been your clerk? Four years.
1431. Well, don't you believe it to be your clerk's handwriting? I will not swear it.
1432. Do you believe it, do tell me? It is very like it.
1433. Do you believe it to be? I would not swear that it is.
1434. Then I may assume that you believe it to be, may I? You have my answer, sir.
1435. Assuming that this is your clerk's handwriting, have you not based your calculations upon the correctness of that document? I have partly based them upon that and upon many other things too.
1436. Well, but I cannot deal with everything at once. You have based your calculations to a material extent relying upon the calculations of that account, have you not? Yes, so far.
1437. Has that account been added to since it was given to you by Mr. Webster? These red figures?
1438. Answer me in detail—has that account been added to since it was given to you by Mr. Webster? That I cannot say.
1439. You see that there appear to be alterations in that account, don't there? Not in these figures; it is only in bringing the cloth into one denomination.
1440. There are alterations on the face of that paper, are there not? Not in the number of garments.
1441. When were they made? I think they were made before Mr. Webster signed it.
1442. You see, originally it was total 539 yards used, and it has been altered to 933, has it not? Yes.
1443. So that whether you made those alterations before Mr. Webster signed, or whether you did not, if your clerk has made this account up before or after Mr. Webster signed it, he has been out 400 yards? No, it does not follow. There were two different widths.
1444. Well, but if your clerk made it out he must have been nearly 400 yards out in his calculation? Yes. Well no, I don't say that, because if this was double width he would not have been wrong at all.
1445. Who put those two figures there? I did.
1446. Didn't you put them in after Mr. Webster signed it? No; I put them in before.
1447. Will you swear that you did not put them in after Mr. Webster signed it? No.
1448. When did you put them in? When I made the red remark.
1449. When did you make the red remarks? On the same day that I made the other figures.
1450. Can you say why you did not put them in with the same kind of ink? Because I cannot do two things at once.
1451. Was it the same time or the same day then? It was the same day, I think, but I cannot even swear about that.
1452. Has anything else been added since Mr. Webster signed that? That was added.
1453. You had a pen with red ink in it, had not you, when you made those alterations? Yes.
1454. Didn't you give that pen, with the same dip of ink in it, to the prisoner and say, "Here Webster sign that?" I cannot say yes or no to that question. It is a very likely thing that something of the kind happened. I said this, "What you have handed in is no authority without a signature."
1455. Did you say this, "That you have handed in?" I might not have said "handed in." I said, "This is no authority without a signature."
1456. When you said "handed in" did not you wish the Court to believe that Webster had handed it in? No, I never intended that.
1457. Did Webster hand it in or is it not a fact that your clerk made it out and that Webster merely signed it? I don't know who made it out; my clerk could not have made it out without being employed by Mr. Webster.
1458. Is it not a fact that you, without the authority of the commanding officer or without the permission of Webster, went to the barracks and got his books? No; not without authority.
1459. Of the commanding officer? I did not do it without the authority of the Board.
1460. The Board had no control over the books of the Permanent Artillery, had it? Whatever was said by the President we had authority to do.

1461. Did you take your clerk with you? No.
1462. Now look here, do you see that there is Webster's red ink signature, is there not? Yes.
1463. Has that been added since Webster put his red ink signature there? It has not been added on since then; it was there before.
1464. Are you certain? Yes, I am.
1465. Was your clerk there when he signed it? My clerk was in the same building, but in another office, when he signed it.
1466. Not present? No, not present.
1467. Look on this paper marked "a true copy" with some initials on the bottom? Yes, I see it.
1468. Are those your initials on the bottom? Yes.
1469. Now just look at this which is put in evidence—issued on the 31st March, seventy-six tunics—do you see that? Yes sir.
1470. That is the table as amended? Yes sir.
1471. When you certified that that paper is a true copy, did you mean a true copy of that? No, I meant that it was a true copy of the original.
1472. Didn't you know when you certified that to be a true copy that that was required for Webster's defence? No, I didn't know that he was going to be tried.
1473. Well, why didn't you give him a true copy of that? Because I was not ordered to.
1474. He has never had a true copy of that then? I don't think he has.
1475. You say you have put down fifty tunics here? Yes.
1476. It is not a true copy of that? No.
1477. The number 395 is only down as 285 in the amended return? Yes.
1478. Here we have tunics 287, and in yours it is 255, and in that before the Court it is 303, is it not? Yes.
1479. Now, again, here in your copy there are 295 cloth trousers for all ranks in the year 1887, and in this count it is 323, is it not? Yes, but this in favour of Mr. Webster.
1480. Never mind who it is in favour of, Mr. Little, thank you. You heard my learned friend say that, and you now say the same thing? I don't know; I didn't hear him that I know of.
1481. Here it is again, Norfolk jackets 270 here and 296 there, a difference of twenty-six; somebody is wrong somewhere? Yes; but it is all in favour of the prisoner.
1482. Never mind that; you seem very anxious to favour the prisoner; then again, in 1887, there are 203 jumpers down in your list, and there the number is 298? Yes.
1483. Now, which is correct of these two? I think the original one is near the truth; but, to give the prisoner the benefit of the doubt, we put those numbers down.
1484. Which is correct? I vouch for the correctness of my original one; for the correctness of the other one I cannot vouch.
1485. Will you vouch for the correctness of either? I will not vouch for the perfect correctness of either, but they were both made out in good faith.
1486. Do you know that a very large number of garments are said to have been issued in bulk to the batteries and returned to the prisoner? Yes; I saw it in the book.
1487. Have you, in the results at which you have arrived, given the prisoner credit for these things—a very large number of tunics and other things that were issued to the batteries? I have not taken any notice of that entry at all.
1488. So that if the prisoner issued to the batteries 500 or 600 garments in globe, you have not given him the benefit of these issues, have you? No; I knew nothing about these issues.
1489. And therefore you have not given him the benefit of them? No.
1490. Have you charged him, debited him, with the re-issue of any articles that might have been returned to him from the battery; suppose 100 garments were issued in bulk to the batteries (it has been said that these garments issued in bulk have been returned to him)—supposing he has re-issued any of those, have you given him the benefit of those re-issues? Yes; I have.
1491. You are not charging him with the receipt of these things, then? I have not taken those things into account, but if he received those articles from the battery, and issued them again, he got credit from me.
1492. You have not given him credit even for the issue of this large number of things in bulk, have you? No; neither credit nor debit.
1493. Did you say to Webster, at the time he wrote his name in red ink, "If you sign this document, Webster, it will square the amount of cloth you say you have received, and there will be nothing more about it"? No.
1494. Did you say that, "If you sign this document it will square the amount of cloth you have received"? No; not in those words; I said, "This is no authority without your signature."
1495. How many tunics do you make him out to be deficient in? That I cannot quite remember.
1496. Cannot you tell from that paper you made out last night? No; I did not make out any paper last night.
1497. In your true copy you put down balance to be accounted for eighty-three tunics? Yes.
1498. In this amended table it only shows fifteen tunics to be accounted for, does it not? Yes.
1499. Which is correct of these? One is taken from the brigade books; the amended account is made up from the battery book.
1500. Is that it? Yes.
1501. Although the same? Yes.
1502. Now be careful—see what you are saying? Yes, they are.
1503. When did you certify this to be a true copy? When it was made out.
1504. On the 15th November, 1888? Yes.
1505. Do you know when this was made out? That is after this date certainly.
1506. Where did you get your bulk issues from? From the brigade books.
1507. *The President*:—Do you wish to re-examine the witness, Mr. Heydon?
Mr. Heydon:—If you please, sir.
1508. *Mr. Heydon*:—In regard to what has been said, Mr. Little, I will clear it away at once about anything indirect and so on; you were appointed, I believe, as a member of the Board of Inquiry, and as a member of that Board you had to do your duty, extending over a period of six months? Yes.

1509. And since the Board you have been called here as a witness to give evidence in this case? Yes.
1510. During all that time have you been influenced by any other motive or influence, except the desire to do your duty to the best of your ability? I have not been influenced to do other than to give fair play to the Government.
1511. Can you tell me how it was that that return, which is like your clerk's handwriting, came to be made out? As far as I can remember, I mentioned to Mr. Webster that there was a great deficiency in the cloth, and he said that it was made up into garments. Subsequently he furnished me with that list.
1512. *The Attorney-General*:—You say he furnished you with it? Yes, sir.
- The Attorney-General*:—I objected to that.
1513. *The President*:—How did that paper come to you? So far as I can recollect he handed it to me, saying, "This is the account of the garments made up from the cloth by the master tailor." And I took it from him and looked over it; and in going over it I said, "The yards of cloth I cannot calculate without bringing them all under one denomination;" and I made those calculations, and asked Webster to sign this paper as a document of authority; and he did sign it as such.
1514. Now this document was furnished to account for certain deficiencies of cloth? I take it to be so.
1515. And the cloth, as worked out in the document, appeared to account for some 500 odd yards, did it not? 500 odd yards of cloth, but it did not say of what width.
1516. Then you brought them to a common denomination and found it accounted for a much larger amount of cloth? Yes, sir.
1517. Would you kindly look at it and tell me how many yards of cloth that account purported to represent when it first came into your hands? 539½ yards.
1518. How many yards of cloth did it account for when you had altered it? 933 yards.
1519. Then did that go further to account for the deficiency of the prisoner's cloth than it did before? Yes; it was an alteration in his interest to the extent of 400 and odd yards.
1520. And was the deficiency of cloth accounted for, or was the subsequent account given, required to account for it? Yes; the subsequent account was required.
1521. How did the subsequent account come to be made up; it is all in his handwriting? I do not know how. I suppose it was handed in to the Board by Mr. Webster. It might have been handed to me, but I do not remember exactly the circumstance.
1522. Do you remember whether you said anything to the prisoner as to whether the first return that came into your possession fully accounted for the deficiency of the cloth? No; I do not remember saying any such thing, because when I made it up I found that it did not fully account for anything.
1523. Can you tell me whether the other account (the one in the prisoner's handwriting) came into the hands of the Board subsequently to the first? Subsequently.
1524. And taken together they do account for the deficiency of cloth? Yes.
1525. Had you anything at all to do with the making up of that document signed in red ink by the prisoner? No, I had not.
1526. Whether it was made up by your clerk or not; was it made up by your directions or under your supervision? Neither by my directions or under my supervision.
1527. Now you have been asked about a certain table 1 and an amended table 1; you made up table 1 in the first instance from what materials? From the Brigade books.
1528. The prisoner's books? Yes.
1529. Was that paper No. 1 correct, according to the prisoner's books? As far as I can see it was correct.
1530. Did you, after that, get information as to the amount shown in the battery books? I did, but it was not until the batteries were asked to furnish it.
1531. Just so. The Board of Inquiry made a request to the battery to furnish certain information, and the returns were made which I put into the Court. Will you tell me how much deficiency the unamended account shows? I really cannot tell you, unless you let me see the account.
1532. According to the unamended account what was the deficiency of tunics? 83.
1533. And of cloth trousers? 337.
1534. And of serge trousers? 299.
1535. And Norfolk jackets? 95.
1536. And jumpers? 127.
1537. The amended account was more in favour of the prisoner than the other one you say? Yes it is.
1538. Now with regard to those bulk issues that appear in the books. Did you take any notice whatever of those in making up your accounts? Of the 130.
1539. Yes? I took no notice of them one way or the other.
1540. So that if you did not credit him with them, neither did you debit him with them? No.
1541. You debited him with what he received from the contractors, and you credited him with what he issued to the batteries, and that return you took no notice of? Yes.
1542. You have said that you did not tell Webster to sign that, and that there would be no more said about the matter? No, I did not say that.
1543. Are you certain? Yes.
1544. You are certain, are you, that you never said to him that there would be nothing more about it if he signed that document? I am quite certain on that point.
1545. Was there any one there at the time you told him, that the document would be no authority unless it was signed? Nobody was standing near.
1546. Then there was nobody there to report such a thing unless the prisoner himself? No sir.
1547. What cloth would these different garments be made of? Some would be made from what they call broadcloth, and some from doeskin, and others of serge, trimmed with scarlet.
1548. Then it is not a cloth that would be perfectly useless except to the Military? By no means.
1549. It is a marketable cloth? Yes.
1550. Can you tell the Court why that alteration was made in red ink on that voucher? It was made to bring all cloth under one denomination so that I could make the calculation of how much cloth it would take to make those garments.
1551. It was taken from double width to narrow width? Yes; it would have been impossible to count them up if it had not been.

1552-3. We have got down "by sales" in the prisoner's book (without any date), fifty-seven cloth trousers and sixty-three serge trousers;—is there no other entry in the prisoner's book of garments sold? I do not think there is, sir; I have not noticed.

1554. Is there no other entry in the book that would show sales of garments from 1886 to 1888? I didn't find any.

1555. Are they not shown in some other book? No, I don't think they are. I have not seen them in any book, but I have taken them from papers produced by the pay office.

1556. I do not quite understand your answer;—I ask you whether there is any other book in which entries of sales may have been made? Not to my knowledge, though I have not looked over this book this morning. I do not remember having seen it. There is a remark here—"issued by purchase to troops," and annual issues are both included for this year 1887 to 1888; but you cannot take one from the other. I have not taken any account whatever of this. In my account of issues from sales I took my figures from other documents.

1557. What other documents? From the pay office.

1558. How did you get possession of the prisoner's books in order to make these calculations? They were ordered to be sent in to the Board.

1559. Was he ordered to send in all his books? I forget now. Colonel Eden was President, and whatever he ordered was got.

1560. You merely formed your calculations upon books supplied to you by the Court? Yes, sir.

1561. *By Mr. Heydon*:—Can you tell me to whom the order to get the books was given? I think it was to Captain Savage.

1562. And do you know how they came before the Board? They were brought in by somebody.

1563. *By the Attorney-General*:—Did you go up and examine books at the prisoner's store? I don't remember doing any such thing.

1564. It was not only before the Board you had the books, was it;—you must have had them some other time? Yes; we had them from time to time.

1565. *Mr. Heydon*:—Did the Board make an examination of the books from time to time? Yes.

1566. Not you alone? No; not me alone.

1567. They came into the possession of the Board and went out of the possession of the Board several times? Well, more than once.

1568. And after the Board had done with them, where did they go? I suppose they were returned to their several owners. When the Board had done with them the last time they were sent down to Dawes' Battery.

1569. *The Attorney-General*:—Will you take upon yourself to say that you did not go to the store on several occasions and examine his books there? I really do not remember.

1570. In the store I am talking about? I do not remember. I remember going to the store on one occasion about a certain amount of cloth.

1571. *Mr. Heydon*:—Major Mackenzie's serge, was it not? Yes, and something else.

1572. *By the Attorney-General*:—Didn't you at that time examine his books whilst you were there? I don't think I did.

His evidence is read to the witness, as directed by Rule of Procedure 81 B. The witness withdraws.

No. 1429. Sergeant John Lyttleton, master-tailor, having been called and duly sworn, was examined by the Prosecutor, and said:—

I have been acting as master tailor for some time past for the New South Wales Artillery; I commenced working for the Artillery in May, 1885; I am sure it was 1885, because the troops were away in the Soudan that year; I never kept any books, only private accounts of private work that I did; I mean that my accounts and pay vouchers were made up by Mr. Webster, according as each article required a "make" or a "re-make"; of course he valued them, and by that means the accounts were made up; they were made up by Mr. Webster and his clerks; I never made them up myself; I kept no account of what I was entitled to myself; when the pay vouchers were made up I signed them; I had no means of checking them when I signed them; I was not very well up in figures, and indeed, apart from that, I have not the time; I signed them without checking them; I cannot answer the question whether I had any conversation with respect to the quantities I charged for, and the amounts I charged, as general conversation about it was necessary; as I marked the alterations in Mr. Webster's store, I understood that they were put down; I remember having a conversation with the prisoner's clerk about the cloth and the amount I was charging, and so on; the clerk to whom I refer is the late Gunner Ritchie, who is now dead; the prisoner had two clerks in his place for a short time, but only for a short time; those two clerks were the late Gunner Ritchie and Bombadier Lovelock; since that time there has only been one; I don't remember having conversations with anybody but the prisoner and his clerks about the work I had done or the work I was charging for.

[Exhibit 72 shown to witness.]

The charge against No. 3 Battery is for making 15 cloth tunics, and the charge against No. 1 Battery is for making 15 cloth tunics also; then there is a charge for 17 serge Norfolk jackets against No. 3 Battery, and a charge for 17 Norfolk jackets for No. 1 Battery; there is another charge for 11 cloth trousers against No. 1 Battery, and a similar charge against No. 3, and so on; the items are all the same in the case of each battery until you come to a difference of 40 as against 42 chevrons; I cannot account for that similarity; when the pay vouchers were made up I always thought that they were correct; in fact, I used to be rather jealous that they were underrated sometimes, but I hadn't time to examine them; the annual supply of clothing used to be imported by the contractor according to size rolls; during my time there were something like 40 per cent. of the tunics required for re-making altogether; I can explain why such a large number of tunics require re-making; the tunics that came out were altogether too large, and during my time they had increased the strength of No. 2 Battery, and several short men had joined as drivers, so these things would not fit; formerly the men were of a larger size, but in my time they were smaller men and consequently the clothing required re-making; the size roll contains a list of the sizes of the men for whom the garments were wanted; after they had indented for these things they increased

increased the corps apparently with short men; I think they were shorter than the average men of the corps; those men would be recruits, and when each recruit came up of course they have to fit him; if a lot had joined in the last three months they came in for a double issue of clothing, and that would necessitate a great deal of expense; I cannot answer whether that will explain all the difference.

At 1 o'clock p.m. the Court adjourned for lunch; at 2 o'clock the same afternoon the Court reassembled pursuant to adjournment. Present:—The same members as before.

The witness is reminded of his former oath, and the examination continues:—

I explained how the master tailor's bills came to be so large as £765 14s. 2d. in the ten months from September, 1887 to July, 1888; a number of them had a double issue; it was not a usual amount; I never had a "usual" amount, I had to pay a very heavy price for civilian labour, and, of course, I had to charge accordingly; there was no other ten months in which so much was done; there is a voucher dated July, 1888, against No. 1 Battery; the charge for remaking forty-one cloth tunics and altering and fitting twenty-five cloth tunics out of sixty cloth tunics appears in that voucher; there is nothing "usual" about it; if it was necessary to have these garments remade I had to have them remade; I had to use great discretion right through; it must have been unusual or no, I won't say that, because as alterations were marked down they were charged for, so I will not say whether it was usual or unusual; I cannot say that it was either; it was apparently necessary; the fact of the matter is that the whole of them had to be remade as far as that goes; it was an exceptional case to have to remake 41 out of 66 cloth tunics; the serge jumpers had to be ripped up, but, of course, the alterations in them would not take as much time as the alterations in the tunics; the jumpers were too large altogether; out of 67 serge jumpers I remade 39, and I altered and fitted 28; it was an exceptional case; there was an old stock of clothing that had to be used; out of 55 cloth trousers 33 required remaking; that was not usual, and out of 38 serge trousers 24 had to be remade, whilst 14 had to be altered and fitted; that was not usual; out of 64 Norfolk jackets 37 had to be altered and remade; that was not usual; this was remaking to such an extent that I felt justified in charging the same price that I should have charged for making the garments in the first instance; the amount of work to be done in remaking these things was decided upon by myself, but they had to be paraded outside on the verandah before the officers; the necessary alterations were not taken down until I marked them, and they valued them; there was no valuation made at the time, and, indeed, the matter was always arranged quite in this way; what was marked in the store was valued, I think, by Mr. Webster; discretion was used all through; a record was taken in the Quartermaster-sergeant's books of the alterations that I marked upon the garments when the men were paraded; the record was taken by Mr. Webster or his clerk as the case might be; after the clothing had been marked, and was put into my hands I made the alterations, but I cannot say Mr. Webster always estimated the value of my work, I presume that the voucher was made out according to what was in the book, I had a conversation with the prisoner about a charge for "remakes"; when I joined the Force first the prisoner showed me a book with the list of prices in, and he told me this was what the previous tailor had been allowed; when I marked the alterations I decided on the nature of the work and told Mr. Webster's clerk to put down either a "mark" or a "remark"; Mr. Webster was not present on all occasions when I gave these instructions; on the occasions when he was present he heard the instructions and used to come and look at the garments as I marked them; I have not time to keep books; there was another reason, I cannot go into very heavy accounts and I was not allowed to keep a clerk; I keep a private book of my own with the wages paid in it; I gave evidence before the Board of Inquiry; I did not show them that book; I gave evidence seven or eight times before the Board of Inquiry I will not say that I ever lost this book; on second thoughts I should like to say that I did not keep any account until latterly—since the Board sat—I thought I should like to keep accounts, lest men should come upon me for their money twice over; so that at the time the Board was sitting I had no book to produce to them; I did not keep a bank account; all the money that I had was kept by my wife; on the 7th of December I drew £224; I used to get my money from Colonel Baynes, that amount was kept at home by my wife; I never kept a banking account in my own name; my wife used to keep a banking account; when we got married she had a little more money than I had; I did not give cheques to the men I employed for their wages; my wife used to pay me the money for their wages every week; some weeks I remember the wages used to amount to £13 odd in other weeks £11; then there were weeks it would amount to £12, and other weeks again when it would not be more than £9; but, whatever it was my wife would draw it for me; I do not know whether I can find out exactly from my wife's pass book what amount of money had been drawn for wages, because I kept no record of it; she used to keep the £200 or £300 on hand for fear of being short; she had a bank account of her own; I did not say just now that she used to pay it into the bank; I said that she had a banking account; this sum of £234 which I got in a lump from the Paymaster was paid in wages; I gave it to my wife when I drew it out of the Paymaster's office and she used to give me the money for the men's wages.

The Attorney-General drew the attention of the Court to the fact that if the Counsel for the prosecution pressed the witness any further on these points he might lead him to criminate himself.

The President (to witness):—Are you not under arrest? I am under open arrest.

The President:—Then you are not now obliged to answer any questions that may criminate yourself.

Examination-in-chief continued:—I am not aware that I can give you any information by which you can trace these wages.

By the President:—I did not give my workmen an average of £12 per week, I should think I gave them an average of £9 or £10 per week.

Examination-in-chief continued:—I used to get private work from the officers and men outside of these vouchers I really cannot tell you how much I got out of that. The private work would not amount to anything like £2 a week; it might amount to £3 or £5 or perhaps only £1 for the whole of the batteries during the course of a month, that would be about £65 a year; that was work that I did but had to supply the materials out of my own pocket; I used to make up work for which the material was supplied. I made a lot of material up into jackets, and tunics, and so on. This sum, whether it was £65 a year or not, would be for tunics, and trousers, and other garments. I had some work to do for warrant-officers, for which the material was supplied, but very little indeed. Then I made tunics, trousers, &c., for other members of the Force, for which material was also supplied. I could not tell you how much that amounted to; if I was even to try I could not answer your question. When I gave my evidence

before

before the Board of Inquiry I do not think my memory was fresher than it is now. That was nearer the time, but I think I remember quite as badly as I do now. I recollect something about telling them how much I made for private work during the course of a year. I told them it was somewhere about £48 a year. I could not tell to a penny, but as near as I can recollect I told them that it was something about £18 a year. My profit used to vary from 30s. to £2 per week, but not every week the same. It was perhaps about 35s. a week on an average. I should like to know what particular ten months they were that you were asking me about when you wanted to know how the £215 came out of the £765. May I ask you also what the first voucher was, and the date upon which I got it, because I used to let my accounts run on for three months, and then I shall be better able to know how much my pay and allowance was. I cannot tell you how much my pay and allowance amounted to during the year; I got 4s. a day. I got some allowances also. Lodging allowance, 12s. a week, and rations. I got no allowance as master tailor; merely the pay of a sergeant. I might have said to the Board that my pay and allowances came to £122 a year. I draw rations for myself and family; that comes to 12s. 6d. a week. I can explain that £215. I have paid away not only what I paid in the shop, but I also gave work out and that might amount to £2 or £3 a week more. Parties used to take away work sometimes which amounted to £3 or £4. I think that I can satisfactorily account for the whole thing. I have refunded some £290 on certain conditions. I did not mean that that was satisfactorily accounted for, but you will see all about that if you will read the letter I sent to the Major-General. The terms upon which I refunded the money were that I used not to keep any accounts. I made no bargain about returning this money. I had to be satisfied or else I could not make up the account. If I did make an overcharge it was not my fault. The late Gunner Ritchie kept my accounts, and Loveless also kept them a part of the time. Loveless kept them for about two years. This is my signature; it is put there as a receipt for the amount shown there.

1574. *The President*:—Do you wish to cross-examine the witness, Mr. Attorney-General?

The Attorney-General:—I do, sir.

1575. *The Attorney-General*:—This account here is £765 14s. 6d.; can you tell me over what length of time that account extended—take the first one, September? It might have begun two months back, but I cannot tell very well.

1576. Would it not go back considerably more than two months? Yes, it might; it might go back three months.

1577. The next item is from September to December? Yes sir.

1578. And then from December to July? Yes sir.

1579. Who was the man who told you or suggested to you to refund that money—the £290? Nobody told me to do it.

1580. No one put you up to it? No sir.

1581. Are you sure? Quite sure.

1582. Didn't Mr. Little suggest it to you? Oh, yes sir; I did go to Mr. Little and I asked his advice about the matter, and I told him I kept no books myself, and that if they tried me by Court-martial that will be no excuse.

1583. Who told you that? I thought it myself; and he said, "Well the accounts have been reckoned up fairly, and the best thing you can do is to refund the money to the Government;" and I said, "Well, to save all trouble, I will give them the money—not the same money but my own money."

1584. You were frightened, were you not? Yes sir; I was frightened, I will admit that.

1585. You were saying something just now about losing your pension, who told you that? Nobody; I thought so.

1586. *The President*:—Is this pension that you receive as an old soldier of the imperial army? Yes sir.

1587. You were not referring to any pension you might receive out here? No sir.

1588. *The Attorney-General*:—Is that document in the handwriting of Mr. Little's clerk? No sir; I think it is written by one of our men in the Artillery.

1589. I want to ask you solidly and seriously, Lyttleton, was there any conversation between you and Mr. Webster as to these alleged overcharges? No sir.

1590. You swear that positively? Positively.

1591. Loveless was examined, was he not, before the Board of Inquiry? I don't believe he was, sir,—not to my knowledge.

1592. *By the Court*:—What service were you in before you came here as master tailor? In the seventh Royal Fusiliers—the second battalion.

1593. And you retired after 20 years service? I had 25 years and 335 days service.

1594. Did you apply for the position of master tailor in the force here? Yes sir.

1595. What were your qualifications—had you any experience of master tailor before? I was thirteen years and nine months a sergeant master tailor in my own regiment prior to discharge.

1596. And in the Royal Fusiliers didn't you keep any accounts? No sir. No account against the Government; minor accounts I did keep, but not accounts against the Government. They were kept by the quartermaster in his office, as is done everywhere.

1597. And you were not prepared to keep accounts when you came here? No sir; I was too busy.

1598. And did you ask Mr. Webster if he would allow you to have his clerks to keep your accounts for you? Yes, sir.

1599. And did you apply for a clerk for yourself? No sir; I did not.

1600. When you were posted as master tailor did you receive any orders from anybody as to what your duties would be? Yes sir; from Mr. Webster.

1601. And had you no dealings with the Officer Commanding or with the Adjutant? No sir.

1602. They never took any notice of you? No sir.

1603. And you were under Webster entirely? Yes sir; entirely.

1604. Who fixed the charges for makes and remakes? They were on a board in the office, and the prices and everything.

1605. Is that board in existence now? Is it signed by anybody? Yes, I believe it was; although I cannot say for certain whether Colonel Roberts' name was on it or not, although I think it was.

1606. Is the board there now? Well, I am not sure whether it was not given in for the information of the Board of Inquiry.

1607. You never saw any alteration in the scale of charges you were to make? There was only 1s. allowed and 18s.; there were only the two set prices.
1608. On whose authority, then, did you charge 18s. instead of 1s.? On the authority of the printed board.
1609. Yes, that is right enough; but on whose authority did you charge the 18s. upon an individual garment? Well, I determined it myself. I chalked it. I said 1s. would not pay, no matter how little would be done. It would take a man half a day, and we used to pay 7s. 6d. a day, so that it would not have paid me to have charged 1s. I might have charged 1s. for two or three garments that cost me 1s. to have altered, and then perhaps I would have another garment upon which I would charge 18s.
1610. In the regiment to which you belonged, were there different rates? No; there was a fixed price of £44 a year for alterations alone.
1611. How many people did you employ on an average? Different numbers. Sometimes twelve or thirteen, or seven, or six, or five, and I used to work myself as well.
1612. It just depended on the amount of work you had? Yes, sir; and I used to give work out too.
1613. Was it all civilian labour, or did you get any of the gunners to help? All civilian labour, except one soldier, who was merely a handy man; to him I used to give 10s. a week, or clothing and 5s. a week.
1614. When these long vouchers were presented to you for signature, were you able to add them up yourself? I never tried.
1615. But supposing you had tried? Yes sir, I think I could.
1616. Well, just add-up this little sum for me here? I have not got my glasses.
1617. Well, can you add-up a long column of figures to see whether it is right or wrong? No, not for certain.
1618. Did you not have two or three gunners—one was Edwards—helping you? I had two, sir; I forgot to mention the other one, M'Mahon; I used to give him 5s. a week.
1619. What is the name of the first man you mentioned? Nain.
1620. Was there not somebody else? Oh, yes sir, there was; a man of the name of Moran; he was discharged.
1621. Don't you remember a man named Carr? Yes sir; he was not in the shop at the same time.
1622. You have told us that you were not good at figures. Can you read writing? Oh, yes.
1623. Read that page then? I cannot see, sir, without my glasses.
1624. Can you make anything of it? I could, sir, if I had my glasses.
1625. Well, if you could not read the writing, and you could not make up the figures, apparently, you could not know much about your vouchers, whether they were correct or otherwise? Well, I really did not know much about them.
1626. How was the alteration of clothing done—was it done by batteries? Well, there was some of each battery, in fact some of each battery on hand at the same time.
1627. And when you told the clerk the amount for your vouchers you said you told him how much to put down? No sir, I did not tell him that; he went by what was marked down in the store, whether it was a make or a re-make.
1628. Therefore you could not have said whether it was twenty-five cloth tunics for No. 3 or seventy-five cloth tunics for No. 3 Battery? No sir.
1629. And so long as you got the whole amount, that was all that you cared about? Yes, sir.
1630. Can you tell me exactly where you last saw this notice-board that you speak of? In Mr. Webster's office.
1631. Was it hanging up? It was hanging on the side of a partition, but I believe I read the prices in a book too.
1632. Can you tell me what sort of a book it was? Something like a ledger.
1633. Where was this board hanging up? You could see it from the door, sir.
1634. When did you see it last? Just before the Board of Inquiry; it was there I am sure.
1635. You told us just now that you saw it at the Court of Inquiry? I understood that it went up there; I understood that when the books went up it went up with them.
1636. Did you see it produced before the Board of Inquiry? I cannot say, sir.
1637. But you have not seen it since? Not to my recollection.
1638. Nor the book in which the writing was? No sir. I have seen none of the books since.
1639. Were there two scales of charges—one, such and such a scale of prices, and the other, such and such a scale of charges—one beginning with 1s., and the other beginning with 18s.? Yes sir; there were those two items which you say.
1640. Did you ever hear of this order:—"Dated the 29th June, 1883. In pursuance with the recommendation of a Board of Officers, in connection with the management of tailors' shops, the Commandant is pleased to approve of the garrison order of the 5th instant being amended as follows:—Fitting and alteration of garments—cloth tunic, 1s.; cloth trousers, 9d.; serge trousers, 9d.; Norfolk jacket, 9d.; jumper, 4d.; removing old and sewing on new buttons—tunic, per set, 10d.; Norfolk jacket, 6d. By command.—J. A. COMPTON, Capt., Acting Major of Brigade?" No sir; it could not be done at that.
1641. I am not asking whether it could be done at that, but whether you had ever seen or heard of that order? No sir; I have no recollection.
1642. Did you ever hear of an order, dated the 5th June, 1883, which gives the scale of charges for making garments? No sir; I do not remember it.
1643. By Mr. Heydon (through the Court):—When you were fitting the men, did they come up in different batches to be fitted and altered? Yes sir.
1644. Then you would know what battery the man belonged to that you were fitting? Oh yes sir.
1645. Then, as you were fitting the clothes on, you would call out the name of the battery to which the man belonged? Yes sir.
1646. Would the names of the men be down in the book too? Certainly. Of course.
1647. Do you know what book these names were put down in? They belonged to the stores.
1648. You say you decided whether a "re-make" or an "alteration" was necessary—was that checked at all? Sometimes I had to determine it myself, and at other times an officer had to determine it, or Mr. Webster himself, or the commanding officers of the batteries.

1649. Would the prisoner be present? Well, he was not in front of the officers. He was only present during what we did in the store.

1650. Then what you did in the store Mr. Webster was present whilst you did it? Yes sir.

1651. Was that measuring and fitting on clothes and so on? Yes sir.

1652. Would you not have to pass an examination before you become a sergeant? Not for my business, sir.

The President:—It is merely an honorary rank.

1653. *By the Attorney-General (through the Court)*:—I suppose you would have to pass an examination before you became a tailor? No sir.

1654. As a matter of fact I understand from what you say there seems to have been an arrangement by which alterations or re-makes were either 1s. or 18s.? Yes sir.

1655. There was no medium? No sir; no second charge.

1656. Did you say that supposing there were five or six slight alterations you would very likely throw them in as one. Would you charge 1s. for each one or 18s.? Perhaps there would be six or eight before I got a "re-make."

1657. There might be five or six which you would alter at 1s., and the next would be something more than you could possibly do for 1s., and then you would charge the 18s.? Yes sir.

1658. I believe you yourself condemned this system—pointed out that it was what it ought not to have been? Yes sir; I pointed out to the officers on the Board of Inquiry.

1659. You gave in a list of prices which you recommended ought to be adopted, is not that so? Yes sir.

1660. In any part of the world where you have been before, did you ever hear of such a system as this with charges of 1s. and 18s. and nothing between? No sir.

1661. Did you ever get any money for altering the clothing until it was finally passed by the officer commanding the battery? No sir.

1662. You never did, whatever your charge was? No, whatever the charge was.

1663. I believe you said so before the Board of Inquiry? Yes sir.

1664. Did you say before the Board of Inquiry as follows:—"I demanded 18s. for re-makes, and am the person who assessed the charges. In fact I do all charges?" Yes sir.

1665. And that is a fact, is it not? Yes sir.

1666. Are you still the master-tailor? No sir.

1667. Did you remember being asked at the Board of Inquiry to explain how it was during the time of the other master-tailor there was a less percentage of re-makes than during your time, and did you say that in his time they were all big men, and consequently not so much alteration was needed—the new men are smaller, and therefore it is necessary to alter nearly every tunic? Yes sir.

1668. Is that so? Yes sir.

1669. Well, if that is so, there are smaller men in the force now than there used to be? Yes sir.

1670. And yet under this system they keep sending out clothes according to the old sizes? Yes sir, seemingly so.

1671. And that necessitates a great many alterations? Yes sir.

1672. Would that remark of yours about there being smaller men in the force extend to all the batteries 1, 2, and 3—indeed throughout the force? Yes sir.

1673. Well, I suppose that would account to a certain extent for there being a certain number of tunics to be altered in No. 2 Battery, and the same in No. 3 Battery? Yes sir.

1674. And the jumpers and Norfolk jackets are all too large right through the force? Yes sir.

1675. *By Mr. Heydon (through the Court)*:—You were asked as to what you said before the Board of Inquiry; did not you say this—that Webster was your only authority for the charges you made? Yes sir, I daresay I did.

1676. My learned friend asked you if you did not suggest before the Board of Inquiry an amendment on a different scale of charges to be made by the master-tailor;—is it not a fact that that different scale of charges suggested by you made a difference of £271 5s. 10d. on a body of 350 men? Yes sir.

The President:—The tailor recommended a system by which a large amount of money would be saved to the Government?

Mr. Heydon:—Yes.

1677. *By Mr. Heydon*:—Didn't you say this—"The alterations at these charges could have been done; of course a larger alteration could have been made for 2s. 6d. than for 1s. charged for; and a larger alteration still for 7s. 6d., and the extreme price would have been 12s. 6d.?" I only say it could be done; perhaps it might suit other people, but I would only give it a trial at those reduced rates, on the scale which I handed to the Board the other day.

1678. *By The President*:—On your own showing, did you think that reduction would be made? Yes.

1679. *By Mr. Heydon*:—Were there two lists of charges on the notice-board, one beginning with 1s. and one with 18s.? There might be more, but I don't know now.

1680. Did you say that there was one list beginning with 1s., and the other beginning with 18s.: let me put it in this way, what was the charge of fitting a tunic? I think a shilling.

1681. What was your charge for fitting a pair of cloth trousers? I think it was 1s. or 9d.

1682. Was there not a list on that board of charges for this fitting beginning with 1s.? Yes sir.

1683. Now, what do you charge for making a rank and file tunic? 18s.

1684. What do you charge for making a sergeant's tunic? Somewhere about 18s.

1685. It was a little more, was it not? It might be a little more.

1686. And a staff-sergeant's tunic, was there not a price for that? Yes sir.

1687. Well, was there not another list of charges beginning with 18s.? They were all on one board.

1688. I know that? I have said so; but were there not two lists of charges, one beginning with 1s. on the top of the column, and the other beginning with 18s.? I suppose so.

1689. You say your charges were made on the authority of that board; now, will you swear that there was a single word about charging 18s. for re-making a rank and file tunic; was it not 18s. for making a rank and file tunic?

1690. *The President*:—Can you tell me, Lyttleton, whether, when the clothing was fitted on a battery were the battery quarter-masters' sergeants present? Yes sir.

1691. And did they put down in their battery books a note of the alterations required? No, sir.
1692. When you mark the clothes for altering, you take a piece of chalk and make some hieroglyphics, some on the neck, some on the back, and some on the arm;—would the officer be able to tell whether it was for a “remake” or for an “alteration”? Yes; but I used to tell them the nature of the work.
1693. What I want to get at, is this—it remained to you to judge whether it was a “remake” or an “alteration”? Yes, sir. Nobody could judge but myself.
1694. Is it not a fact that you get 1s. for every tunic you see fitted, whether there is an alteration or not? I believe so, sir.
1695. You said that in these battery lists’ “remakes” you did not get the money until they were vouched for by the officer commanding the batteries? Yes, sir. The work must be passed by the officers commanding the batteries.
1696. You are quite sure of that—the work? Yes, sir; the work.
1697. You say you did not get the money until the vouchers were passed? The Commanding Officer Colonel Roberts, signs them, I know.
- [His evidence is read to the witness, as directed by Rule of Procedure, 81 B.]
The witness withdraws, and the Court adjourns at 4 o’clock until 10 o’clock the following morning.

On Thursday, the 21st March, at 10 a.m., the Court reassembled, pursuant to adjournment. Present: The same members as before.

Joseph Murphy, having been called and duly sworn, said:—

I am the staff quarter-master’s clerk. I have been his clerk since 1885. This document (Exhibit 66) is not in my handwriting. I first saw that document yesterday afternoon. Yesterday afternoon I sat down and wrote certain words which you dictated to me. The letter from Sergeant Lyttelton to the General is not in my handwriting either.

[Exhibit 74 handed in, signed by the President, and attached to the proceedings.]

I never write out any document containing what is in that one.

1698. *The President*:—Do you wish to cross-examine the witness, Mr. Attorney-General? *The Attorney-General*: I do sir.

1699. *The Attorney-General*:—Have you any idea whose handwriting it is, if it is not in yours? I cannot say.

1700. Has Lieutenant Little any other clerk? He has not.

1701. Have you tried to form an opinion as to whose handwriting it is? I cannot say.

1702. Have you tried, since you were asked to write something by Mr. Heydon, to form an opinion as to whose handwriting that document is in? Yes, I have.

1703. And have you found out? I have not.

1704. Have you any opinion on the matter? It might be in one of the Artillery Brigade clerk’s handwriting, but I cannot say that it is.

1705. Was any clerk sent up from the Quarter-master’s Department to assist you at any time? Yes.

1706. When these investigations were going on? No, sir.

1707. When? It was fully eight months since, and he returned to the Military Staff Office.

1708. Do you remember when the inquiry was first talked about. The inquiry into these matters of the deficiency of the cloth and tunics and so on. Well, about that time or after that inquiry was set on foot was there any clerk from the Quarter-master’s Department sent to assist you? No, sir.

1709. How long was this man assisting you? Twelve months.

1710. What was his name? Blakeley.

1711. Where is he now? He is at Dawes Battery.

1712. Do you know whether it is his handwriting? No, sir.

The President: Do you wish to re-examine the witness, Mr. Heydon?

Mr. Heydon: No, sir.

[His evidence having been read over to the witness and certified as correct according to Rule of Procedure 81 B, the witness withdraws.]

Lieutenant and Quarter-master Little having been recalled and reminded of his former oath, is further re-examined by the prosecutor through the Court:—

1713. *Mr. Heydon*]. Do you remember when you were on the Board of Inquiry a notice board being produced having any reference to lists of prices on it? There was a printed paper produced showing the prices for making garments and also the prices for alterations.

1714. Do you remember who produced it? I do not. I do not know whether it was Captain Savage or Mr. Webster. In fact I forget who produced it.

1715. Can you tell me whether on that there was any authority for remakes? There was not; no authority.

1716. Was there any price for remakes? There was not. There was no mention of remakes.

1717. *The President*:—Was this paper attached to a board? I do not know.

1718. Were there any marks on it looking as if it had been nailed on a board. Was it on a card or on a piece of paper? I cannot recollect.

1719. Was it signed by anybody? No; so far as I can recollect it was in print, and the authority was in print too, so far as I can recollect.

1720. Do you remember the date of it? I do not. It was a pretty old date, though.

1721. *Mr. Heydon*:—Can you say whether any written board at all was produced, and written board for pasting documents upon? I do not remember any written board being produced.

1722. Did you see anything but this paper having anything about remakes on it? Not so far as I can recollect. I only saw the one.

1723. Now do you remember Lyttelton coming to ask your advice as to what course he should adopt? He came and asked me whether I could not reduce the numbers that he was charged with. That was what he came to me about, and I told him that I could not reduce them. That they were as low as I could conscientiously make them.

1724. Has he consulted you about making a refund? No. I knew nothing at all about a refund until he produced the papers.

1725. *The Attorney-General* (through the Court):—What position do you occupy in this matter? I am a witness, I think.

1726. That is all? That is all, sir.

1727. You have worked nearly the whole of this up, have you not? Yes; I have worked up the figures.

1728. And you have taken a very active part in the whole of the proceedings? I have done just what I was told to do.

1729. Have you not taken an active part? Certainly. I always take an active part in any duty that I am called upon to perform.

His evidence is read to the witness as directed by Rule of Procedure 81 B, and the witness withdraws.

Colonel Eden recalled, reminded of his former oath, is examined through the Court by the
Prosecutor:—

1730. Do you remember when you were on the Board of Inquiry whether any documents were produced in answer to an inquiry as to what authority there was for remakes, a Board, or document, or anything? There was no Board. There was a document, as far as I can recollect, purporting to be a garrison order, but it did not authorize remakes.

1731. And no notice Board was produced at all? No.

1732. Do you remember who it was who produced this document which purported to be a garrison order? No; I do not. I think it was the adjutant.

1733. *The Attorney-General* (through the Court):—Did not you ascertain that there were only two prices, that is 1s. and 18s., whether for alteration or anything else? Yes.

1734. Did you report this to the General in your report—"The Board considers one of the worst phases in this investigation to consist in a very large number of men annually allowed to receive compensation involving a continuous increase of unfitting garments, ultimately to be re-made, in order to fit men of different stature. This appears to have been carried on without any regard to conserving the public interests. This is shown by the fact that fully two-thirds of the clothing issued is charged for as having being re-made at the full price of making garments from the web, so that each tunic of this class costs the Government from 17s. to 21s., in addition to the ordinary price of the garment, and plus the 1s. allowed for alteration?" Yes.

1735. *The President*:—How did the Board obtain the information that there was only two prices, 1s. and 18s., do you remember? From this document I think.

1736. In that report we have just heard read, you said that one of the worst phases exists from this custom. I want to know how you arrived at the fact that there were only two charges, namely 1s. and 18s.? From the Garrison Order, I believe.

By the Attorney-General, through the Court:—

1737. On page 107 of the Proceedings of the Court of Inquiry did you not report as follows in reply to the Major-General's Remarks, in detail—"15th October, 1888. They (that is, the Board) submit their hereunder answers to Minute No. 1. There is no authority for remaking the garments, but the custom has never hitherto been challenged, and all charges of this nature have previously been paid on the signature of the officer commanding the corps. No. 2. The Paymaster cannot produce any authority for passing these remake charges. He appears to have taken the signature of the officer commanding the artillery force as sufficient. The practice commenced in January, 1885." Did you report that? Yes, sir.

His evidence is read to the witness as directed by Rule of Procedure 81 B, and the witness withdraws.

Captain and Adjutant Savage, having been recalled and reminded of his former oath, is examined through
the Court by the Prosecutor:—

1738. You remember being called as a witness before the Board of Inquiry? Yes.

1739. Do you remember whether you produced before them any notice board or document or anything bearing upon the authority of the master tailor to make charges? I cannot recollect at the present time. If I did so it would be recorded in the proceedings of the Board. I would safely say that I produced no board of charges—no board.

1740. Did you produce anything which you had obtained or cut off from a notice board? Not to my recollection.

1741. Can you tell me who it is who prepared the size rolls each year? They are prepared by the officer commanding the artillery batteries.

1742. Can you tell me whether they contained the sizes of all the men in the batteries? I do not know whether they contained the individual sizes. I think they were sent in a collective form, as far as I can recollect.

1743. Do you remember when that voucher—that £63 10s. voucher for compensation for warrant officers in 1887—do you remember at the time that that matter was being considered, whether you obtained and laid before Colonel Roberts a list of contractor's charges? I am under the impression that I did so.

1744. Whose charges? Well, it was an offer by Henderson to make these garments. What I am speaking about now I have already stated in my evidence.

1745. Do you remember whether you got a list of former charges and laid it before Colonel Roberts? No, I did not.

1746. Are you clear about that? As clear as I can be.

1747. What you did get then is what you have already mentioned—the offer by Henderson? Yes.

1748. That was the amount for which compensation was allowed? Yes; I think so, but I will not be very sure, but I know that the prisoner was instructed to put himself into communication with the contractors and that that was the result of it.

1749. Do you know any writing at all purporting to be an authority for remakes? No, I do not.
1750. In that document, that £65 10s. voucher, was your signature attached to that before the prisoner's was put there? I do not think that my signature appeared in that document at all.
1751. Have you made inquiries as to who were the staff-sergeants in the year 1887? Yes. I forwarded a list to Colonel Mackenzie.
1752. Who were they? Including warrant-officers they are all down on that list. [Exhibit 75].
1753. That includes staff-sergeants and warrant-officers separately? Yes.
1754. And one of the staff-sergeants deserted, I think? Yes; an artificer.
1755. Do you prepare the schedule in the contracts? No. I have been present generally when Mr. Webster brings these matters before the Colonel. The schedules really are made up at the Treasury from the size rolls of batteries which are forwarded, that is of my own knowledge.
1756. And you say that you are generally present when they are gone over? Yes. They are brought to the Colonel, and I generally go over the papers with him and Mr. Webster.
1757. Have you anything to do with the master tailor's vouchers? Nothing whatever.
1758. Or have you anything to do with the payments in full of warrant-officers or with the originating of that practice? Not beyond bringing their claims before the Colonel.
1759. *By the Attorney-General* (through the Court):—Did you ever see Mr. Little in Mr. Webster's store apparently examining books there when you told him that he had no business to be there without authority? Yes.
1760. *By the President*:—You have just handed in a paper, can you tell me whose handwriting it is in? In the handwriting of the clerk belonging to the Brigade Office.
1761. Can you tell me whether this paper [Exhibit 66] is in the same handwriting? Yes; I should say it was.
1762. It has been stated in evidence that certain papers were signed relying on your supervision—can you tell me whether you supervised those two papers before they were signed? [Exhibits 21 and 22 shown to the witness.] No, I did not. May I ask you to tell me what you mean by supervising?
1763. It has been stated in evidence that they were signed as correct relying upon your supervision? They were brought to me in the ordinary course of office routine, and I saw the signature of the prisoner as to their correctness, and passed them on to the Colonel.
1764. You did not supervise them? No; I did not hold myself responsible for them in the slightest degree.
1765. Would you look at the first two vouchers [Exhibit 72] amongst those and tell me if you supervised those in the same way? No; when these papers were brought to me by the prisoner, marked as correct, and signed by him, I took them on for the Colonel's signature.
1766. Would you have noticed any similarity between those two if you had supervised them? No; I should simply have looked for Mr. Webster's signature as to the correctness of the paper and passed it on.
1767. Do you remember any garrison or regimental orders issued about January, 1885, authorizing scales for fitting and remakes? Not of January, 1885.
1768. Would you look at that exhibit [Exhibit 72] and tell me whose initials are to the corrections in the figures? They are mine.
1769. And there are some on other pages also? They are mine.
1770. How is it that your initials appear there? Because I saw that the figures had been altered and I wished the Colonel to see that I had noticed the fact.
1771. Then you supervised them? No; I did not supervise them, I simply saw that there had been a scratching out. I am not responsible for the figures.
1772. You did not initial them as correct? No; I simply initialled the corrections without knowing whether they were right or wrong.
1773. *Mr. Heydon*:—Is it the rule that alterations of that kind should be initialled? Every alteration of that kind should be initialled, or every erasure.
1774. *The President*:—But is it not a rule that the initials should be by the person making the alteration? Yes.
1775. Well, apparently you put your initials to something that you did not know anything at all about? I did not initial it with any intention of vouching for the correctness of the amount. I simply initialled it to draw the attention of the Colonel commanding to the fact that there had been erasures there and that I had seen them.
1776. And you initialled it so that no further alterations or erasure could be made? Certainly.
1777. Do you remember when this scale of charges of 1s. and 18s. first began? I have a copy of the garrison order from which I could find out. On the 5th June, 1883, and an amended scale on the 29th June, 1883. [His evidence having been read over to the witness and certified as correct by Rule of Procedure S1 B, the witness retires.]
- Mr. Heydon*:—My learned friend suggested early in the case that all the proceedings before the Board of Inquiry should be admitted. I objected then, because it appeared to me that in those there was so much that was irrelevant, but my learned friend is still of the same mind. I am now willing to put all the prisoner's evidence before the Board of Inquiry in as evidence in this case.
- The Attorney-General*:—My learned friend may tender them if he likes, and if he does tender them, I shall know precisely how to act.
- Mr. Heydon*:—Then if you will not say whether you are agreeable to my tendering them or not, if you will not say what you want, I shall not tender them.
- The Attorney-General*:—Very well. (Exhibits 76 and 77 handed in, signed by the President, and attached to the proceedings.)

Quartermaster-sergeant Wilson having been recalled, is reminded of his former oath, and examined through the Court by the prosecutor:—

1778. Do you remember taking up your compensation list to the prisoner upon one occasion when you were told to make some alteration, or addition to them? Yes sir.
1779. Would you be kind enough to tell the Court what took place between yourself and the prisoner? An order was given that we should take up our compensation lists, which I did. I happened to be wrong according to Mr. Webster's version, and he sent for the three quartermaster-sergeants, and told us that he was not going to be bothered doing our work, and he said we would have to take off one-third. I asked him what that was for, and he did not give me any satisfactory answer. He told me to do what I was told. 1780.

1780. Can you tell me what the words were that were used? They were hot and hasty words. He told me to mind my own business, and I told him I was doing so, and he told me that if I did not mind my own business I should be placed under arrest.
1781. Previous to that, did you know what the one-third was deducted for? No, sir.
1782. Had it been deducted in former years? No, not to my own knowledge.
1783. Do you know why it was deducted then? No sir.
1784. You got no satisfaction, but was told to do your duty or would be put under arrest? Yes, sir.
1785. *The Attorney-General* (through the Court):—Then you have no love for Webster, have you? He is a particular friend of mine, as far as I am concerned.
1786. What lists are you talking about? The 1886 list.
1787. No. 3 battery list? The list of the men belonging to that battery.
1788. You had sent in a list claiming full compensation for your men, less 20½ per cent., and he told you that you were to take one-third off? Yes.
1789. Did you take it off eventually? Yes.
1790. *By Mr. Heydon* (through the Court):—How long have you been quartermaster? For nearly five years.
1791. *The President*:—In reply to the Attorney-General you said that this conversation between Mr. Webster and yourself about the list took place in the year 1886. Are you sure that it was that year? I would not be positive, but I think it was.
1792. It might have been 1886 or it might have been 1887? Yes, sir.
1793. If you saw the list would you know what year it was? I daresay I would, sir. I think those are the lists, but I don't exactly remember the year.
1794. How much was the percentage in the year that you spoke about? It was either 20¼ per cent. or 20½ per cent.
1795. Do you know who the contractor was that year? I think it was Henderson.
1796. It was not Riley, was it? No, it was not Riley; it was Moore & Henderson.
1797. Are you quite positive that it was not 26½ per cent. that you took off? I cannot swear, sir. I know of late years it has been 26¼ per cent.
1798. Would you remember whether it was 20¼ or 26¼ per cent.? I cannot remember.
1799. But you are almost sure that Henderson was the contractor? Yes, sir.
1800. Was there only one occasion on which all the three quartermasters were sent for? Only one occasion.

[His evidence is read to the witness, as directed by rule of procedure 81 B., the witness withdraws.]

Quartermaster-Sergeant Taylor, re-called, and reminded of his former oath, is examined by the Court:—

1801. In your previous evidence you stated that on one occasion all of the quartermaster-sergeants were sent for by the prisoner with reference to compensation lists? Yes, sir.
1802. And the Quartermaster-Sergeant Wilson and the prisoner had some words about it? Yes, sir.
1803. Can you definitely fix in your memory the year in which that took place? Yes, sir.
1804. What year was it in? In 1886.
1805. Who was the contractor that year? I think Riley.
1806. And do you remember the percentage that was taken off in the year in question? Yes, sir.
1807. What was it? 20¼ per cent.

[His evidence is read to the witness, as directed by rule of procedure 81 B., the witness withdraws.]

Mr. Claude Solomon is re-called, reminded of his former oath, and further examined by the Court:—

1808. Have you looked through that list? Yes, and I find that from the month of January, 1886, to October, 1888, the clothing recovered from the battery was as follows:—Cloth tunics, 2; cloth trousers, 131; serge trousers, 137; jumpers, 7; Norfolk jackets, 5.
1809. *By Mr. Heydon* (through the Court):—Those are the returns upon which the payments are actually made? No; these are the amounts recovered from the batteries. These items are charged against the batteries, and they have to account for this amount of money in addition to what is paid from the pay office.
1810. They have to recover it from the men? Yes, sir.
1811. *By the Attorney-General*:—How long have you been connected with this Force? Since May, 1886.
1812. And you have to do with accounts nearly all that time? Yes, sir; I have had to do with the accounts of the Force.
1813. Did you ever happen to hear, in connection with the accounts that have come into your office to be passed, that the custom has been to allow for re-makes, "as if for makes"? No, sir; I have not heard that it has been the custom to allow for re-makes as for makes.
1814. Have you heard that it was the custom to allow for re-makes as for makes? Well; there was no authority for the payment of re-makes.
1815. Do you know that there has been a custom ever since you have been connected with the Force, not only for the master tailor to make a charge for re-makes, but for the tailor to be paid for re-makes? Yes, sir; there has been that custom.
1816. It has been authorized as far as you know? Well; authorized by the paymaster.
1817. You know that, do you? I know the paymaster has passed all the vouchers for re-makes for payment.
1818. Knowing what he was doing—knowing they were charges for re-makes? Yes; knowing that they were charges for re-makes.
1819. As distinguished from alterations I mean? Well; I should read alterations and re-makes as distinct items.

1820. Who was the paymaster? Colonel Baynes.
1821. How do you know that he passed these charges for re-makes? His attention was drawn to them.
1822. By whom? By myself.
1823. Are you sure about that? Yes.
1824. What year was that in? I cannot determine the year, but I fancy it was in 1887.
1825. And having drawn the attention of Colonel Baynes to these charges for re-makes, he passed them you say? Yes.
1826. Do you remember any observation that Colonel Baynes made to you at the time you called his attention to it? As far as I can recollect I drew the attention of Colonel Baynes to the matter of Master Tailor Lyttleton's vouchers—they were heavy vouchers at that time, and I pointed out so many re-makes in them, and Colonel Baynes at that time when they were pointed out to him as far as I can recollect said that re-making was more trouble than making, and that the voucher would be paid upon the claims made.
1827. So that you have understood all the time that you have been there that there have been charges for re-makes? and that these charges for re-makes have been almost as high as the charges for makes? Yes they have, as far as I can tell.
1828. Colonel Baynes was an officer who was connected for many years with these forces—indeed he might almost be called the father of the volunteers? Yes—you may say that he was the father of the volunteers.
1829. Colonel Baynes was paymaster when you called his attention to this matter I believe? Yes, sir.
1830. *By Mr. Heydon*:—You said that Lyttleton's vouchers at that time were heavy? Yes.
1831. And that was why you spoke to Colonel Baynes about it? Yes.
1832. Were they unusually heavy? Yes, the three vouchers that came in at that time were unusually heavy.
1833. Were they unusually heavy in the item of re-makes? I cannot say that from memory, but they were very large vouchers; one was for over £100, and I think that they all amounted to something like £300.
1834. Was there a heavy percentage of re-makes in them? No sir, I cannot say that.
1835. Comparing the re-makes with the fitting and all? That I have not looked into at all.
1836. Can you tell me whether there was a larger amount of payments for re-makes than there had been before? In this particular lot I fancy there were heavier charges for re-makes than upon any previous occasion.
1837. When was that? September, 1887.
1838. There were three vouchers paid at the same time? Yes, amounting to £294 altogether.
1839. When a payment like that is made by the pay office, is there a record of the amount paid, and to whom it is paid? Yes.
1840. Would your books show how much has been paid to the master tailor on the master tailor's vouchers for the last five years? Well I cannot answer for the time before I took office, but I believe that it can be shown.
1841. I shall be glad if you will trace it Mr. Solomon? I can turn up the vouchers for each year.
1842. *By the President*:—Would not the vouchers be approved of by someone before Colonel Baynes passed them? The vouchers before Colonel Baynes passed them were signed by Colonel Roberts as the officer commanding the Artillery, and in this instance approved by Colonel Roberts as the officer commanding the Garrison, in other instances they were approved of by him as commanding the Artillery Force, but here they were approved of by him as commanding the Garrison.
1843. *The Attorney-General*:—Do you know with regard to the voucher for the month of September how many months it covers? I cannot say.
1844. Did it cover several months? As far as I can recollect it covered about three months.
- [His evidence is read to the witness, as directed by rule of procedure 81 B, and the witness withdraws.]

Daniel Behan having been called and duly sworn, is examined by the prosecutor, and said:—

I was the master tailor before J. Lyttleton. I was master tailor for a period of seven years and nine months, ending on the 5th April, 1885. Towards the end of that time I re-made certain garments that were supplied by the contractor and charged for the same rate as I charge for the making of garments. I had a conversation with the prisoner in 1883 when clothing was given out, and that conversation was to the effect that it was quite impossible to alter for the amount given. There was only 9d. given for a Norfolk jacket and 1s. given for a tunic. Those were the amounts laid down by the Board which took place in 1883 and established the prices for making and altering. It was quite impossible to fit men for either 9d. or 1s. Some of the garments had to be totally ripped to pieces and recut, over which I had to employ men. The conversation was with the prisoner, and I explained matters to him, and he told me to make out a list of men's names and make an application to the officers commanding batteries. First of the batteries was No. 2. The only conversation that I remember was that I called the prisoner's attention to the state of affairs. That was before I had made any re-makes or had made any charge for any of the re-makes. After I had pointed out to him the state of affairs he desired me to make up a list with the men's names and the garments requiring re-making. I did that. It was before I had fitted the men. I knew what garments require re-making, because the men are paraded and they have the garments on. It was then that this list was made of the men's names and which of them wanted re-making. I did that. The only conversation that took place was that I have always made him acquainted with the garments and the men's names. After I had explained the nature of affairs to him and he told me to put down the names of the men, I had no conversation with him further. Then the list was duly made out, initialled by Mr. Webster, and forwarded to the officers commanding batteries for their signature. That was a list of men's names requiring re-made garments, one for each battery. They were in most cases initialled by the prisoner, Mr. Webster, as recommending them as correct. Then they went on to the officers commanding batteries and came back to me. I put them on the file. I have not got them now. I did not leave it behind me when I left the office. The file belonged to me and everything on it. I have destroyed the documents—they were mine. It was after these documents came back to me and I put them on the file, that I made out my pay voucher charging for these garments—that they were re-made at the price of makes. I never had any conversation about the price with the prisoner to my knowledge. I charged

charged for remaking by the authority of the officer commanding the battery who signed the requisition. That is the requisition with the men's names upon it. I told you that they were signed by the officers commanding batteries—that was my only authority. I charged for remakes at the same price as I charged for makes. By the authority of the officer who signed the documents no price was attached to it. My only authority for fixing the price at the same amount as for making was the authority given out by the board of officers before making, and I may say that there is more trouble in remaking a garment than in making it in the first instance. The authority for charging for remakes at the same price as makes was the authority of the majors or officers commanding the batteries who signed the document. Those documents did not contain any price. A re-make is as good as a make, and worse, in fact. It was this way: When I got authority to remake a garment I considered it authority to charge for it at the same price as a make. I always got authority in this way that I speak of, but I do not know that there was any other way. I either have the authority of the major commanding the battery or Mr. Webster. The conversation that I had Mr. Webster that it was an understood thing that remaking was to be the same as for making up, I do not remember what passed at that conversation. The prisoner and I understood that a remake was as good as a make, and was to be charged as a make. I do not know that the prisoner ever gave me particular authority to do that sort of thing. I took the authority from a little brigade printed arrangement on a notice board. The conversation with the prisoner was of course that we had to do it. It was I who said that we should have to do it, and the prisoner said that it could not be helped. It may not have been that; but something like that, I suppose.

The Attorney-General:—This case has lasted more than a fortnight already. Matters have been gone into which are quite outside the range of the case; and now I want to ask whether it is right that our time should be taken up by an inquiry into the custom upon which charges were made by the master tailor when this man occupied that position.

At 1 o'clock the Court adjourned for luncheon.

At 2 o'clock the same afternoon the Court reassembled. Present:—The same members as before. *Mr. Heydon* submitted that he had a right to pursue the examination on its present lines, as it was calculated to throw some light upon the second lot of charges against the prisoner.

The President ruled that the questions could be asked.

Witness, being reminded of his former oath, was further examined by the Prosecuting Counsel. He said:—10, 15, or 20 per cent. of the tunics required remaking, but you will get the information from my returns. Very few of the jumpers wanted remaking. It is very hard for me to give you a percentage of the cloth trousers.

[His evidence is read to the witness, as directed by rule of procedure 81 B, and the witness withdraws.]

Captain and Adjutant Savage was recalled. After making an examination of the necessary books, is reminded of his former oath, and further examined by the Court:—

1845. You find in the necessary books the following articles put down as issued on payment to batteries? Yes; one cloth tunic, 130 cloth trousers, 135 serge trousers, five serge jumpers, and three Norfolk jackets, errors and omissions excepted. The last date is the 3rd day of the 9th month, 1888.

[His evidence is read to the witness, as directed by rule of procedure 81 B, and the witness withdraws.]

The Court adjourned at 2:30 p.m., to proceed to the Garrison Hospital, Victoria Barracks, to take evidence.

At 5 minutes past 3 o'clock the same afternoon the Court reassembled at the Garrison Hospital, Victoria Barracks, pursuant to adjournment.

Present:—The same members as before.

Gunner Charles James Loveless, Acting Bombardier New South Wales Artillery, having been duly sworn, was examined by the Prosecutor and said:—

I was acting as clerk to Mr. Webster for some time. I had a duplicate key of the clothing store whilst I was his clerk. Whilst I was his clerk I did not make away with any of the clothing or any of the things in the store. I did not permit anybody else to do so. I got my compensation in the year 1887. I got £2 10s. 6d.; Webster gave it to me. I signed a receipt when I got it. I did not sign any book.

The President:—Do you wish to cross-examine witness? *The Attorney General*:—Yes, sir.

Cross examined:—

1846. I believe you used to make out the vouchers for the master-tailor's accounts, didn't you? Yes, sir.

1847. Did you make them out from books? From the clothing book.

1848. And who used to tell what to do—Mr. Webster or the master-tailor? The master-tailor would tell me his quarter was up and he wanted some money, and Mr. Webster would tell me to make the voucher out from the time he was last paid up to date.

1849. Do you remember whether you used to tell Mr. Webster whether they were correct or not before he signed them? I do not know. I might have done.

1850. Is that your receipt? Yes, sir.

[Exhibit 80 handed in, signed by the President and attached to the proceedings.]

1851. *Mr. Heydon*:—You signed that at the time you got the money, I suppose?

[His evidence is read to the witness, as directed by rule of procedure 81 B, and the witness withdraws.]

No. 1378. Corporal Emanuel Keesing, N.S.W.A., having been called and duly sworn, is examined by the Prosecutor. He said:—

I AM a district corporal, and I do clerical work in the Artillery Brigade Office. This document (No. 66) is in my handwriting; I cannot say that I remember the circumstances under which I drew it up. There is no date on it at all. I do not remember anything at all about it.

The President:—Do you wish to cross-examine the witness, Mr. Attorney-General? *The Attorney-General*:—No, sir.

[His evidence is read to the witness as directed by Rule of Procedure 81 B, and the witness withdraws.]

Mr. Heydon:—This finished the evidence for the prosecution, with the exception that to-morrow morning I may want to tender a document, so that I shall not formally finish my case at present.

At 3.25 the Court adjourned until the following morning, at Dawes' Battery, at 10 o'clock.

On Friday, March 22nd, at 10 a.m., the Court reassembled at Dawes' Battery pursuant to adjournment.

Present: The same members as before.

Mr. Claude Solomon, Chief Paymaster, having been recalled and reminded of his former oath is further re-examined by the prosecutor through the Court.

1852. Have you ascertained the amounts paid to the master tailor since the year 1883, including the year 1888? I have.

1853. Can you tell me what they were? In master tailor Behann's time for 1883 they amounted to £242 8s. 10d. In 1884 to £279 4s. 5d., and in 1885 up to April, £110 7s. 9d. Under master tailor Lyttleton, in 1886, they amounted to £295 4s. 3d. In 1887 to £658 19s. 3d., and in 1888 to £411 4s. 6d. up to the end of July.

1854. Can you tell me what Sergeant Lyttleton got in 1885? I cannot without reference to the vouchers.

1855. *By the Attorney-General* (through the Court):—Of course you know perfectly well that the amounts paid to the master tailor would either increase or decrease, according to the necessity for, and the amount of alterations to be made? Yes; the amounts would increase or decrease, according to the quantity of alterations.

1856. And you are not in a position to say what alterations were necessary, are you? Certainly not, sir.

[His evidence is read to the witness, as directed by Rule of Procedure 81 B, and the witness withdraws.]

1857. *Mr. Heydon*:—That closes the case for the prosecution.

1858. *The President*:—Mr. Webster, do you wish to call any witnesses in your defence? Yes, sir.

1859. Are they witnesses to character only? No.

1860. Do you intend to make a statement in addition to the address made by your counsel. Yes.

1861. *The President* (to the Attorney-General):—Do you wish to address the Court, Mr. Attorney-General, before calling your witnesses?

1862. *The Attorney-General*:—I will formally state that I do not wish to make any address now. I will address the Court later on.

Colonel Roberts having been called by the prisoner, is reminded of his former oath, and examined by the Counsel for the defence.

1863. Do you remember some time within the last three weeks having a conversation with Colonel Airey at the Victoria Barracks, about this question of compensation? I do.

1864. About when was it? Within this month; in the messroom at the Victoria Barracks.

1865. Was there one conversation outside first? I understand there was, but I did not hear it.

1866. Then the only conversation you heard was in the messroom. Now, what was it? I went into the messroom and found Colonel Airey speaking to Colonel Murphy, and I found out that they were speaking about the compensation for clothing for the year 1886, and I said to Colonel Airey—"What do you know about it," and he said, "I saw the Commandant and recalled to his memory that I had previously seen him when parading with Major Fitzsimons, about the compensation for 1872, and that he had then directed us to make arrangements with the contractor. We saw the contractor, who said he could not give the whole amount as he must have some profit. I then returned and informed the Commandant."

1867. Well, anything more? Nothing went on further about that subject.

1868. Do you remember his saying anything about his having reminded the General or the Commandant?

Mr. Heydon:—This evidence is in contradiction—Colonel Airey was never asked whether he had reminded the Commandant.

The Attorney-General:—You are not restricted to the exact words in contradiction.

1869. He recalled to the Commandant's memory the time when he and Major Fitzsimons paraded before him? Yes.

1870. Did he say that by reason of his having reminded the Commandant of that circumstance that this compensation question of 1886 was settled? He did not say it to me, I believe he said it to somebody else.

1871. I believe nothing was said in your presence about Colonel Airey having made short work of the matter? No, he did not say it in my presence.

1872. You have only heard of his having said it? Yes.

The Attorney-General:—I think it right, sir, to mention here in justice to Colonel Airey—I only ascertained the matter yesterday afternoon—that when I asked him whether he said in the presence of Colonel Roberts that he could make short work of the matter as far as Webster was concerned, I was under a wrong impression. I thought that whatever had been said had been said in the presence of Colonel Roberts—it seems that it is not so, and also I think it right for him to say that this question which was put to him about his having said he could make short work of it as far as Webster was concerned, arose from a misapprehension of facts. I believe that what he did say was that he had made short work with the General and not with Webster.

The President:—Do you wish to cross-examine the witness, Mr. Heydon? I do, sir.

1872. It was with reference to compensation for clothing for 1886 that Colonel Airey had seen the Commandant? The conversation that took place in the mess-room was about that 1886 compensation.

1873. And you said that he had seen the Commandant about it, reminded him about the former conversation between himself, Major Fitzsimons, and the Commandant, and that then the Commandant had allowed for compensation for 1886? He did not say that to me at all.

1874. Then you did not hear, from anything he did say to you, whether the Commandant had allowed the compensation for 1886 or not? No.

1875. Then, although the conversation was about the compensation for 1886, reference, in the course of that conversation, was made to an old conversation in which Major Fitzsimons was concerned? Yes; he said that he had recalled to the Commandant's memory the time when he and Major Fitzsimons paraded before him about compensation.

1876. I thought you said that that had not been said in your presence? I commenced by saying that he had recalled to the Commandant's memory.

1877. When did he say that he recalled it to the Commandant's memory? During the last conversation he had with him. It was during the last three weeks that he had seen the Commandant. There was an amount of £2 11s. 7d. per man for a certain number of men outstanding, and it had to be settled.

1878. A short time ago, say within the last few weeks, Colonel Airey had occasion to see the Commandant about the compensation for 1886, which was partially unsettled, and he mentioned in this conversation which you heard at the Victoria Barracks, that he had seen the Commandant about this compensation, and that when seeing him about this 1886 compensation he mentioned the old conversation in Major Fitzsimons' time? Yes.

1879. Can you remember, Colonel Roberts, how this conversation became known to the other side? I cannot, except that I reminded the Commandant about it, openly telling him what had occurred. There were several people standing about, and anybody might have heard it; in fact, it had been common conversation.

1880. Was it then that anything was said about making short work of the prosecution? I never said that either in my conversation with the Commandant or at any other time.

1881. I think you said something about authority for the charge for re-makes;—have you been able to find it? I have not been able to find any written proof of it.

1882. You said that when you wrote the memorandum on the back of the £65 10s. voucher, saying that those prices were less than were usually made at that time, you had a list of the former charges before you, and that you thought that it was produced by the Adjutant? Yes.

1883. The Adjutant said that he never produced anything of the kind;—can you tell me now who it came from? I said that this list was placed before me, and that I thought the Adjutant had placed it before me; that was my impression.

1884. In the endorsement on that, you begin by saying that it is less than was charged before, or less than the usual charge, and I asked you about that, and you said that you wrote it after having before you a list of the former charges? I do not think I said so. You asked me upon what basis I signed this voucher, and I said that there was a memo. from the contractor before me, saying what he would do it for.

1885. I asked you why this £16 7s. 6d. was less than the former charges? I understood you to ask me why I passed these prices. I did not say that I had a list of the former charges before me.

1886. Then why did you say that this £16 7s. 6d. was less than the former charges? I do not think that I said that.

1887. Yes; "the prices here quoted are less than they have hitherto been charged at"; what was your authority? I think it was from memory, because one sergeant had a tunic costing him nearly £9—a sergeant-major, I think.

1888. Then that was from memory? Yes, from memory.

1889. Were you informed at the time that these garments had been in the contract for the previous year at something like half that price? No, I was not. To the best of my recollection, I was thinking of what they could be done for at the time. They vary every year. To the best of my recollection, the warrant officers' clothing was not on the schedule.

1890. Were you informed when you wrote that memo. that one of the staff-sergeants, whose clothing is also not included in that contract, and who is entitled to the same value clothing as the warrant officers, was receiving only the same compensation as on the previous year? No, I was not; to the best of my recollection.

1891. Staff-sergeant Goodall appears, in the compensation list for 1887, to have received compensation at the old contract price, and he was not in the contract for that year? I think you will find probably that the artificers are in that contract, although staff-sergeants may not be.

1892. Yes; but staff-sergeants clothing is not in the contract for that year, so that the contractor did not bring out clothing for that year; you were not informed that Goodall was getting his compensation based on the former contract? No, I was not.

The President:—Do you wish to re-examine the witness Mr. Attorney-General,

The Attorney-General:—I do sir.

1893. *The Attorney-General*:—Are the mountings for staff-sergeants and warrant officers different? Oh, quite different.

1894. Would that make any difference in the value? First of all warrant officer's are of a very much better kind of cloth.

1895. And what else? In fact their tunic is near approaching an officers tunic than anybody else's.

1896. You said to Mr. Heydon a short time ago that you could not find any written authority for this charge of re-making? Yes; I said that.

1897. And you emphasised the word written? Yes.

1898. Was there any authority—not written? Yes; I was under the impression that there was. I have always been under that impression for a good many years.

1899. *By Mr. Heydon* (through the Court):—You have always been under that impression? Yes; I have always been under that impression, and I was under the impression that it was written.

1900. Where did you get that impression from? Well, I suppose I have brains, and can think.

1901. Well, but impressions generally come from outside, Colonel Roberts—there is generally some reason for thinking that you have seen something; can you tell me how it was that you came to have this impression?

impression? No; not unless you consider what the contractors and tailors have told me—that it is more trouble to cut down an old tunic than to make a new one—was something told to me.
 1902. It was from that that you were under the impression that there was authority? From my own powers of observation and discrimination.

His evidence is read to the witness as directed by Rule of Procedure S1 B, and the witness withdraws.

Colonel Murphy recalled, reminded of his former oath, and examined by the Counsel for the Defence:—

1903. Do you remember a conversation in the mess-room of the Victoria Barracks in which Colonel Airey made some reference to the question of compensation—a conversation within the last three weeks? The Court said that I was not to answer that question on a previous occasion.

1904. Well they do not say so now at all events; do you remember it? Yes; I remember a conversation. Colonel Airey came to the mess-room, and stated that he had come from the General and settled the matter of compensation for 1886, and the General wanted to stop one-third; but he told him that the one-third should not be stopped, because there was seven months compensation for the non-issue of clothing; and then he said to Colonel Roberts that he drew the General's attention to the fact that he and Major Fitzsimons had paraded before him with regard to compensation, and that he had told them to go to the contractor, and to make the best arrangements they could with regard to compensation; and they went to the contractor, and he said that he could not give full compensation because he had to make his profit. That was the conversation.

1905. Do you remember his saying anything more about recalling it to the mind of the General? I think he said that he reminded the General about his having paraded.

1906. Yes; but about his having been back to the General? No; I cannot remember his having said that he went to the General.

1907. And that having reminded the general of certain things he had settled this matter for 1886? Oh, he based his argument upon that. He told him that the men were entitled to compensation as they had not received any clothing.

1908. *By the President*:—It was a very small amount? It was a matter of £2 7s. 11d. It was seven months compensation.

1909. *The Attorney-General*:—That was for each man, and it would come to a large amount in the total? Yes.

1910. *The President*:—How many men? Oh, I cannot say, because it dealt with the whole corps.

1911. *The President*:—Do you wish to cross-examine the witness Mr. Heydon? *Mr. Heydon*:—I do sir.

1912. *Mr. Heydon*:—This was not ordinary compensation—that is to say, it was not compensation for men who had clothes good enough to last for the year and did not want more clothes? No, it was special compensation for the non-issue of clothes.

1913. *The President*:—In Colonel Airey's conversation with you at the time we were speaking of, did he make quite clear to you the full extent of his previous conversation with the General? Yes; he said he had reminded the General that he and Major Fitzsimons paraded before him, and that the General told them to go to the contractor to make the best arrangements they could.

His evidence is read to the witness as directed by Rule of Procedure S1 B, and the witness withdraws.

Captain and Adjutant Savage, having been reminded of his former oath, is examined by the Counsel for the Defence:—

1914. *The Attorney-General*:—Do you remember having a conversation with Colonel Airey within the last three weeks? Yes; within the last month I have had several conversations with him.

1915. Yes, but about the matter of compensation?

Mr. Heydon objected to the question.

1916. *The Attorney-General*:—Very well; I will ask Captain Savage another question;—Do you know anything about the survey that was held last year? On the quartermaster's stores, do you mean.

1917. Yes? Yes; Boards of Survey were held in 1886 and in 1888, and consisted of three officers commanding batteries;—in 1886 Colonel Spalding, Colonel Murphy, and Colonel Airey, and in 1888 Colonel Spalding, Colonel Airey, and Major Murray.

1918. Do you know why there was no Board of Survey held in 1887? These Boards were generally held after the annual issue of clothing had been made, and the issue was made so late in 1887 that it was not considered necessary to hold a Board.

1919. I suppose the object of this Board of Survey being held is to test the correctness of the prisoner's books, and to see what stock there is in store after the issue? Yes.

1920. And the prisoners' stock, therefore, was passed as correct in 1886 and 1888, by this Board? Well, I cannot say that they were passed as correct. The Board made its report.

1921. Do you know where that report is? Yes; the reports and the proceedings of the Board are in the Artillery Brigade Office.

1922. And under the control of Colonel Mackenzie or General Richardson? No; they are in our possession. In the Artillery Brigade Office.

1923. Yes; but General Richardson has the control of them, has he not? They are under the immediate control of Colonel Roberts; but General Richardson can get them.

1924. *The President*:—Do you wish to cross-examine the witness, Mr. Heydon? *Mr. Heydon*:—Yes, please, sir.

1925. Were you present at these Boards of Survey? No; I was not.

1926. And I am under the impression that Colonel Spalding, Colonel Airey, and Colonel Murphy were not asked a word about it;—you say you were not present on the Board? No; I was not.

1927. *The President*:—Will you be kind enough to produce the reports of the Boards of Survey? Yes, sir; I will send for them.

1928-9. Can you tell me whether it would be the duty of the Board to make an investigation of the prisoner's books? Yes; it would be the duty of the Board to make an investigation of the prisoner's books.

1930. What would be the orders of the Board? They were published in Brigade Orders, and can be produced at any time.

1931. *The Attorney-General* (through the Court):—Though you do not know it of your own knowledge, I take it for granted that it is not at all likely that a Board of three Commanding Officers would be appointed to look at the outside of books? No.

His evidence is read to the witness as directed by Rule of Procedure 81B, and the witness withdraws.

David Roberts, having been called, and duly sworn, is examined by the Counsel for the defence.

He said:—

I AM a member of the firm of Roberts and Bloomfield, accountants; I have been an accountant for the last ten years, carrying on business, and we do a very large business; I have been employed to make an examination of the books of the prisoner, and lists, and other documents bearing upon this case; I commenced to make my examination about three weeks ago; I was supplied with a table; I think table No. 1; that was a table supplied having the initials of Mr. Little upon it verifying that copy to be a true one; those are the papers that I had; I examined Mr. Webster's clothing issue book on the first examination, and secondly the battery books; but only so far as to find any issues not included in Webster's books; I examined in the first place Webster's clothing book, afterward I examined the battery books; I took as correct the goods received and on hand, with the exception of the goods received from the master tailor; with the exception of these goods said to have been received from the master tailor, all the other goods said to be received are not disputed; I dispute the three master tailor's items; I made a most careful examination of all these documents and books, and of course I have no interest in the case one way or the other; this paper is a copy of the result at which I arrived as to the receipts, distribution, stock on hand, and so on; I will swear that it is correct on the books that I examined.

Mr. Heydon objected to the document being received.

The President:—The Court are of opinion that as the books are in evidence, and as they are the best evidence, Mr. Roberts had better open them as he reads his statement.

Witness continuing:—The first issue that I find, 1885 to 1886, clothing roll, in Webster's book, is as follows:—18 tunics, 24 cloth trousers, 25 serge trousers, 22 serge jumpers, and 13 Norfolk jackets; for No. 2 Battery the same roll and similar extracts, 24 cloth tunics, 28 cloth trousers, 28 serge trousers, 26 serge jumpers, and 22 Norfolk jackets; for No. 3 Battery the same roll and similar issues, 29 tunics, 32 cloth trousers, 32 serge trousers, 28 serge jumpers, and 56 Norfolk jackets; for No. 1 Battery, clothing roll, 1886 to 1887, I find separate issues—1 cloth tunic, 7 cloth trousers, 6 serge trousers, no serge jumpers, 4 Norfolk jackets; and in bulk issue, No. 1 Battery—130 tunics, 130 cloth trousers, 130 serge trousers, 130 serge jumpers, and 130 Norfolk jackets; No. 2 Battery, in separate issue I find 44 cloth tunics, 40 cloth trousers, 52 serge trousers, 47 serge jumpers, and 49 Norfolk jackets, and a bulk issue of 90 of each class of clothing, tunics, trousers, serge trousers, jumpers, and Norfolk jackets; No. 3 Battery, separate issue—12 cloth tunics, 4 cloth trousers, 4 serge trousers, no serge jumpers, 3 Norfolk jackets, and in bulk issues 130 suits; that covers the issues for 1886, and the totals are—478 cloth tunics, 494 cloth trousers, 497 serge trousers, 473 serge jumpers, 477 Norfolk jackets, that includes the whole issues from 1st January, 1886, to the 31st December, 1886; in 1887 No. 1 Battery (these figures are extracted from the 1886 roll, dated 1887), I have only taken issues in 1886 in my 1886 roll, but in the 1886 roll I find some trifling issues in 1887; No. 1 Battery—3 tunics, 3 cloth trousers, 2 serge trousers, 1 serge jumper, and 2 Norfolk jackets; No. 2 Battery—9 tunics, 10 cloth trousers, 10 serge trousers, 9 serge jumpers, and 10 Norfolk jackets; No. 3 Battery—14 cloth tunics, 15 cloth trousers, 15 serge trousers, 12 serge jumpers, and 14 Norfolk jackets; for 1887, No. 1 battery—96 cloth tunics, 105 cloth trousers, 110 serge trousers, 97 serge jumpers, 100 Norfolk jackets; No. 2 Battery—97 cloth tunics, 105 cloth trousers, 102 serge trousers, 97 serge jumpers, and 96 Norfolk jackets; No. 3 Battery—62 cloth tunics, 87 cloth trousers, 102 serge trousers, 69 serge jumpers, and 60 Norfolk jackets; then in the 1888 roll, belonging to 1887, No. 1 Battery—4 tunics, 3 cloth trousers, 3 serge trousers, 5 serge jumpers, 4 Norfolk jackets; No. 2 Battery—4 cloth tunics, 4 cloth trousers, 4 serge trousers, 4 serge jumpers, and 5 Norfolk jackets; No. 3 Battery—4 cloth tunics, 4 cloth trousers, 5 serge trousers, 4 serge jumpers, and 5 Norfolk jackets; totals for 1887—293 cloth tunics, 336 cloth trousers, 353 serge trousers, 298 serge jumpers, and 296 Norfolk jackets; then in 1888, the totals were—291 cloth tunics, 309 cloth trousers, 333 serge trousers, 312 serge jumpers, 308 Norfolk jackets; that is up to the 31st October, 1888; then comes the clothing sold (but that agrees with the table of the prosecution)—2 tunics, 135 cloth trousers, 142 serge trousers, 7 serge jumpers, 4 Norfolk jackets; now stock on hand on 31st October—96 cloth tunics, no trousers, 28 serge jumpers, and 90 Norfolk jackets; that also agrees with the table of the prosecution; then I have the totals of the lot, which come to 1,160 cloth tunics, 1,274 cloth trousers, 1,325 serge trousers, 1,118 serge jumpers, 1,104 Norfolk jackets; I have found in the battery books for 1887 and 1888, 37 cloth trousers and 30 serge trousers, in which the name of the parties were not entered in the clothing book of Mr. Webster; that makes the grand total a little different—1,160 cloth tunics, 1,311 cloth trousers, 1,355 serge trousers, 1,118 serge jumpers, 1,104 Norfolk jackets; then there are the receipts from the master tailor; this book gives the articles received from the master tailor in 1886, and taking various extracts from that I aggregate 6 cloth tunics, 149 cloth trousers, 89 serge trousers, 39 serge jumpers, and 3 Norfolk jackets; taken from book of clothing made by master tailor, beginning page 3, since the 1st May 1885, I have extracted the accounts which I have just read as having been made in 1886; this book only includes a few entries in 1887; in 1887 there were only a few items—25 cloth trousers, no tunics, and 1 serge trouser; in 1888, the 73 cloth trousers, 131 serge trousers; this brings out a grand total, including the master tailor's receipts, of 1,047 cloth tunics, 1,406 cloth trousers, 1,383 serge trousers, 1,107 serge jumpers, 1,075 Norfolk jackets; he appears to have issued 113 more tunics than he really has according to his books; all those issues are either initialled for or signed for; then, on the other hand, he seems to have received 95 cloth trousers more than he has issued; so that he is short of 95 cloth trousers, and has a lot of tunics to the good; he seems also to have received 28 serge trousers more than he has issued; then he has to the good 29 Norfolk jackets; he has issued 29 Norfolk jackets more than he appears to have received, and he has also signatures or initials to those; he has 11 jumpers to the good so that is debtor for 123 garments—he should be credited with 153 garments and on the

whole there is a difference of 30 garments to his credit; that is what I found by the books; I suggested in my report that as there were such a large number of columns a tunic might have been issued and entered as something else; the accounts extended over three years; I see in the table that Lieutenant Little had credited Mr. Webster with goods returned from the Battery; I see there 12 and 30 tunics; I have nothing to say about these returns: in this amended table of the prosecution in the annual issue we find 289 tunics issued, whereas Webster's books show a bulk issue of 350; the only bearing that the returns from the Batteries could have upon, that would be this, that if the bulk issues were charged against Mr. Webster, they should also be credited to him and they are not; but that does not interfere in any way with my calculations; I have not taken that assumption of mine as a correct one in order to found my accounts upon it; I have not acted upon it at all.

At 12:30 p.m., the Court adjourned for luncheon. At 2 o'clock the same afternoon the Court reassembled.
Present:—The same members as before.

David Roberts, is again called before the Court and reminded of his former oath.

The President:—Do you wish to cross-examine the witness, Mr. Heydon?

Mr. Heydon:—I do sir.

1932. The difference I think Mr. Roberts, between your account and the account laid before you, is entirely in the receipts from the master tailor; in the receipt side and the first two lines in the issue to batteries on the issue side? Yes, sir; with the exception of the lines from the Battery Books 37 cloth trousers and 30 serge trousers; the only difference between my table and the amended table No. 1, are as to the receipts in the lines showing the quantities received from the master tailor and as to the issue in the lines showing the clothing issue for 1886 and 1887, and the extra quantities extracted by me from the Battery Books.

1933. First of all we will take the difference in the receipts; in your account you make out the total received from the master tailor, as 6 tunics, 247 cloth trousers, 221 serge trousers, 39 jumpers and 3 jackets? Yes.

1934. Whereas an amended table there are what? 31 tunics, 318 cloth trousers, 368 serge trousers, 51 serge jumpers and no jackets.

1935. Now you have drawn yours, you say, from two books which were shown to you and one of which is before the Court? Yes, sir.

1936. I believe that one, the one before the Court which you have looked at shows no receipts for anything; I am speaking of the small one? I am not quite sure, there are names to each issue; I do not know whether they are signatures or not.

1937. It is a list of names with numbers opposite to them indicating garments in a book of the prisoner's, is it not? Yes.

1938. And it is headed, clothing made by master tailor from 1st July, 1885? Yes.

1939. Is there any thing or were you shown any book showing any balance of it, or any check of it, or have you taken that book as it is given you? I have simply taken my figures from that book and the other book.

1940. Have you ever seen any book showing that that was balanced or checked? No; I have not.

1941. Then your figures rest on supposition that that book is correct? Yes; I have based my figures upon it.

1942. And you know nothing about that book except what Mr. Webster told you? No.

1943. From whom did you get the other book which we cannot find now? I got the two books at the same time from Mr. Webster.

1944. From where? From his office, I believe.

1945. And where did he give them to you? The first time it was in his office, and afterwards I had them at my private house for a night.

1946. Do you think the other book can be astray at your office? No; I gave them back, I think it was to Mr. Webster's clerk.

1947. Do you know his name? Loveless.

1948. That is for the difference in the receipts from the master tailor, now we will come to the difference in the issues. Your first line in your issues, that is to say, clothing issued in the year 1886, includes the first line in amended Table No. 1, and the second line in Table No. 1, or at least a considerable portion of it? My figures cover the same time as in amended Table No. 1.

1949. You see the first line in amended Table No. 1 issues from 1st January to 31st March, 1886, and then it gives certain figures;—is that included in your first line, "Issues in 1886?" Yes.

1950. Now the second line in amended Table No. 1 is the annual issue; that would be to the 31st March, 1887;—does your first line include all that period except the first three months in 1887? My first line included the period up to the end of 1886.

1951. Now you will see that there are very great differences in those;—our first three lines are the same as your first two lines? Not if, in 1887, you include the first three months of 1888.

1952. But with that exception they would include the same time? Yes; except for that.

1953. Your first line is how much? 478, 494, 497, 473, 477.

1954. The first two lines of amended Table No. 1,—365, 393, 395, 365, 372, is that right? Yes.

1955. Then your second line, that is for the year 1887 is 293, 336, 353, 298, 296? Yes.

1956. Our line for the same period is 303, 323, 325, 298, and 296? Yes.

1957. The difference there for the year 1887 is not very great? No.

1958. There is a difference of ten in the first, thirteen in the second, ten one way in the first, thirteen the other way in the second, twenty-eight in the third, and the last two agree. The main difference is in the year 1886? Yes.

1959. The difference is in principally what has been received from the master tailor and what was issued in the year 1886? Yes.

1960. Now we will come down to the year 1886; was any explanation given to you about those books when they were put before you? Well beyond an explanation that the items initialled were issued, I think there was nothing further said.

1961. Were you told anything about not including sergeants' clothing? I do not remember.

1962. Did you include sergeants' clothing in your account? I cannot say unless it was pointed out to me in the book.

1963. Were you told about certain matters being left out because they were compensation? Yes.
1964. And you did leave them out? Yes, all marked "C."
1965. But as to sergeants you are not able to say? No.
1966. Were you told anything about these bulk issues, amounting to 350 altogether? I think I asked Mr. Webster about it, and he said that in that year they were issued in bulk.
1967. I see. He didn't say anything about them being returned? No, nothing.
1968. Now we will take 1886 and 1887;—which is the one that the real difference arises about. We will take No. 1 battery, leaving out the sergeants, and I will ask you to be kind enough to count up the number of names that you see there with articles opposite to them. This is the 30A clothing book. Did Webster explain to you that the names here represented 130 men who represented the 130 clothes issued. Now if these men are included in that 130, then all we have taken from you here you have taken twice over? No, certainly not. I did not take any from here.
1969. If the 1, 7, 6, 4, were included in the 130 you have taken them twice over, have you not? Yes.
1970. Now we will take No. 3 battery which I think is the other 130? There are 138 there.
1971. Well did he ever tell you that the 130 there represented the 130 of the men whose names were down here? No he did not tell me so.
1972. If that 130 represented a portion of the 138 men whose names are down here and you have taken any of them then you have taken them twice over? If they did not consist of the eight they would be.
1973. No. 3 batteries separate issue was 12, 4, 4, and 3? Yes.
1974. The bulk issue appears to have been ninety to a battery showing 140 men? Yes sir.
1975. Were you ever told that those 130's and 90's were returned? Not until I heard it here.
1976. Of course your duty is to make a careful and accurate examination of the books and to bring out the result shown by the books as truthfully and carefully as you can? Yes, that is what I understand.
1977. Would you be kind enough to make out what these separate issues come to? Yes.
1978. 60 cloth trousers, 60 serge trousers, 47 jumpers, and 56 Norfolk jackets? Yes.
1979. Disregarding this 130 and 90 these are the numbers as appearing in the prisoner's books to have been issued to men during the years 1886, 1887, and 1888? No, during the year 1886 only.
1980. But there would have to be added on to that for the year 1886, would there not, these first figures? Yes, previous to the 31st March.
1981. 71, 84, 85, 76, and 71—you make the issues to individuals, as shown by prisoner's books, 128 tunics, 144 cloth trousers, 147 serge trousers, 123 jumpers, and 137 jackets? Yes.
1982. Whereas in the amended table No. 1 we find credit given for 365 tunics, 393 trousers, 395 serge trousers, 365 jumpers, and 372 jackets. These are credits? Yes, these are credits; but the time might be a little longer.
1983. It comes to this, then: We will assume that the figures in amended table No. 1 were taken from the battery-book and these separate issues of yours have been taken from Webster's book. It follows then that as far as separate issues are concerned the battery issues are very much more favourable to the prisoner than his own books? Yes, taking those figures to be correct; but I have only examined his own books.
1984. But assuming them to be correct, they are much more favourable to the prisoner than his own books? Yes, because I have taken the bulk issues from Mr. Webster's own books.
1985. I want to find out what the difference is in your 1886 issues and our 1886 issues—113 tunics, 101 cloth trousers, 102 serge trousers, 108 jumpers, and 105 jackets. You have got that quantity more issued in the year 1886 than we have? Yes.
1986. Roughly speaking, you make an issue of 100 more of each in the year 1886 than we do? Yes, that is so.
1987. Now, where did you get these receipts—Riley Bros.' figures and Henderson's figures; did you take them from the amended table No. 1, or did you check them in any way? I took them from the original.
1988. They are the same in the original as in the amended table? Yes, I believe they are.
1989. Did you check them in any way? No.
1990. Why did you assume that they are correct? Well Mr. Stephen of Stephen, Jaques, and Stephen pointed out to me that there was no question about those particular items.
1991. After taking out these issues did you include issues to the band? Well I took all issues I found in the clothing roll. I cannot say whether the band was there.
1992. Very well, assuming that the band was not in this, assuming that the band is left out of the receipts and included in the issue, to that extent your account is wrong in favor of the prisoner? Yes, if the band is included in the issue, and not in the receipts.
1993. When the prisoner put those books of his before you, of which that is one as showing the clothing made by master tailor, did he inform you that he had handed the list of the clothing made by the master tailor to the Board of Inquiry? I do not remember that he did.
1994. Did Webster ever tell you that he had ever made any list, or signed any list of the clothing issued by the master tailor? No, I cannot remember that he did.
1995. Do you issue.
The President:—Do you wish to re-examine the witness Mr. Attorney-General?
The Attorney-General:—Yes sir, I do.
1996. *The Attorney-General*:—You have examined those books which purport to show the goods issued by the master tailor. Can you see anything in those books in any of them from which that list could have been made up. In other words is there any evidence in that book agreeing with the statement in that list? No. [Exhibit 60.] I see what it is.
1997. It purports to be a list of articles received from the master tailor to a much greater extent than the books show does show, does it not? Yes sir.
1998. Is there anything from which he could have made it up? He could not have made it up from any books that I saw.
1999. Does it appear to you to be a calculation based upon a number of yards; look at it; you see there in the last column so many yards and so on. Does it appear to be an average arrived at from the number of yards of cloth and the supposed size of the men? Yes. It appears to show that this number of garments took a certain quantity of cloth to make up.

2000. Therefore it appears to be a calculation arrived at by somebody. I am not saying by Mr. Webster now or by Mr. Little, arrived at by somebody from the number of yards of cloth and serge used, and the probable size of the men? I judged so from the list.

2001. Is there anything in the battery books to show a return of those articles in bulk. There were certain articles issued in bulk amounting altogether to 350. Is there anything in the battery books to show that those articles were ever returned to Mr. Webster? Well I only made a slight examination of the battery books.

2002. Well, would you turn up the entries now? That "90" shows the delivery to the battery.

2003. Is there a single entry in their own battery book to show that these articles were ever returned from the battery.

The President :—Will you take No. 1 or No. 3 instead of No. 2 Battery, because we have it in evidence that No. 2 would not take the clothing?

2004. *The Attorney-General* :—Yes, we will. (*To witness*): Is there anything there to show that they were returned? *Witness* :—No sir; nothing in that.

2005. You were asked whether Mr. Webster had ever told you that those bulk issues had been returned to him? Yes; I was asked that.

2006. You said that you did not remember him telling you? Yes; I am quite sure he did not tell me.

2007. Did not he tell you to give him credit for 130 for No. 1 Battery, 130 for No. 3 Battery, and 90 for No. 2? He might have told me that; he said they were bulk issues.

2008. But, at all events, he led you to believe that you ought to give him credit for these? Oh, yes, he told me that.

2009. He led you to believe that they were matters not at all referring to him? Yes.

2010. Did you charge Mr. Webster with the return of any clothing from the batteries? Yes, sir; I had the same as I found in the original table.

2011. Which original table? The table issued by Mr. Little; and it is the same as in the amended Table No. 1.

2012. All these articles here, the receipt of which you charged Webster with, are entered in his book as having been received from the battery? Yes; I believe they are.

(His evidence is read to the witness, as directed by Rule of Procedure 81B, the witness withdraws.)

Captain Savage recalled, reminded of his former oath, and examined by the Counsel for the defence:—

2013. *The Attorney-General* :—Do you remember a Board of Survey condemning a quantity of clothing that was in the store? One of the Board's that I alluded to in my evidence this morning suggested that condemned clothing should be destroyed.

2014. Did they condemn the clothing in the first instance and order that it should be destroyed afterwards? Well, that would be condemning it.

2015. Do you remember when that was? In April, 1886.

2016. *Mr. Heydon* :—Were you present on the Board? I was not.

Mr. Heydon objected to the evidence of what was done by the Board being given from hearsay.

The President :—Would not the best evidence of what was done by the Board be the proceedings of the Board.

2017. Do you know that a large quantity of clothing was destroyed? No; I do not know that it was destroyed, but the President of the Board could tell you, I dare say.

2018. Who was that? Colonel Spalding.

2019. You said that there was a Board of Survey in 1886 and 1888? Yes.

2020. Was there not one on the 6th July, 1887? Not what we call a Remainder Board.

2021. What do you call a Remainder Board? When anything is received from the contractor or elsewhere, a Board is at once held on those articles. A Remainder Board would be a Board held on the remainder of clothing or stock in store.

2022. Well, was there any such Board held in July, 1887? I think not.

2023. You do not know, I suppose? No; but I think not.

2024. You see this entry here in this book; can you tell me now? I cannot. I could tell you by the order.

2025. Do you know anything about a garrison order directing the commanding officers of batteries to make a return of the clothing on hand or clothing that had been issued or returned? I cannot remember that; I should have to refer to the orders.

2026. This is not a garrison order at all;—do you remember a brigade order for the officers commanding batteries to make a return of the clothing they have issued, and to return the balance to the brigade store? I cannot remember without reference to the brigade order, but I will try and find it.

2027. *The President* :—Can you tell the date? It was about the latter end of November, 1886.

The Attorney-General said that he intended asking the witness some questions about his conversation with Colonel Airey.

Mr. Heydon objected to the question.

The President suggested that the *Attorney-General* should ask the questions through the Court.

2028. *The President* :—You had a conversation with Colonel Airey during the last three weeks about compensation? Yes.

2326. And do you remember him saying something about making short work of something? What he did say referred to a matter of compensation, what we called the "Delayed Supply of Clothing Compensation" in 1886; Colonel Airey came in when I was speaking to another brother officer (*Le Mesurier*) and volunteered this statement to me, "Oh, it is all right about compensation. I have just seen the General, and it did not take me 3 minutes to explain to him the whole thing about this claim." I said, "I am very glad to hear that." Then he said the General asked me "How these compensation claims arose," and I reminded him that it arose from a visit which I paid to the General (then Commandant) with Major Fitzsimons, upon which occasion we represented to him that the men had made some claim for compensation. After hearing what we had to say, the General said, "Oh, quite so. I see that the men should have some compensation, and will you, as commanding officers, make the best arrangements you can with the contractor. There was no reference to this case at all.

2029. *By Mr. Heydon*:—I suppose you never told anybody that Colonel Airey said that he could make short work of this case if he liked? No.

2030. Will you look at No. 3 Battery Clothing Book, and tell me where the Band is included in the Roll for 1887 and 1888? Yes; to the best of my knowledge they are, and I see the names of a number of them here.

(His evidence is read to the witness, as directed by Rule of Procedure 81B, and the witness withdraws).

The Attorney-General:—It is not likely that I shall have any more witnesses to call, and therefore I hope that my learned friend will not object to my asking the indulgence of the Court not to close my case formally now.

At 4 o'clock, the Court adjourned until 10 o'clock the following morning, for the purpose of reading over evidence to certain witnesses.

On Saturday, the 23rd March, at 10 o'clock, the Court reassembled pursuant to adjournment.

Present:—The same members as before.

The President announced the unavoidable absence, through illness, of the learned Counsel for the Prosecution.

The shorthand writer then proceeded to read certain evidence over in the presence of witnesses, as directed by Rule of Procedure 81B.

At 12:45 p.m. the Court adjourned until Monday, the 25th March, at 9 a.m.

On Monday, the 25th March, at 9:30 a.m., the Court reassembled pursuant to adjournment.

Present:—The same members as before.

Captain and Adjutant Savage was recalled and reminded of his former oath, and further examined through the Court by the counsel for the defence.

2031. *The Attorney-General*:—I believe you found out that some evidence which you gave me on Friday about a Board of Survey in 1887 was not quite accurate? Yes, I wish to amend my evidence given on that date.

2032. I asked you whether such a Board was held in 1887, and you said "No"? Yes; but I find upon looking up orders that a Board was held in 1887, and my answer was that the clothing was received too late in the year. I am wrong, I find, for I got mixed up in the two Boards that were held. There was no Survey Board held in 1887, when the clothing was received on the authority of the General, as the clothing was received so late, and there were no scaled patterns. I had mixed up that with the business of 1887.

2033. Then it comes to this, that there was no Board held in 1886, but one was held in July, 1887? Yes, though Remainder Boards were held in 1886, 1887, and 1888.

2034. As shown in Webster's book? Yes, as shown in Webster's book.

2035. And that Board of Survey in 1887 would really be a stock-taking at that time? Yes.

2036. So we will assume that if that Board of Survey was properly conducted, and we will suppose that it was, the prisoners stock must have been all right in July, 1887? I should say it was. The proceedings of the Board can be produced.

2037. Now there is a book we have heard about, but which is not here—did you get an order from Colonel Eden that caused the Clothing Board to be supplied with the brigade stock book and issue book of 1887 and 1888? I believe I did.

2038. Do you know whether they were supplied? Every book which the Board asked for they were supplied with.

2039. Do you know what regimental or garrison order—do you know that there was an artillery brigade order on the 22nd November, 1886? Yes.

2040. That would have reference to the clothing issued for the year 1886, would it not? Yes.

2041. Is that a true copy? Yes. [Exhibit 81 handed in, signed by the President, and attached to the proceedings.]

2042. *By Mr. Heydon* (through the Court):—Clothing destroyed would be casualty clothing, or useless clothing, would it not? Yes, it would not be new clothing.

2043. It would be second-hand clothing, which upon examination appeared worthless and not worth keeping? Yes.

2044. I suppose these Boards can be produced? Yes; they can be produced.

(His evidence is read to the witness, as directed by Rule of procedure 81B, and the witness withdraws.)

Lieutenant-Colonel Murphy, recalled and examined through the Court by the Attorney-General:—

2045. *The Attorney-General*:—Do you know anything about clothing issued to the different officers, Colonel Murphy? I cannot say I do to the different officers.

2046. You do not know about the different officers, but do you know about yourself? Yes; I can speak for myself.

2047. Do you remember getting some cloth trousers? Yes; I got some black cloth trousers.

2048. Is that all you got? Yes; that was all I got.

2049. You got them from the store? Yes; I got them from Mr. Webster.

2050. Where is Mr. Le Patourel? Mr. H. Patourel is in the barracks.

2051. *By Mr. Heydon* (through the Court):—You got the trousers from the Brigade Store? Yes.

2052. Well I understand from former evidence that has been given that the officers get an allowance in lieu of clothing? Yes; but this was to be paid for. It was a purchase from the store.

2053. Then in purchasing this pair of trousers of course you became bound to pay for them. Have you as a matter of fact paid for them, or is it yet owing? Yes. I have looked it up, and I find that it is still owing. I had the master tailor's bill.
2054. I thought they came from the store? Yes; but they had to be altered, and I find that I am billed for the alterations, and not for the trousers at all.
2055. But who would you go to pay for the trousers? As far as I can understand, it is the custom to be billed through the pay-office.
2056. When was it you got these pair of trousers? I cannot tell you exactly, but it was some time in 1887, I think.
2057. And that ought to come through the pay-office vouchers, should it? Yes, I think so.
2058. *By the Court*:—Would it not come through the D.A.Q.M.G.'s Department? I should think that it would come through the pay-office.
2059. *Mr. Heydon*:—At all events you ought to be debited with that pair of trousers somewhere? Yes.
2060. And information, in order to debit you with them, ought to be supplied by the prisoner? I should think so.
- By the Court*:—When you return clothing to the Q. M. Sergeant's Store, is it all new clothing that you return. I am speaking of your battery clothing? No, not all new clothing.
2061. Would you explain what clothing it is? Part-worn clothing.
2062. In 1887, did you return any part-worn clothing amongst the clothing that you returned? I cannot remember.
2063. In the items put down in several returns we have had there is clothing "returns from batteries" in 1886 and 1887, does that include part-worn clothing? That would include part-worn clothing.
2064. You have been a Member of Remainder Boards, have you not? Yes.
2065. In 1886 and 1887? In 1887, I think.
2066. Which one do you remember best? The 1887 one.
2067. July, 1887? Yes.
2068. Did you examine the prisoner's clothing-books? Yes.
2069. Was there any mention in the prisoner's book of part-worn clothing? I cannot remember.
2070. If there had been, would that have been taken into any account? I think we only counted the new clothing in the store.
2071. You disregarded all part-worn clothing? I don't think that we professed to count it. The Board was not held to deal with part-worn clothing.
2072. You cannot remember whether you touched part-worn clothing or not from your own recollection? No.
2073. Was part-worn clothing ever issued to your own battery; I don't mean as an annual issue, but to recruits? No; that has not been the annual custom; recruits are always clothed in full with new clothes.
2074. Can you tell me what took place with regard to the part-worn clothing? No; I remember we recommended the destruction of some of it—a large quantity which was in a very bad state.
2075. Then you cannot tell me what becomes of any of the part-worn clothing? No; most of the clothing that is returned as part-worn clothing is really not fit to re-issue.
2076. Have you ever had the case of a man deserting very soon after he has been clothed? I remember that a man shortly before he took his discharge did get clothing and trousers, and I think they were returned as new.
2077. They were returned new after they had been worn? Well, my impression is that they were only worn slightly.

The evidence is read to the witness, as directed by Rule of Procedure 81 B, the witness withdraws.

Major Murray, called for the defence, was duly sworn, and examined by the Attorney-General. He said:—I REMEMBER receiving from the brigade store in 1887 some cloth for trousers and some serge for trousers; I do not remember the value, and I do not remember the quantity; there was one pair of cloth trousers and one pair of serge trousers.

The President:—Do you wish to cross examine the witness, Mr. Heydon?

Mr. Heydon:—If you please, sir.

2078. Who would you pay? I think the account was rendered to the Paymaster.
2079. Have you received the bill for them? Yes, lately.
2080. Do you remember about what time it was that you got them? It was in 1887.
2081. And the account has come in only lately;—when you say lately, what time do you mean? Within the last three months, I should think.
2082. From whom would the account come in, or through whom;—how would it come in? I don't know. I found it in an envelope on my office-table.
2083. A bill or a memorandum? A memorandum of the amounts.
2084. Within the last three months? Yes.
2085. There is no doubt that you had the cloth, I suppose? No; not the slightest.
2086. *The Court*:—You have been in command of a battery lately, have you not? Yes; since January, 1886.
2087. Since then, have you ever returned any battery clothing to the brigade quartermaster's store? Not to my recollection.
2088. There has been nothing left over to return? No.
2089. Did you ever return any part-worn clothing? No; I don't think so.
2090. Were you on the Remainder Board in October, 1888? Yes.
2091. Did you examine the prisoner's books at that date? No; I don't remember examining the books, as far as I can recollect.
- 2091A. It was a Stock-taking Board in 1888? I don't remember taking stock of the prisoner's things.

His evidence is read to the witness, as directed by Rule of Procedure 81 B, and the witness withdraws.

Captain

Captain Baynes, New South Wales Artillery, having been called as a witness for the defence, is duly sworn, and examined by the Attorney-General, states:—

I RECEIVED some trousers from the brigade store, 1887; I have been in the Artillery close on thirteen years; I have known the prisoner all that time; he has borne a very good character; he has always borne a very high character.

His evidence is read to the witness, as directed by Rule of Procedure 81 B. The witness withdraws.

[Exhibits 82 and 83 handed in, signed by the President, and attached to the proceedings.]

Lieutenant-Colonel Spalding having been called as a witness for the defence was reminded of his former oath and examined by the Attorney-General.

2092. Do you remember a quantity of clothing being destroyed? No; I did not see it destroyed.

2093. But you know that there was an order for its destruction? Yes.

2094. And you believe that it was destroyed? Yes.

2095. Do you know how much? I think the Board would give it. There were thirteen moth-eaten tunics of 1881 destroyed, and twenty-four of 1882.

2096. Was this new or part-worn clothing? It was part-worn clothing.

2097. *The Attorney-General*:—Is there any new clothing destroyed? Not that year, 1886. I was wrong in saying that those were part worn they were all new—thirteen slightly moth eaten tunics of the issue of 1881, and twenty-four of the issue of 1882. These tunics were of a heavy English cloth—the R. A. cloth, to the best of my knowledge. The Board reported them fit only for casualties during the winter months.

2098. Then these were not destroyed? No; but there were some which I shall come to now. There were forty-two tunics returned by batteries part worn, thirteen returned for issuing for casualties, and thirty-two useless, recommended by the Board to be destroyed; Norfolk jackets returned by batteries, total fifty-two; total for refit for casualties, fifteen; the balance useless, recommended to be destroyed, namely, thirty-eight; of cloth trousers there were nine pairs and serge twenty-six recommended to be destroyed.

2099. Were these returned from batteries? Yes.

2100. Serge jumpers, twenty-five, from batteries also recommended to be destroyed; this was the Board held on the 2nd April, 1886. I have a further document here which shows the stock remaining on hand on the 31st March, 1886?

2101. *The Attorney-General*:—When were those you have referred to destroyed? That order was approved by Colonel Roberts on the 10th of the fourth month, 1886.

2102. *The President*:—Do you know if these articles were destroyed? Not of my own knowledge.

2103. *The President*:—Do you wish to cross-examine the witness, Mr. Heydon? *Mr. Heydon*.] Yes sir.

2104. You were a member of the Board to count up the balance of the clothing on 31st March, 1886? Yes.

2105. Did that balance include the clothing which was destroyed? No.

2106. In examining the balance of clothing on hand in the store, it looks at the books, does it not, to see what the balance shown in the books is, and to show whether the amount of clothing in the store agrees with them? Does the Board, in addition to this, examine the books to see whether there is a correct balance? No; this is not an Audit Board.

2107. In counting up clothing in that way, does that include the old clothing, what is known as casualty clothing—or does it count new, unfit for issue? In this case they were not included.

2108. Whether that is always done I suppose you cannot say? There are other Boards here.

2109. Can you tell me the dates of them? The next Remainder Board was held 6th July, 1887.

2110. Did that include in the amount shown any of the old second-hand clothing? This document marked "A" included the whole of the clothing in store.

2111. *The President*:—Part worn and otherwise? Yes.

2112. Were those thirteen tunics and twenty-four tunics that were fit for casualties included in return of 31st March, 1886? No; they were not included.

2113. None of the casualty clothing? No; not on that list, but this Board distinguished between the clothing that was in store prior to 1886 to 1887; it distinguished the 1886 and 1887 clothing from any other clothing.

2114. *Mr. Heydon*:—Did that Board distinguish in any way the part-worn clothing from the new? I should think that at this time there was no part-worn clothing in store.

2115. There is no mention of any? No; it is all fit for issue.

2116. The next Board comes in in 1888? On the 13th August, 1888.

2117. Does that also deal with the whole of the clothing? Yes.

2118. And is any of that clothing shown to be part worn, or is it too treated as fit for issue? It was not all fit for issue; some of it was damaged by rats and moths.

2119. Was any of it part worn? To the best of my belief there was no part-worn clothing.

2120. Has there been any Destruction Board since this Board of 1886? Of 1888.

2121. No, that was a Remainder Board, was it not? They are all Remainder Boards.

2122. Yes, but under the Remainder Board of 1886 there was a recommendation that a certain amount of clothing should be destroyed, and that amount you did not include in the amount you counted up in the store? No.

2123. And since then there has been no recommendation for the destruction of clothing? Yes; I think there was in the case of one tunic; it states here that in the opinion of the Board one tunic was damaged by moths, and useless, but the Board does not recommend its destruction.

The President:—Do you wish to re-examine the witness, Mr. Attorney-General?

The Attorney-General:—I do, sir.

2124. That report of the Board of Survey, 6th July, 1887, was made after an examination of the stock in the store? Yes.

2125. And a comparison of Webster's books also? Yes.

2126. And everything up to that time, July, 1886, was right, I suppose, according to the report of the Board? That Board was to find out what was in the Quartermaster's store, and to compare it with what appeared in his books.

2127. Exactly; and it was found to be all right to that date, was it not? No; there was found to be some slight discrepancy.

2128. To what extent? As regards rank and file tunics, 1887 to 1888, there are two damaged by rats, and two damaged by moths. There was a difference of five tunics between Webster's books and the number, but they were accounted for by a document which is marked "C2," signed by the prisoner, saying that they were five tunics issued from the 31st July and the 31st August. There were three tunics, three Norfolk jackets, and three serge jumpers issued.

2129. *The President*:—Could you from that document give me the balance that you found in the store on the 6th July, 1887? Yes. There were in store on that date 431 tunics, and of that number 83 being of the 1886 to 1887 issue; 410 Norfolk jackets, 29 belonging to the 1886 to 1887 issue; 401 serge jumpers; 362 cloth trousers, 29 pairs belonging to 1886 to 1887 issue; 297 serge trousers, one pair belonging to the 1886 to 1887 issue; 27 sergeants' tunics, 3 sergeants' patrol jackets, 7 sergeants' trousers, and 19 band tunics.

2130. That was your counting? Yes.

2131. And did they agree with the prisoner's books at that time? Yes.

2132. Who made up the proceedings of that board? I cannot recognise the writing.

2133. Was it handed in to you for your signature? It was checked by us and then signed.

2134. Was there any part-worn clothing added up with that, or was that all new clothing? That was all good clothing and fit for issue, and there was no other clothing in the store.

2135. Might that not include good part-worn clothing that was fit for issue? Yes; but as a matter of fact trousers were never considered fit for issue.

2136. Yes, but tunics? Yes, it might.

2137. And that is not included in the board? There is nothing about part-worn tunics on the face of the board.

2138. Now, before checking the brigade books did you check our own battery books to see if they agreed with what were issued to the battery from the brigade books? No.

2139. So that you really have nothing to prove that the remainder in the brigade-book were correct? Nothing at all.

2140. Was part-worn clothing ever issued to your men? From the brigade store?

2141. Yes? I have no doubt it was at times when we were pressed and had to wait many months for clothing.

2142. That was in 1886, was it not? But generally speaking there was sufficient in the battery store.

2143. Would the return of part-worn clothing be shown in your battery books? Probably it was.

2144. Because there was an item of clothing returned from batteries from 1886 to 1887, there has been a great deal of talk about it, and I want to know whether it would include part-worn clothing as well as new clothing? There was one occasion in 1886 when a single quantity of clothing was returned.

2145. *The President*:—I am not talking of that, I am talking of other returns being sent in? It would be all part-worn clothing, because as a rule the clothing is put on the men the same day that it is issued.

2146. When you were present at these Boards did you examine the prisoner's books at all? No, we looked at them to find the balance.

2147. But you didn't go into the matter to see how the balance was obtained? No, we had not the material. We simply took his balance.

2148. When men are fitted for clothing in the ordinary way, do you know whether the clothing bears a tally showing the size of the tunic? Yes. I will not say that it always does, but it does as a rule, and the fact that the ticket was pasted on instead of been sewn on was the reason why so much was destroyed by rats.

2149. Do you know what information that ticket gives? The men's height and size round the chest—that is about all.

2150. Have you ever been present when these tunics have been fitted on? Always, as far as my battery is concerned.

2151. And is it difficult to fit a man with a tunic? Very.

2152. How do you account for that? The clothing has been made outside of the Colony as a rule and not to actual measurement.

2153. You think that the clothing was not made to actual measurement sent in by the battery size rolls? Yes.

2154. There would be a battery size roll called for in the latter part of 1886, and that clothing would come out in 1887. There would be no material difference in the size of the men in those months, would there? Yes there would; particularly with regard to the younger. A tunic which would fit them at the beginning of the year might not go near them in six months time.

2155. What percentage of recruits would you have at that time? I cannot say.

2156. Would it amount to 50 per cent.? No; perhaps to 10 or 20 per cent. The men being enlisted then and getting good food and plenty of exercise would expand so much that their tunics would not fit them when they came out.

2157. And they would require extensive alterations, would they? They would require remaking very often to the extent of 10 or 20 per cent.

2158. Would those recruits have joined previous to the size rolls being taken or afterwards? That would be the total number of recruits for the year.

2159. Then there would only be about half that number of recruits? Yes, but the rest would have to be fitted. Hardly any of the tunics fit.

2160. And you say that is caused by the clothes not coming out according to the size roll? No; I say that because they are not taken by actual measurement taken by a tailor who makes the clothes accordingly.

2161. Suppose the clothes came out according to the size rolls, would there still have to be a number of remakes? There ought not to be.

2162. *Mr. Heydon*:—Do you know how long clothing has been imported, instead of being made here? I cannot answer that question, but to the best of my knowledge it has been imported for many years, and I have no doubt it has been imported from these size rolls.

2163. *The President*:—Have you got a size roll for your battery for 1887? We have a rough copy, but the original was sent on by us.

2164. It is the 1886 one I am talking of—the clothing for 1887? Yes, I have one here.

[Exhibits 84, 85, and 86, admitted, signed by the President and attached to the proceedings.]

[His

[His evidence is read to the witness, as directed by rule of procedure §1 B, and the witness withdraws.]

The prisoner then handed in the following statement in addition to the address to be made by his Counsel, which was read, numbered S7, signed by the President, and attached to the proceedings:—

Mr. President and Members of General Court-martial,—

The true explanation of the alleged deficiency of £9 12s. 2d. is as follows:—As you are no doubt aware, lists are sent in by the officers commanding batteries to the officers commanding artillery forces, containing the names of the men entitled to compensation. Sometimes, for different reasons, names are omitted from such lists. With regard to the compensation lists for 1887 and 1888, I was informed, after the lists had been sent in, that Sergeant Lynch and Bombardier Loveless' names had been omitted from No. 3 Battery list, and on inquiry I found that Colonel Spalding had passed their clothing, and had authorized them compensation in lieu of clothing to the extent of £4 1s. 10d. and £2 10s. 6d. respectively. I was informed that Gunner Burgess, of No. 3 Battery, was also entitled to compensation to the extent of £2 10s. 6d., and that his clothes had been passed by the officer commanding the battery. In addition to this there was a gunner in No. 3 Battery (whose name I cannot at present recall, but I believe it was Smith) who was entitled to compensation, as I was informed and believed it to be true, for a Norfolk jacket, in addition to the articles placed against his name in the list. The lists, as sent in by the batteries, were not looked upon as being the only compensation due, provided the compensation was allowed by the officer commanding the batteries. I accordingly caused to be included articles for these amounts in the vouchers placed before the officer commanding the Artillery forces for compensation, and at the time mentioned to him that such voucher included all the compensation due, and that the same included certain additional articles which had been passed by the officers commanding batteries. I received from Wm. Henderson & Co. £229 12s. 7d., and paid to the officers commanding batteries £220 0s. 5d. This left £9 12s. 2d. in hand, out of this I paid Sergeant Lynch £4 1s. 10d., Bombardier Loveless £2 10s. 6d., and hold their receipts for same. I handed 9s. 4d. to the gunner, and the remaining £2 10s. 6d. I paid to Burgess, and obtained a receipt. I have searched for it high and low, but cannot find it. Burgess is now dead, and I always knew him to be an honorable man, and I think it only right to his memory to state that I don't believe he ever received the £2 10s. 6d. signed for by him in No. 3 battery list, and that if he did so it must have been by mistake. However, I paid him £2 10s. 6d. I was examined many times before the Board of Inquiry, and was always questioned as if under cross-examination, and the statements made therein were not voluntary. I was confused and anxious from something that I had heard, and although at the time I believed the statements then made to be correct, on thinking over the matter carefully I found the same were incorrect. I knew all the time I had paid away all the money received from the contractor, and it was only after careful consideration that the above-mentioned circumstances came back to my memory. With regard to the compensation voucher for staff sergeants, there was no provision made for them in the contract, and the prices mentioned in the voucher were obtained from William Henderson & Co. as the prices at which they would make the articles, and were laid before the officer commanding the artillery forces. The custom as to the contractor retaining one-third of the compensation has been in existence ever since I have been in the force, and was no benefit to me. It was no fault of mine that casualty men took compensation for 1887. The master tailor's charges for remaking when extensive alterations were made, was according to a scale which I was then under the impression duly authorized many years back. It was no benefit to me for the master tailor to get more than he was entitled to. When the master tailor told me he wanted money, I instructed my clerk Loveless to make out what the master tailor was entitled to, and when placed before as correct I was informed by Loveless and the master tailor they were correct, and believing them to be so I initialled them as such. I entrusted implicitly to Loveless, knowing him to be an honest man, and he kept my book principally. I never had any reason to suspect that the master tailor Lytleton was anything but honest. When I wrote to the Major-General Commandant, offering to pay the £9 12s. 2d., I did so as I was anxious to avoid the misery and anxiety of a court martial, and because I had been told the Major-General Commanding had allowed the master tailor Lytleton to make good a sum of £290 1s. 6d., which he was said to have overcharged. I handed the Major-General the receipts from the officers commanding batteries, and all other papers that I had, and would not have done this unless all privilege were granted to me. I deny that I refused to tell Sergeant Wilson what the third deduction was for, but I had a few words with him because I refused to make his calculation for him. The paper produced by Quarter-Master Little, of the alleged returns from master tailor's department, was signed by me without enquiry, as Mr. Little told me he (Mr. Little) had made it out, and that if I signed it it would clear everything up. This was only signed under these circumstances and in no way shows the receipt from the master tailor's department as my books will show. It is not true as sworn by Sergeants Wilson and Taylor that they returned me the suits issued in bulk to them the following day. Had they done so surely there would be some entry of it in their books or mine, or receipts to produce. They say they returned the suits in bulk and that they were re-issued separately from the store, but if this had been done there would be the initials under each garment of the individual issued to, but as there is only a receipt in bulk signed by Sergeants Wilson and Taylor which proves their statement to be false. Wilson and Taylor are both enemies of mine. The former I placed in arrest for which he was placed back for court martial, and I afterwards got him relieved. I have been under arrest nearly two months, and all the hard savings of years have gone in my defence and I am practically ruined, and had it not been for the consideration shown me by the solicitors, Stephen, Jaques, & Stephen, I would have been unrepresented here some days back. My wife had a little money of her own and I had a present made to me which enabled me through a Building Society to purchase the house I live in at Ashfield, but there is a mortgage to its full value. If there is any deficiency in clothing it is due to nothing but mistakes and overwork. I have done my duty to the best of my ability. The clothes would be no use to me nor could I sell them. Paper marked No. 67 containing the item cloth trousers made from material 64, serge trousers made from material 104 was written out by me from a paper given to me by Mr. Little and not from anything in my book. I looked upon Mr. Little as my friend and thought he was anxious to help me to put matters right. He told me that the figures on paper marked No. 66 did not account for all the cloth supposed to be missing; and said that the figures as to cloth and serge trousers, on paper marked No. 67, would account for balance. Relying on this I wrote it all from what he gave me on a rough paper and signed it. In conclusion, I ask you to sweep away the disgrace that is imminent, taking into consideration that I have a wife and three young children purely dependent on myself.

(Signed)

W. WEBSTER,

Warrant Officer, Brigade Quartermaster Sergeant.

Lieutenant Little is reminded of his former oath, and examined by the Prosecutor:—

2166. Do you remember a second paper; is it a fact that that document was made up by the prisoner from materials supplied from a paper given to him by you? If he means a paper that I furnished him with some years ago, that is a scale showing the quantity of clothing that would do for making up of each separate garment. I did furnish him with such a scale.

2167. At the time, or about the time, that that paper was made up did you furnish him with any scale or paper? No.

2168. With regard to the first document—the one that is signed in red ink—is it a fact that you had told the prisoner that you had made it up, and that if he signed it he would be clear of everything? That is not a fact.

2169. *The President*:—Do you wish to cross-examine the witness, Mr. Attorney-General?

The Attorney General:—No, sir.

[His evidence is read to the witness, as directed by rule of procedure 81 B, and the witness withdraws.]

Lieutenant-Colonel Airey is recalled by the Court, reminded of his former oath, and further examined:—

2170. *The President*:—Do you recollect 130 garments of all sorts being issued to your battery in bulk? Yes.

2171. From your own personal knowledge, do you remember whether these garments were sent back to the brigade quartermaster's store? Yes; I hold a receipt for them; "130 garments were returned to store and reissued to men at once, 90 tunics, 98 Norfolk jackets, 98 jumpers, 95 cloth trousers, and 96 cloth trousers; leaving balance 35 tunics, 2 Norfolk jackets, 32 jumpers, 35 cloth trousers, 34 serge trousers;" that is Mr. Webster's receipt.

2172. *By the Attorney-General* (through the Court):—That is Mr. Webster's receipt for what? For the balance of the 130 garments.

2173. But you said you hold a receipt for the 130? That is the receipt.

2174. These were issued to the men? Yes.

2175. Not returned to Mr. Webster, though? They were issued from his office and returned to him; issued on the spot to the individuals.

2176. *The President*:—Could you produce the size-roll of the men in your battery in 1886? A rough copy of it. Of course it is possible between the time of the size-roll being sent in and the clothes arriving some of the men might leave.

[Exhibit 89 handed in, signed by the President, and attached to the proceedings.]

2177. Do you know what time of the year this was taken? It is generally taken about October or November.

2178. This is the clothing for 1887, which would be taken about October or November, 1886? About that time.

2179. Were you present when the men were fitted in 1887? I cannot say. I inspected the men after they were fitted. They generally got their things out of the store, and I generally see them in my own office, though sometimes I inspect them in the store.

2180. Did you see them fitted before the alterations were made? Certainly.

2181. Was there any difficulty in fitting the men? There were a great many alterations required.

2182. Were there 50 per cent. of alterations? No; 12 or 15 per cent. would be the highest, and that would include everybody, recruits and everybody, who was clothed at that time.

[His evidence being read over in the presence of the witness, according to rule of procedure 81 B, the witness withdrew.]

Colonel Spalding recalled, reminded of his former oath, and examined by the Court:—

2183. Do you remember an issue of ninety complete sets of clothes in the year 1886 in your battery? Yes.

2184. Do you remember their being returned to the Brigade Quartermaster's store? Some of them.

2185. Would you tell me how it came about? We got bulk issues, and then I think there were some orders to return those as far as I remember.

2186. Did you get any receipt from the prisoner for the clothing you returned? I neither gave a receipt for the bulk issue nor did I get a receipt for the balance returned.

2187. Do you know of your own knowledge that a balance was returned? I saw them being taken out of my store.

2188. And you gave orders that they were to be returned to the brigade store? Yes.

2189. And to the best of your knowledge the order was obeyed? Yes.

2190. Can you produce the size-rolls of your battery for the clothing of 1887? I can produce a rough copy. [Exhibit 90 handed in, signed by the President, and attached to the proceedings.]

2191. *By the Attorney-General*:—You were asked whether you knew of your own knowledge whether any of the things were returned; did you ever see any of them returned to the brigade store? All I did was to give an order, and I saw certain things leaving my office.

2192. But you did not know where they were going to? No.

2193. You have no better proof that that order was obeyed than any other man who gives an order has? I did not see the articles taken into the prisoner's store, and I did not deliver them myself.

2194. *By Mr. Heydon*:—Is there not an endorsement in your writing at the back of that? Yes.

2195. Can you tell me, seeing that endorsement of it, whether a copy of it was delivered to the prisoner? A copy of this sent to the brigade store with the clothing returns.

2196. *By the Attorney-General*:—Did you take it yourself? No.

2197. Can you say how many articles were taken out of your store? No.

2198. *Mr. Heydon*:—Whose handwriting is that document in? Quartermaster-Sergeant M'Millan's. [Exhibit 91 handed in, signed by the President, and attached to the proceedings.]

[His evidence is read to the witness, as directed by rule of procedure 81 B, and the witness withdraws.]

Lieutenant-Colonel

Lieutenant-Colonel Murphy recalled, reminded of his former oath, and examined by the Court:—

2199. Do you remember a bulk issue of clothing to your battery in 1886? Yes, I do.
Do you remember that bulk issue being returned to the brigade quartermaster's store? Yes.
2200. Do you know of your own knowledge that it was returned? I saw it being returned.
2201. You were present when it was returned? I saw it on its way to the store. I was on the verandah and saw it go from my store to the quartermaster's store.
2202. Have you any receipt from the prisoner? No; I can't find any.
2203. Did you sign any receipt for the delivery of it? No.
2204. So that no receipt or delivery voucher passed between your or the brigade quartermaster's department? No; not for that particular clothing.
2205. Can you produce a size-roll for your battery for the clothing for year 1887? This is a rough copy; it was taken in August, 1886.
- [Exhibit 92 handed in, signed by the President, and attached to the proceedings.]
2206. *The Attorney-General*:—Can you say how many clothes were returned? The whole were returned.
2207. Were they not reissued? I cannot say.
2208. When were they returned—can you remember? In November.
2209. Was there not an order to return any that were not used up? Yes.
2210. Was it not after that order? No; it was before that order, because there was only a small quantity left.
- [His evidence is read to the witness, as directed by rule of procedure 81 B, and the witness withdraws.]

Honorary Lieutenant William Holmes, Chief Clerk on the Staff, having been duly sworn, is examined by the Court:—

He said: The strength of the Permanent Artillery, 1883, January—315 men and establishment 320. Strength on 1st January, 1885—312, establishment 320. Strength 1st January, 1885—319, establishment 320. Strength 1st January, 1886—486, establishment 502. Strength 1st January, 1887—380, establishment 376. Strength 1st January, 1888—371, establishment 376. Strength 1st January, 1889—424, establishment 500. In July, 1885, the corps was increased to 502, that would be—from 320. On 1st January, 1887, they were reduced to 376, and they were again increased, August, 1888, to 500. That document is in my handwriting.

[His evidence is read to the witness, as directed by rule of procedure 81 B, and the witness withdraws.]

This concluded the evidence.

ADDRESS OF THE COUNSEL FOR THE DEFENCE:—

THE *Attorney-General* said that he was perhaps justified in expressing a certain amount of surprise that after the evidence which had been produced in this case, those who were responsible for the prosecution had not thought it their duty to withdraw the matter from the further consideration of the Court, because it appeared to him that it was manifest to every one who had taken an impartial view of the proceedings, and who was not influenced—he did not say by any improper motive—but who was not influenced by a foregone conclusion that the principal charges against the prisoner had entirely fallen to the ground. In this instance, they had what was called a prosecutor—his learned friend, Mr. Heydon, appeared there on the part of that prosecutor, and the prosecutor, as they knew, was Major Mackenzie. He was the nominal prosecutor, and the gentleman making the charges against the prisoner was Major-General Richardson. They had also there his young friend, Mr. Williams, enjoying himself as he was happy to see he had been doing for the last few days, nominally assisting in the prosecution; and his learned friend, Mr. Heydon, was instructed nominally by the Crown Solicitor—but really, the prosecution was a prosecution not by the Crown, but a prosecution by the military authorities. Having spent six months in making this investigation in some serious irregularities, they had thought it their duty to put the criminal law in motion against the prisoner, and they had gone on with that prosecution down to the very last moment—having allowed to remain upon the charge sheet against him, a charge of embezzling £9 12s. 2d., notwithstanding that Colonel Roberts had reported to General Richardson early in February of the present year that he had investigated that so-called charge of embezzlement, and that he had cleared up two of the matters, and was then inquiring into the third with every prospect of clearing that up also. Notwithstanding that—notwithstanding that they had Colonel Roberts, the officer commanding the Artillery, uninfluenced by any consideration but a desire to see justice done to the humblest man in the corps, making that report to General Richardson—even telling him that Webster had shown him receipts for two portions of that £9 12s. 2d., amounting to upwards of £6. Still that charge had to be allowed to remain on the record, and he must deliberately express his surprise that the military authorities had not acted in a very different manner—they must have pressed those charges as they did with some ulterior object. He did not blame them in the first instance for those inquiries—it was their bounden duty when irregularities and neglects or omission had been discovered, to inquire into those irregularities—but he did think that the Court would agree with him that as far as that charge of embezzling that £9 12s. 2d. was concerned, it should not have been allowed to remain on the charge-sheet against the prisoner. If he were addressing a jury upon the question, he would have no doubt in his mind as to what their finding would be, but he was addressing a body of officers, and it might be that those officers, although well versed in military law—had not the knowledge of the world and of men of the world that would be possessed by an ordinary jury, and it would be for that reason necessary for him to occupy their time in drawing their attention to the evidence given by the Crown on behalf of the prosecution with regard to that particular charge. They had put upon that charge sheet every possible offence that the mind of man could imagine; they had determined if possible—but he did not say improperly—by hook or by crook to secure the conviction of the prisoner on some charge or other. Eleven charges had been levelled against him and when they were carefully looked at it would be observed that they really all arose out of one or two transactions.

transactions. The first charge was, that he had embezzled that £9 12s. 2d.; the second was that he had paid away unlawfully that sum of money, and then in the fourth charge he was indicted with having been culpably neglectful in keeping the compensation accounts for clothing, and that in consequence of that there was a deficiency of £9 12s. 2d. Thus as far as that sum was concerned, they had no less than three charges against them, and not only so but in spite of all the evidence that had been given they were still allowed to remain, and being allowed to remain it was possible that to some extent they might prejudice the minds of the Court. Those charges were utterly inconsistent with themselves. The prosecutor did not seem notwithstanding the investigation that had occupied six months—notwithstanding all the material at his command, notwithstanding that they had ample opportunities of arriving at a just and proper conclusion—the prosecutor did not seem to know exactly what to charge the prisoner with. They had got something into their heads about the £9 12s. 2d., but whether the prisoner had embezzled, whether he had allowed somebody else to embezzle it, or whether he had been culpably negligent in the keeping of his books, and that it was in that way that the deficiency had arisen they did not seem to know. And therefore he would ask how the Court could possibly say, whether the prisoner had embezzled the money or not, when the prosecution themselves so evidently did not know, and if they did not know that he had embezzled it, how could they tell if he had allowed anybody else to embezzle it, and if they did not know that he had allowed anybody else, how was it that they could charge him with culpable negligence—first of all he would deal with the charge of embezzlement—it was said that he had embezzled that money by having received it from the contractor, and instead of handing it over to the Commanding Officers had put it in his own pocket. Then they said that if he did not put it into his own pocket and they were doubtful about that—then he had paid it away without any due authority, and that if he would do that then he was guilty of culpable negligence inasmuch as there was a deficiency of £9 12s. 2d. Now could any case for the defence be better proved out of the mouth of opponents witnesses than this has been proved—because with the exception of the evidence of Lynch and Loveless, as far as this money was concerned admissions had been dragged out of the witnesses for the prosecution. His learned friend had made all kinds of technical objections to his endeavours to illicit the proof and yet at the very last moment—at the conclusion of the case a witness was allowed to state only by hearsay that certain goods had been restored to the Brigade Office. But never mind in spite of all the difficulties with which he would have to contend with, he had shown that that money the £9 12s. 2d. had been paid away by the prisoner. The military authorities initiating those charges against him, thought it a matter of justice to have omitted that particular charge—what justification could there be for the course they had taken. Colonel Roberts had sent a memorandum to Colonel Mackenzie in February last, saying that he had practically cleared the matter up, and then he had told the Major-General himself that Lynch had been called before him and produced a receipt for £4 1s. 6d., and that he had also obtained a receipt of £2 10s. 6d. from Loveless. Of course it might be said that Lynch had never received the £4 1s. 6d., but Lynch himself would not venture to say it, and the document bore the evidence of being a genuine document; indeed, when Lynch was shown the receipt by Colonel Roberts he admitted that he had received the money; and when subsequently seen by Mr. Nathan he had said, "I am not in the habit of giving receipts unless I have received the money," therefore they must consider that Lynch had received £4 1s. 6d. out of the £9 12s. 6d. which the prisoner is charged with embezzling. Loveless, whom they saw examined in a very bad state of health, told them distinctly that he had received the money, so, that assuming that the members of the Court have not left behind them their common sense, and assuming that they would bring to bear upon the consideration of a question of this kind their knowledge of the world—he did not see that they could have any doubt—but that the prisoner had paid away the double portion of the money. Then he stated that he had paid 9s. 4d. to a gunner, but to which gunner he could not remember, and £2 10s. 6d. to a man of the name of Burgess, and they must remember that he said that when he was examined by Colonel Roberts, and not merely now that he was on his trial before a court martial. Of course, they knew that Burgess was dead—and it might be said that the prisoner had picked upon a dead man as an easy way of accounting for a further portion of the deficiency. He asked the Court, however, whether they did not think that if the whole thing was a fraud and a mere subterfuge it would have been much easier for Webster, who was a great favourite amongst his comrades, to have got some man who had left the corps, or some one, at all events, who was still alive to say that he had paid the money to him. By doing that he would certainly have succeeded in confusing the matter instead of telling a plain straight forward story as he had done to the effect that he had paid the money to Burgess. Moreover, if he had wanted to deceive the Court, would he have hit upon a man who actually appeared in the list to have received the £2 10s. 6d., beyond doubt he would not. He would have said, I paid money to Lynch, and I paid money to Loveless, and the rest I paid to Smith or Jones, or somebody else whose name did not appear in the compensation list. Supposing he had gone to an attorney who was not very strict in connecting his cases—that attorney would have said to him—"Why you are a perfect fool—if you want to make out to the Court that you paid this money away to hit upon a man who appeared in the compensation list. Then, too, why did you hit upon Lynch;" the mere fact of his having upon the names of those two men was conclusive evidence to every one who has not left his common sense behind him, that the prisoner's story was perfectly true—thus they had disposed of all doubt respecting that portion of the money that was paid to Lynch, to Loveless, and to Burgess. Now only 9s. 4d. remains, and that small sum the prisoner said that he had paid away to some gunner in the Artillery. Colonel Spalding had told them that there was a man named Bailey, and that the money had been paid to him by Webster, and that perhaps he had received it in addition to some other sum. If the prisoner had been attempting to deceive the force he would have jumped at such a suggestion as that, and at once said, "Oh, yes, I paid it to him;" but the prisoner did not say that. Apparently, he had proved himself an innocent man by the admission that he had paid it away to a gunner, whose name he had forgotten. If it were not so, he would in all probability have said that he had paid to another dead man. Colonel Spalding told them that after his compensation list had been sent in to the Brigade Office, Loveless and some other man had paraded before him with their clothes, and that he had certified that they were entitled to compensation. Then there was Colonel Roberts' evidence. Colonel Roberts had told them that he did not remember telling the prisoner to pay those particular men by name, but that he had told him to pay all outstanding lists for compensation. And they had also the evidence of an officer commanding battery, to the effect that it was no unusual thing to alter the compensation lists after they had been sent in to the Brigade Office. Colonel Murphy himself had admitted that one man in his battery was put down by him for £1 9s. 6d., when in reality he obtained compensation, and obtained

obtained it quite justly, for £2 4s ; then if they would look at the lists before them they would find that in No. 3 battery a man called William Lowe had been put down for £1 9s., when he had actually received £2 7s. 6d., and that another man was down for 10s. who eventually obtained considerably more. The lists were not perfect lists. It would be a monstrous thing for any Court to dream of thinking of convicting a man for an offence of that kind, when both the documentary evidence and the *viva voce* evidence against him were so weak, to say nothing of its strength as far as his innocence was concerned. If the Court had come to the conclusion that that matter of embezzlement of £9 12s. 2d. was at an end, then the other charge against him of having paid it away without due authority had fallen to the ground; also, because Colonel Roberts said "Although I do not remember the name of Lynch or Loveless, I have authorized him to pay all compensation." If a man who has received authority to pay away all moneys due, then surely it could not be said that he paid any portion of it away without due authority, even although he might not be able to produce the exact authority by which he paid it away. Then the prisoner was charged with being culpably negligent in keeping the compensation lists, and in the care of the money of which he was the custodian; and that as a result of that there was a deficiency of £9 12s. 2d. for which he could not account. Now, so far from there being a deficiency of £9 12s. 2d., the man had shown that he drew that amount, that he had given a receipt for it, and that he had handed over all the moneys that he had received less that sum, which he had explained in full having paid away to the men whose names he had just alluded to. Hence the fourth charge fell to the ground. In that instance he was entirely at the mercy of Mr. Henderson if he was guilty of a fraud, because he gave a receipt to Mr. Henderson for the whole £229 10s. 2d. out of which the alleged deficiency arose; and not only so, but he had placed himself in the position of possibly being prosecuted for forgery. If he had been guilty of fraud he had the risk of being prosecuted for a double forgery—for forging the names of both Lynch and Loveless; and it was clear law that if he had been found guilty of forgery in respect of Lynch's compensation the name of Loveless could have been brought up against him as a forgery also. They would now proceed to consider the third charge. He was there charged with having in a certain pay-voucher, of the contents of which it was his duty to have ascertained the accuracy, been privy to the making of a false statement, in that he on the 24th May, 1887, initialled as correct a claim for compensation involving an overcharge to the amount of £15 13s. 4d. That charge amounted to this (for they were still dealing with the £9 12s. 2d.), that in that voucher the prisoner had put down £15 or thereabouts, the price, less 26½ per cent., of the jumpers or jackets that he had said that he gave compensation to Lynch and Burgess for. It was the same thing again; the £9 12s. 2d. was a portion of that sum of £15. In other words, the £15 was the price of the clothing for which the £9 12s. 2d. represented as being two-thirds of it. And inasmuch that there could only be a desire on the part of the Court that justice should be done, if he (the Attorney-General) were wrong in the view in which he took in dealing with the case he would like to be corrected.

Mr. Heydon :—I did not say that.

The Attorney-General continuing said that he understood all along, and had conducted his case upon the assumption that that £9 12s. 2d. was a portion of the £15 odd mentioned in the third charge. If those men were entitled to compensation, then of course they would be included in the voucher. And further, in connection with that matter of £9 12s. 2d. it was necessary for them to look at the tenth charge. There the prisoner was charged with conduct to the prejudice of good order and military discipline, in that he, being aware that a large sum of public money—£114 16s. 3d.—was being obtained by the contractors for the supply of clothing without any right thereto, and without having given any value therefore, concealed the said act from his superior officers, and connived at the payment of the said money and assisted the contractors to obtain the same. That charge must be dealt with in connection with the third charge. The prosecution said not only had you been privy to a false statement in the voucher, the accuracy of which it was your duty to ascertain, not only did you allow Henderson to put down there a charge for goods amounting to £15, but you also allowed him to put down a sum of £114, and you did that being privy to a fraud on the part of Henderson. Whether Mr. Henderson would have any remedy or not it was for him to determine. It was evident that he had felt it very keenly—that it should have been suggested that, in order to put money into his own pocket, he should have sent in a false voucher for the purpose of obtaining money from the prisoner. When his learned friend came to conduct that case he seemed to have been a little adrift as to what the facts of the case really were. It had been suggested by him—indeed, not suggested, but actually said—that the prisoner had put into Mr. Henderson's pocket the sum of £114 16s. 3d.; but his learned friend seemed to have been then under the impression that that voucher was altogether false, because he said, and he thought he used the very expression, that Henderson had sent in a voucher initialled as correct, that that voucher was for £344, less the discount, when he had not supplied a single thread of clothing. Whereas, it transpired now, that the custom had been, in order that the contractor might get his share of the compensation, or in order that the men might obtain their two-thirds of the compensation, to send in a voucher as though the goods had been supplied. In point of fact, if those vouchers had not been sent in, apparently showing on the face of them that goods had been supplied, how were the men to have obtained their money? It was admitted that they were to have obtained two-thirds. He wanted to know how that proportion was to have been obtained, where it was to have come from? Certainly, not as in the old days, from the paymaster. Whether it should have been got in that roundabout way, instead of coming through the paymaster, it was very difficult to say, but if the voucher had not been sent in to the Treasury, and that was what he wanted to make particularly clear, how was the money to have been obtained. It had been admitted that the contractor obtained the money, but it was not admitted by the prosecution that he was to retain one-third of it. What had become of the case they had started with? Colonel Roberts himself had said—and that would be a complete answer to the charge—Colonel Roberts himself had said in reply to Mr. Heydon, that he knew that the goods had not been supplied, that he knew of the compensation voucher, and therefore, was he not justified in expressing some surprise that this charge also should have been allowed to remain on the sheet. Why had the prosecution not said, "We are wrong; we blundered over this thing—been blundering from beginning to end?" but Major Mackenzie had said that he would not withdraw the charge, and Mr. Heydon had merely to do what Major Mackenzie told him, while Mr. Williams had nothing whatever to do with the proceedings. It was Major Mackenzie, and behind Colonel Mackenzie, a still greater man. But the charge had not been withdrawn, and he was left to occupy their time and his own time and everybody else's time in defending the prisoner for having initialled a voucher for the supply of goods which were never supplied at all. Let them take the warrant-officers, it had been admitted on all

all hands that the clothes for warrant-officers were not supplied; this had been admitted by Colonel Roberts himself, by Captain Savage, the adjutant, and by everybody else. It had been admitted that that was a genuine voucher for £65 10s., although not a single thread had been supplied; and yet that voucher for £65 10s. bore upon the face of it the very same allegation that the voucher for £114 16s. 3d. bore upon its face, and the paymaster's signature was also upon it, following the words "first-class material," although it was known to everybody that no material at all had been supplied. It was all very well for the prosecutor to make those charges against the prisoner, and to stand by them to the bitter end, in the hope that the man might be convicted of something; but they must not forget that Mr. Henderson has to be considered in this matter. No serious consideration could be paid to that charge unless Mr. Henderson was also believed by the Court to be guilty of fraud. Mr. Henderson knew that no goods had been supplied; Mr. Whitehouse, his manager, knew that no goods had been supplied, just as Colonel Roberts knew that no goods had been supplied. Then, too, how could there possibly be any distinction between Mr. Henderson and Mr. Riley; because it was admitted that if Mr. Henderson was guilty of fraud Mr. Riley had been guilty of fraud also. Now Mr. Henderson was a member of one of the oldest firms in the city, and Mr. Riley was a member of the well-known firm of Messrs. Riley Brothers, and he would be the last in the world to suggest any impropriety on the part of the Rileys; yet, if Mr. Henderson had been guilty of any improprieties, so had Mr. Riley; and if this charge against Webster was maintained, they could come to no other conclusion than that both Mr. Henderson and Mr. Riley had been guilty of obtaining moneys under false pretences. Then came the question of the retention of one-third of the amount of those compensation vouchers by the contractor. It was said that the prisoner had initialled that voucher for the supply of clothing when he knew that no goods had been supplied; that he had enabled the contractor to draw £344 8s. 10d. out of the Treasury, and to keep £114 odd for himself; and that by so doing he had been guilty of culpable neglect, to the prejudice of good order and military discipline. In sustaining that charge, the prosecution had described the retention of the one-third as a fraud. Now, in his opinion, if ever a custom was proved, it had been proved that it was the custom for the contractor to retain one-third of the money due to the men of the Permanent Artillery as compensation; and it had been conclusively proved out of the mouths of the witnesses for the prosecution. Colonel Airey had said that he knew of the custom, and his only difficulty had been in determining when that originated. Mr. Nicholson, Mr. Whitehouse, Mr. Bridges, and one or two of the staff-sergeants had said that they knew of the custom all along, and indeed it was perfectly clear that the contractor would not have been enabled to retain that £114 unless there was some authority for its being retained. The prosecution did not charge the prisoner in express terms with having allowed the contractor to retain it; but they charged him with being guilty of neglect, to the prejudice of good order and military discipline, by allowing the contractor to do it. He trusted that the Court saw this—that unless the contractor was to send in a voucher for goods, showing that they had been supplied, the money could not have been obtained from the Treasury. The money was to be got from the Treasury, and it had to be divided. Therefore a voucher was sent in, in one column of which one-third was calculated, and in another column of which 26½ per cent. discount was knocked off. Why should that be done unless it was known that that money was to come through the contractor, and that he was to retain one third of it. At last they had succeeded in finding out the date when that custom originated. Colonel Airey had told them that it had originated in 1872, when he and Major Fitzsimons went to the General to see what was to be done about compensation, and the General told them to make the best arrangements with the contractor that they could. It might be said that that was under a different system of clothing the force; but what did that amount to? it only proved that, in consequence of improper supervision and control, the system had been allowed to continue. Founded probably upon reasons and propriety in the first instance, it had been allowed to continue after the reason had ceased to exist, and when, therefore, instead of being a proper course of procedure, it had been an improper one. The contractor evidently thought that he had some claim upon the money, and that having brought the goods out from England he was entitled to a certain amount of profit upon those that he might have sold. It must not be forgotten that the conversation between Colonel Airey, Major Fitzsimons, and the Major-General, had completely passed out of the recollection of the General; because it showed that within the last three weeks Colonel Airey had settled the question of compensation of 1886, by recalling to his mind what had taken place in 1872; thus it was very evident that the General had forgotten all about it. Mr. Whitehouse had told them that he had deducted the one-third upon the authority of a custom which he had found in vogue when he first entered the employ of Messrs. Henderson and Co. Mr. Henderson had told them that there was such a custom—that he would have lost the profit on the garments if he had not got the one-third, and Colonel Airey himself has said that he knew it to be the custom for the men to receive the two-thirds. He would not admit that he knew of his own knowledge that the contractor received one-third; but he evidently did know of it perfectly well when he prepared the compensation lists for his battery, and sent them in to the Brigade Office, based upon a calculation of two-thirds after a reduction of 26½ per cent. Indeed, the President himself, when examining Colonel Airey, had said—"I suppose that you know it did not go into the sea." Then, could there be any doubt in the mind of anybody that Colonel Airey knew perfectly well that it went to the contractor. He would not say even that it was his belief that the money was being improperly retained; but he did say that he knew that it had been the custom. Lieutenant Bridges had said that since he had been in the force it was understood that the men got two thirds and the contractors one-third, and that he thought that he first heard of it from a sergeant-major—indeed, that it was a general topic of conversation. Colonel Murphy told him that always one-third went to the contractor, although he could not say it of his own knowledge, but that he had heard of it, and that it had received the sanction of General Richardson. Although a man may not be able to speak positively of the existence of a custom, saying he did not know this or that of his own knowledge, an officer of the Artillery would know perfectly well whether the matter had ever been talked about; and Colonel Murphy had told them that he had frequently heard it talked about. Sergeant Taylor and Wilson had admitted that they knew of it in 1886, and it had been sought to bring that evidence against his client. If that had been in 1887 it might have told against him; but they both admitted that in 1886 they knew of the deduction of one-third. The prisoner told them in very rough language to deduct the one-third, and that in itself was a circumstance in favour of his client. If he had been privy to a swindle, would he have been likely to have talked to them in that peremptory manner? Of course not. The very way in which he spoke to them—the very way in which he ordered them to do that which he believed to be their duty—was, at least, conclusive evidence that he believed that

he was following a well-established custom. Then, Mr. Jesse, the manager for Messrs. Riley Brothers, had said that he would not have put the cheque before Mr. Riley to sign unless he had been sure that it was the custom for the contractor to retain his profit of one-third. Staff-sergeant Griffiths had said: "I have known, since I have been in the force, that two-thirds went to the men and one-third to the contractor, and that the Staff got the full amount;—thus, it was very evident, that the custom was known to all those people, although it was not known to the General, and although Colonel Roberts does not seem to have known it until lately. Why did not Colonel Roberts know? Because he came into existence as the Commanding Officer of the Artillery, finding the custom already established; thus it was that he knew nothing at all about it. Had it been a new custom, of course he would have known. It was a very difficult thing to prove the existence of a custom by any direct evidence or approval on the part of the authorities, and especially when that custom was one which ought not to have existed. There might have been some grounds for it when it first came into existence, but now there were none, and, as in the case of the notorious "Railway Frauds," no one was willing to come forward and accept the responsibility. There has been a tacit knowledge that this custom had been in force for years, and now, because of the amount of public attention that had been drawn to it, they could not get the authorities to admit even that it was a custom; but by proof from the lips of so many witnesses of the fact that the custom had existed, and that it existed for so many years, the charge against the prisoner of enabling Mr. Henderson to improperly retain the £114 was exploded. It was a very hard thing for a man like Webster, standing alone with all the power of military authority against him, to prove a matter of that kind—the knowledge of a custom. He could only prove it by the witnesses called for the prosecution, and by the argument that if the custom did not exist why were those lists made out as they had seen that they were made out? Why was the money allowed to go into the hands of the contractor at all; and why did Colonel Roberts say, when he signed the voucher, that he knew no goods had been supplied—that he knew that it was a compensation voucher? He hoped the Court would see that there could be no evidence against the prisoner in connection with that £114 unless they were satisfied Mr. Henderson was guilty of fraud, and that Webster had assisted him in obtaining money by false pretences. If the voucher was not to be filled up as prisoner had filled it up, why was the contractor to go to the Treasury and draw the money? What Mr. Whitehouse really meant to convey in his evidence was not that the contractor obtained the one-third merely for the trouble of writing out his account and going up to the Treasury for it, but that if the men were to get two-thirds and the contractor was to get nothing, why was he to go up to the Treasury at all and take any trouble in the matter? If it was nothing to the contractor and two-thirds to the men the old system would surely have been put in force again, and the men sent to the pay office and not to the contractor for their money. Then the prisoner was charged with getting £65 10s. for himself and other warrant officers as an exorbitant and excessive sum of public money. He really did not know that he need address the Court at all upon that charge. It seemed so very clear that there was nothing in it. There was a voucher signed by Captain Savage. The practice of allowing full compensation arose in the year 1887-1888. He admitted that in the year before that the men only got £8. The prisoner had been instructed to apply to Messrs. Henderson to find out what they would supply the warrant officers clothing for. They said they would supply it for £16 odd. That sum was subsequently fixed as compensation for the warrant officers and the approval of the Colonial Secretary obtained. Sir Henry Parkes had given authority for the money to be drawn. Staff-sergeant Griffiths had told them that they got the full amount, and Colonel Roberts had told them that payment of the warrant officers in full was authorized by him, and yet against this evidence the prosecutor had set up the argument that, in 1886, the warrant officers did not get the £16 for compensation, and they had called some warrant officers to prove that in 1886 they did not get the full amount, and, therefore, that they had no right to get it in 1887. Now he admitted that the warrant officers had not obtained £16 in 1886, and for a very good reason—because they were in the contract. In 1887 they were not in the contract. Then they had called some witnesses to show that Staff-sergeant Goodall received a smaller amount. Colonel Roberts further explained that that was easily accounted for by the clothes of the warrant officers being much better in quality than those of the staff-sergeants; so that against that particular charge there was the direct authority of Captain Savage, of Colonel Roberts, and of the Colonial Secretary. It was now necessary that he should recur for a few moments to the £9 12s. 2d. Of course his learned friend would say the prisoner had given three different accounts of it, and eventually had sent in a memorandum to say he could not account for it at all. He would not trouble the Court with repeating those statements, because he would admit at once they were inconsistent with the defence now set up. The document which the prisoner had sent in admitted his inability to account for the £9 12s. 2d., and contained an offer to repay it. Of course, people could hardly imagine what a man in Webster's position must have suffered when the charges were first brought against him. He had the highest reputation. According to the testimonials that had been sent in he had served in the Imperial force, and since then in the local force, and always with credit to himself. Nothing could be more evident than that there had been a jumble from beginning to end. There had been a certain amount of carelessness all through; and when the prisoner was called before the Board of Inquiry and commanded to give an account of the deficiency, it was all very fine to say that his statements were voluntary—they knew that they were made in obedience to a direct command. It was only natural that he should feel a certain amount of embarrassment. Books of evidence teemed with cases in which men gave inconsistent statements under circumstances of that nature. The prisoner gave one or two accounts in the hope of accounting for the deficiency, and eventually said that he found he could not manage it; and he wrote to the authorities, saying,—“If my books had been properly supervised it would have been correct. The shortest and best way is for me to admit my inability to account for the money, and to offer to refund it to the authorities, than to be subject to the disgrace and indeed the ruin”—for it would mean ruin, whatever the result of the case might be of a trial by a Court Martial. Subsequently, however, he had thought the matter over again, and as a matter of fact he succeeded then in accounting for the greater part of the deficiency, and accounting for it to the complete satisfaction of Colonel Roberts. They must not forget that innocent men from time to time had made inconsistent statements, and he hoped that the statements made by the prisoner would not be considered as evidence against him. Now they came to the charge of having embezzled goods to the value of £800. That was the fifth charge. The sixth charge was apparently the same, although in that the prosecution said, “Well, if he did not embezzle them we will charge him with having connived at the embezzlement.” Now, what foundation was there, he would like to know, unless
they

they were bent upon putting on the charge sheet all the charges they could conceive, for having charged him with conniving at the embezzlement of the goods? If anybody embezzled them, he had embezzled them himself. Was not that a very unsatisfactory way of dealing with a criminal charge? As a matter of fact, embezzlement did not consist in a failure to account for goods that had been traced into one's possession; the failure to show that tunics had not been properly accounted for, and so on—that was not embezzlement. The way in which the books were kept, had been kept, the admission to enter in books what ought to have been entered, the sin of entering in books things which ought not to have been entered there, might all be evidences of embezzlement, but they certainly were not acts of embezzlement. Every day they found that people who were not skilled in bookkeeping, and who had made mistakes, were brought before Criminal Courts and acquitted. This man had not concealed anything. Even after the accountant had gone through his books, by the advice of his attorney, he sent them to the prosecutor with the result of the accountant's investigation. Was it likely that that would have been done if there had been any real acts of embezzlement. Mr. Roberts, the accountant, had told them that as far as the tunics were concerned there was a surplus; that as far as something else was concerned there was a deficiency; but, on the whole, there was a surplus in favour of the prisoner. Mr. Roberts had further said that Webster might have made a mistake in putting some things in their wrong columns. Then it was argued by the prosecution that Mr. Roberts was wrong because he had placed certain articles to the credit of the prisoner when they ought to have been debited against him. As a matter of fact, they had heard from the officers commanding batteries that those goods were issued, and that some of them were sent back again, and that the prisoner gave a receipt for them, but forgot to enter them in his book. It showed that Webster had made an omission in not making those entries; but that did not show any embezzlement or, indeed, any guilt on his part. Embezzlement generally existed in making false entries; but this man had only been guilty of sins of omission. There was not a single false entry in his book from beginning to end. That the 130 suits were issued in *globo* was perfectly true, that some of them had been returned to the brigade store and not entered in the book was equally true—that the prisoner had received some back from battery No. 1 was evident because he had given a receipt for them, but as far as Colonel Murphy's battery was concerned they did not know how many goods had been delivered. Colonel Murphy himself did not know, nor, as far as Colonel Spalding's battery was concerned, did Colonel Spalding know. He found in the "Red Book," which, although not a law book, contained very good law, the principle laid down "that a mere error or irregularity in accounts or a mistaken application of money or goods does not constitute an offence under this section." The mere fact of the prisoner keeping his books improperly, the mere fact that his books did not show everything that he had received, was certainly not the offence of embezzlement. There must be an intended fraud on the part of the accused, either for the benefit of himself or somebody else. What could become of those goods, of those 347 cloth trousers? Now the whole force must have been in collusion with the prisoner if he had embezzled them, because it was impossible for him to go and sell military trousers to people he might meet in the city. But did the Court for one moment think, if Webster had been getting rid of property in that wholesale fashion, some man with a grudge against him or some man wishing to curry favour with the authorities would not have told what was going on. Then it might be said that the prisoner was in collusion with Messrs. Henderson, but when Messrs. Henderson's contract was to send in *globo* a large number of goods out of the barracks it would have been impossible for him to have withheld them. Perhaps the goods were destroyed; no one could possibly tell. How many tunics had been destroyed by rats and moths and so on. All that the prosecution could possibly prove was that a certain number of goods appeared to be missing from the account books of an honorable man. In the prisoner's favour, however, there was this pregnant fact, that he had shown so much respect for and care of Government property that he had even asked that his clerk might be allowed to sleep in the store, and permission had been granted. Thus, if embezzlement had been proceeding, Loveless must have been cognizant of it as well as Mr. Henderson. Then they came to the alleged overcharges on the part of the master tailor. It had been said that the prisoner had allowed the master tailor to make a great deal of money to which he had no right. He admitted that the master tailor seemed to have made a very decent thing out of his first year's work and all because there had been a want of supervision or proper control or because foolish orders had been issued which it was impossible could be carried out. Substantially the only two charges in the master tailor's shop were 1s. and 18s. No doubt it was a serious thing that the tailor had been allowed to make all that money, but was Webster to suffer because of it? The case for the prosecution was the prisoner had allowed the master tailor to charge for "remakes" which had not been heard of before. That was the result of a number of badly fitting garments coming out from England. The clothing was imported according to the different sizes of the men. The custom of remakes became necessary when clothing was first imported, and the prisoner had signed the authority for the master tailor to make remakes. But they had heard Colonel Roberts himself express his opinion on the matter. He looked at it in a common-sense light, saying he knew perfectly well that these vouchers for the master tailor were really charges for remakes. Upon the vouchers it was actually stated that they were remake, and they were signed by Colonel Roberts not only as commanding the artillery corps but as the officer commanding the garrison at that time. Loveless had told them the other day that he used to put the accounts down in the book for the prisoner, and Captain Savage had told them that the General's order bearing upon the subject had by tacit consent been ignored. In Webster's favour there was this very strong circumstance that the battery books showed a great issue than his own books, that in point of fact that he had issued great many more tunics and so on than he had entered in his own books. Then again he had not credited himself with the clothing issued by purchase to the officers. Mr. Roberts in making out his books had taken it for granted that the issues were all correct with the exception of the issues from the master tailor. Lieutenant Little had produced two other tables, and it was said that Webster had obtained a great many more things from the master tailor than he charged himself with in his book. Then too it was said by Mr. Roberts, in answer to Mr. Heydon, that in his calculations he had not taken into account some 26 or 27 tunics that had been supplied to the band by Messrs. Riley Brothers. Amongst the circumstances that struck the suspicious mind of somebody they had one circumstance that had been brought to the knowledge of the Court—a strong evidence of fraud on the part of Webster. There happened to be a little black "c" and a little red "c" in a certain book, and it was said that these men, Loveless and Lynch, to whom the prisoner had paid respectively £4 1s. 10d. and £2 10s. 6d., were marked down in that book with a black "c," whereas all the other "c's" were written in red ink. But nobody had denied that Bailey's compensation was a genuine compensation,

compensation, and opposite that a black "c" appeared. Therefore, the fact that black "c's" appeared in the cases of Lynch and Loveless proved absolutely nothing at all. One thing more. Here was a man who had stated that everything in the world depended to him on the result of this Court Martial; everything that he had possessed had gone; he had been there for fourteen or fifteen days attempting to defend himself against those charges. The Court was composed of gentlemen who were possessed of a certain amount of judicial knowledge, and he wanted to bring this before them, that it was not the mere fact that the prosecutor chose to insert in a charge-sheet a statement that this or that was prejudicial to good order and military discipline that it really constituted a charge and offence. He did not know whether the Court would take judicial knowledge of the fact that if a man neglected to keep his books in a proper way, whereby there was a deficiency, it must be clearly proved that it was neglect to the prejudice of good order and military discipline. But he did not know how it could be conduct amounting to neglect, to such greivous neglect, that a man did not enter in his book something which he ought to have entered there. It was a mistake in keeping accounts that was all; and was a mere mistake in keeping accounts neglect to the prejudice of good order and military discipline? The Court will be able to decide that question. After all it only had been attempted to prove the case by circumstantial evidence. There was an entire absence of direct evidence. He submitted that though there were circumstances of suspicion against Webster, that these circumstances of suspicion were circumstances which would necessarily arise from the position in which the man had been placed, and that the statements of his which were inconsistent with facts, were statements which any innocent man might make. The whole circumstances showed want of control, want of supervision, want of discipline, which ought not to exist in a large force like this; and in deciding upon the case, it would be for the Court to consider, not only whether those circumstances entailed a certain amount of suspicion, but whether they were all inconsistent with the hypothesis of innocence. Why should the prisoner be, in plain English, the scape-goat of others? Why should those sins of omission be visited on his head with further degradation and ruin than had already befallen him?

ADDRESS IN REPLY OF THE COUNSEL FOR THE PROSECUTION.

Mr. Heydon said that he would deal first with the four charges in the order in which they came. The first charge was one of embezzling a sum of £9 12s. 2d. Now a charge of that kind was what was called a distributed charge. It did not follow that, because a man was charged with embezzling that amount, that if he succeeded in proving that he had not embezzled the whole of the amount that he was therefore not guilty. The Court would still have to find him guilty of embezzling upon a charge of embezzling any part of it. It was not necessary for him, as counsel for the prosecution, to show any plainly branded guilt—it was enough for him to show that there was a deficiency. This amount of £9 12s. 2d. appeared by comparison with the amounts received by the men who were entitled to compensation—with the amounts received by *Mr. Henderson* to pay those men with. When giving evidence before the Board of Inquiry, the prisoner produced two compensation lists, and he produced nothing else—not it appeared subsequently that a pay voucher had been prepared by *Mr. Henderson* for £344 odd, and that two thirds of that amount was given to the prisoner for the officers commanding the batteries to pay their men with. That two thirds being £220 0s. 5d.—the prisoner said that the amount he had received was £220 0s. 5d. whereas he had actually received from *Mr. Henderson* the sum of £229 12s. 7d. Now, unless he had a bad memory—unless he had a particularly bad memory, he would not have forgotten that. But in addition to having a bad memory, the prisoner seemed to have a memory which suggested untruths. When examined on the question before the Board of Inquiry, he said, alluding to the £9 12s. 2d., "Yes, this sum represents my own compensation, which *Henderson* when paying me for the usual compensation added to the cheque as a convenient way of paying me." Now, there was a definite statement; if it was a lie it was a lie with circumstance told with all particulars. Now that particular year in which the prisoner said that *Henderson* had paid him his compensation in that way, he had received as compensation the sum of £16 7s. 6d.—he had received it for the first time in his life, and he had received it after a great deal of trouble. Yet with that fact in his mind, a fact which it would have been impossible for him to have forgotten, he said, in his glib manner, "Yes, that sum represents my own compensation, which *Henderson*, when paying me, added on to the cheque, as a convenient way of paying me." Now, as a matter of fact, they knew that £9 12s. 2d. did not represent his compensation; and that, further, that it was not added on to the cheque by *Mr. Henderson*. The prisoner was first called before the Board of Inquiry on the 26th June; then, after having three months to find out all about this compensation, he was again called before the Board on the 18th September, and from that date he had to the 3rd October to think the matter over, and on that occasion they found the following evidence given by him. He was asked this question:—"Did you receive the sum of £16 7s. 6d. as compensation in lieu of clothing for year 1887-1888; if so, how do you account for the discrepancy of £9 12s. 2d. between the account shown as received by the contractor and handed over to officers commanding batteries for the same year?" To that question he answered, "No, I did not. I received my clothing." Now, could they believe that that answer was given in good faith, when they knew perfectly well that he had not received his clothing for years? Then, on reconsideration, a moment afterwards, the prisoner informed the Board, "I find I did receive the sum of £16 7s. 6d. for the year 1887-88." That was another account of the matter given by the prisoner after having two or three weeks to turn the circumstances over in his mind; yet for the time the Board, not having the full examination that it subsequently had, and consequently not having its subsequent knowledge to guide it, was perfectly satisfied with the explanation. More than four weeks went by, and the prisoner was again spoken to about it. This question was put to him by the Board: "You stated in evidence that the £9 12s. 2d., money not accounted for by the battery officers receipts, was your own compensation due to you—do you adhere to this statement?" and the prisoner's answer was simple and to the point. He said, "Yes, I do." Then the Board began to press him—they were already becoming suspicious, and at length he said that it must have been an oversight of his not to mention when getting the £65 (compensation for warrant-officers) that he had had that advance. Now it was admitted by the prisoner that those statements were every one untrue, and the defence absolutely inconsistent with them had been set up. If untrue, were they lies or not? Surely they could not have been instances of ordinary forgetfulness; they contained so many particulars and involved such circumstantial details—but that was not all. On the 11th December, they got the following

statement: "Mr. Webster states that the list sent on to the Treasury is really a mere voucher. The compensation lists are received from the batteries with each man's name on, the items are recapitulated on another list; the list is then signed by the commanding officer and forwarded to the contractor, who therefrom makes out the vouchers, which are in like manner signed by the Colonel Commanding the Artillery." That was another statement. The next statement was one inconsistent again with all the former statements. It was a statement on the 4th February and conveyed by Colonel Roberts to the officer commanding in the form of a memorandum, at the time of the prisoner's application to be allowed to refund the money. He then stated that he had failed to discover to whom he paid the money, but that it was for compensation in lieu of three patrol jackets, one tunic (sergeant's), three pairs of cloth trousers, and one pair of serge trousers, all for sergeants. Now, what could that mean? Were they to believe it or not? If they were to add the value of those articles up they would find that they represented exactly £9 7s. 2d.; and if the statement were true, how was it that they had had no evidence about it? How was it that it had been abandoned altogether by the learned counsel for the defence? Finally, when the summary of evidence was being taken by Colonel Roberts, then, and then only, they heard for the first time that the deficiency could really be cleared up; then it was that Colonel Roberts wrote the memorandum which had been received in evidence to the effect that he had succeeded in tracing £6 11s. 10d. of the £9 12s. 2d. His learned friend had inquired how it was that when that memorandum was sent in by Colonel Roberts the charge had not been abandoned. At that time, they must remember, the prisoner was about to be tried by court martial, and surely it would have shown an extraordinary amount of incredulity on the part of the prosecution if, after hearing so many different versions of the story, they had taken the last as Gospel truth. No; the proper thing was to put the prisoner on his trial, and to let the Court say whether this explanation brought forward at the eleventh hour, so loaded with suspicion, was worthy of acceptance. Since then, as they knew, the prisoner had succeeded in solving the problem after a fashion as to the whole of the deficiency. The main item was a sum of £4 1s. 10d. which he stated that he had paid to Lynch. They had of course seen a document purporting to be a receipt from Lynch for that amount—it was a very strange thing however, that during those months of anxious inquiry by the Board that receipt should have been put away so far that the prisoner was utterly unable to find it, and that it was only on the eve of his trial that he could put his hands upon it. But apart from that altogether he had succeeded in proving that Lynch had already received his compensation; but the prisoner had even attempted to account for that; he had told the Court that as Lynch was not in the list for compensation he had induced the Colonel to add his name with the names of one or two others to a supplemental list; but they found that with the exception of Loveless, the names of all the men were on the compensation list. The same extraordinary statement was made with regard to Burgess. The prisoner stated that he had paid another portion of the money away to Burgess, but in that instance he was unable to produce a receipt, and Burgess was dead. There was another singular circumstance, however, with regard to Lynch to which he must direct the attention of the Court, that £4 1s. 10d. was said by the prisoner to have been paid to Lynch, as compensation for a patrol jacket. But, as a matter of fact, they knew very well that Lynch was entitled to compensation for a Norfolk jacket. Surely it was a most suspicious transaction—a transaction beclouded with suspicion, whichever way they regarded it.

At 6 o'clock the Court adjourned until 10 o'clock the following morning.

On Tuesday, March 26th, at 10 o'clock in the morning, the Court reassembled pursuant to adjournment.

Present: The same members as before.

Mr. Heydon continuing his address in reply, said that the last account of the deficiency put forward by the prisoner was now said to be the true one. It must not be forgotten however that the previous accounts were all said to have been true ones. As a matter of fact, the prisoner's explanation of the deficiency, now that he was on his trial, seemed to rest upon the receipts produced from Lynch. The explanation with regard to Burgess merely rested upon the prisoner's word. Burgess was dead; and against the statement that he had been paid by the prisoner, they found his signature as having received compensation in the ordinary way. His learned friend had evidently been oppressed by the consciousness that the prisoner had made those conflicting statements, although he had said that he was very much surprised that the prosecution had gone on with the case, he had done his best to explain them away. He had said that an innocent man was quite likely to make these statements. He would admit that it was in accordance with human nature that a man in alarm, seeing no way out of trouble except by telling a falsehood, might be led into untrue explanations, but such cases were exceedingly few indeed; he only remembered one of them in the law books. Judges always told juries that misstatements such as the prisoner's must be taken into account when considering the case. Indeed, what was there in this instance enough to have frightened the man if he had been innocent. There was nothing to frighten him in the report of a Board of Inquiry, nor yet in the fact that he was called upon by that Board of Inquiry to explain certain documents. There might be a great deal to frighten a guilty man, but an innocent man would feel sure of vindicating his honesty, and would not immediately fly to misstatements, as the prisoner had done, in the hope of extricating himself. Nothing could be plainer than that the prisoner had every chance of offering to that Board a true explanation of how matters stood. He was called before it several times—upon one occasion after the lapse of three months—and was perfectly free to have answered the questions put to him or not. Indeed, if he had not had a guilty mind, he would have found no difficulty in explaining exactly what had become of the money; or, at all events, would not have been led into circumstantial misstatements. The statement to Colonel Roberts that the deficiency was to be accounted for by compensation for a certain number of garments, all of which belonged to sergeants, had now been abandoned. It was not insisted upon by his learned friend nor yet by the prisoner as being a true explanation. Still, it was a statement made by the prisoner at the time, and the question for the Court to consider now was whether it was a simple mistake or a wilful untruth. To him it seemed that up to that time the prisoner had been at his wit's end to explain the deficiency, that he had a guilty mind about it, and was making statements all round the compass in order to get out of the difficulty. The second charge was, that without due authority, he had paid away a portion of public money, to wit, £9 12s. 2d., that was also a distributive charge. If the Court said that he had paid away a smaller sum than the £9 12s. 2d., then he might still be found guilty. It seemed to him that that charge had been admitted.

admitted. His learned friend had observed that if those men were entitled to compensation if their clothing had been passed by their superior officers, then the prisoner had paid the money with the authority of his superior officers; but he submitted that it was necessary for him to have had distinct authority to pay the money to those particular men. Evidence had been adduced to show that it was paid behind the backs of his superior officers. Colonel Spalding had told them that he did not give the prisoner authority to pay any portion of that money; but that when he found that it had been paid, he sanctioned the payment. Colonel Spalding might ratify that act if he liked—he might condone it if he choose; that did not clear the prisoner of a criminal intention, and the act still remained a distinct breach of military discipline. Colonel Spalding had given them his reasons for ratifying that payment. He had told them that he confirmed it under the impression that the consent of Colonel Roberts had been previously obtained; but they knew that Colonel Roberts had not sanctioned it. He had told them so himself. Then Loveless was also paid behind the back of his superior officer. That was a grossly improper thing. The very object of paying the money through the proper channel was that it should not be improperly paid, otherwise money might be paid to men who were not entitled to compensation—to men whose clothes had not been worn out, because they had been in prison or in hospital through vice.

The next charge was that the prisoner had made an overcharge. The voucher upon which that overcharge was made was for £344 8s. 10d. It was Mr. Henderson's pay voucher for the year. The materials for making up that pay voucher were supplied to the contractor by the prisoner, and it was distinctly his duty, and nobody else's, to make the contractor acquainted with the facts upon which the document was founded. That pay voucher had been improperly made out, and when it was sent back to the prisoner to be initialled, it was his duty to see that it was correct; but instead of being correct, it represented an excess of 5 tunics, 6 cloth trousers, 4 Norfolk jackets, 4 jumpers—amounting to £16 5s. 1d. The prisoner's explanation of that was this: That he had added on to the voucher, or induced the contractor to add on to it, the garments for which he said that he had paid compensation to Lynch, Loveless, Burgess, and the gunner, whose name he had forgotten. As a matter of fact, however, the men were not entitled to that amount. Loveless and Burgess were entitled to one of each class of garments; the third man was only entitled to one garment, and Lynch to one class of the garments only; so, clearly, the document was inaccurately made out. Of course it might be said—and there were a number of circumstances in the case which justified the suggestion—that it was quite possible that those garments were added to the pay voucher, in order that the prisoner might get some profit for himself. However that might be, the fact remained that the pay voucher was incorrect, and at that time everything was fresh in the prisoner's mind. The drawing up of that document was his present and immediate duty, and yet it had been made out wrongly, and drew more money from the Treasury than it ought to have drawn. The observations that he had made with regard to the prisoner's failure to account for the £9 12s. 2d. applied, perhaps in a less degree, but still applied to this matter. They had evidence of the care with which the prisoner had attempted to exonerate himself from this trouble. They had had evidence that he had been through the battery books, in order to find something with a plausible aspect, and he had signally failed in his attempt. It was by an improper manipulation of the pay voucher—there could be no doubt of that—that this £9 12s. 2d. had come into his hand. The previous year Mr. Riley had been the contractor; but Mr. Riley knew nothing whatever of what his learned friend described as a custom. He had had to depend for his knowledge of the fact from the prisoner. Mr. Jesse, his manager, had told them that he had satisfied himself that Mr. Riley was entitled to the money, or else that he would not have placed the cheque before him to sign, but that he had obtained his information from the prisoner. It was clear, too, that in that instance the prisoner had had to deal with the contractor, who was ignorant of the real facts of the case—a gentleman to whom he could tell just as much or just as little as it suited him. They found that in Riley's pay-voucher that prisoner had received more than two-thirds; but unfortunately they had not been able to ascertain what was paid to the men during that particular year. Of course, if they had discovered that he had paid away a less sum to the men than he had received from Mr. Riley, it would have been a very meaning and pregnant fact. Then they found him getting full compensation during that year for Sergeant Lytleton, and other men who were not entitled to full compensation. Indeed, that was the prisoner's case. He had told them that they were not entitled to more than two-thirds. Thus, in getting the whole of compensation for them, he had either robbed Mr. Riley or wronged some of his comrades. He was wishful to have given evidence upon that point, but it had been objected to successfully by his learned friend. On the other hand, however, they did find that out of the three-thirds which he had obtained from the contractor, from Mr. Tristram, who was a warrant officer, he had only paid two-thirds away.

The fourth charge was simply this, that the prisoner had kept his books so carelessly, and with such culpable negligence, that, in consequence, a deficiency of £9 12s. 2d. for which he could not account had accrued. The prisoner had told the Board of Inquiry that that discrepancy would not have occurred if his books had been properly checked; but what the Court must remember was that it was not an isolated instance of carelessness; it was not the negligence of a few months only; but it was constant and systematic negligence, running over a period of several years, and carelessness for which the prisoner was undoubtedly responsible. There had been no attempt to explain the matter away. The only question was whether it amounted to culpable negligence, to the prejudice of good order and military discipline; and he thought that it did, if for no other reason than this, that by his reprehensible conduct the prisoner had caused the country the expense and trouble of that prolonged investigation.

He would now pass on to the tenth charge. That was a charge that had given the Court a great deal of trouble, but he took it; as he might consider it satisfactorily proved that the contractor had obtained the money referred to in it without any right whatever to do so. If looked at in its true light, if beclouded by no reference to custom, the transaction amounted to a sheer swindle. There was no contract for the supply of that clothing, and the contractor had no right to obtain the money for it. Of course, the Treasury did not know that; they believed that the clothing had been supplied. If they had known of it they might be perfectly sure that they would not have passed the voucher. They would have referred it back to the military authorities as they had done in the matter of £65 10s., even in spite of Colonel Roberts' sanction. That instance threw a light on the way in which the officials there treated these matters. There was no disguising the nature of the transaction as far as the contractor was concerned. He had already obtained his profit out of the contract by its fulfilment. It was all very well for his learned friend to say that Mr. Henderson felt very much—was hurt at the way

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way in which his name had been dragged before the public, but he failed to see that Mr. Henderson was hurt at all. To his mind he had given his evidence in a most unsatisfactory manner. If he had been misled why does he not, when he found his mistake out, offer to refund the money? An honest man who had obtained money to which he was not entitled would have refunded every penny of it as soon as the matter was explained to him. Be that as it might, however, he would show to the Court that the prisoner at all events was aware of all the facts, and that he was aware of the meaning of the facts, namely, that the contractor was obtaining this money without any right for it, and without having supplied any of the goods. Again, it would be necessary for him to refer to the prisoner's statements before the Board of Inquiry. On the 9th July the prisoner stated to the Board, "I produce the battery compensation lists for 1887 to 1888, which show that the following amounts have been paid for compensation:—No. 1 battery, £46 5s. 4d.; No. 2 battery, £19 4s. 7d.; No. 3 battery, £154 10s. These amounts are paid by the contractor, and are at the rate of two-thirds value of the article, as paid for by the Government. The articles for which compensation is claimed as allowed are stored in my store and used for recruits as they join, or deducted in the schedule for the following year. The contractor is in no way bound to pay any compensation claims. It is purely a personal matter between the contractor and the individual to whom it is paid, though it is paid through a recognised channel." It would almost seem from that that it was a favour on the part of the contractor to draw this money from the Treasury, and to deduct the one-third for himself. Undoubtedly, at one time, it had been a matter between the contractor and the individuals—under the old system when the cloth was imported with fittings from England and the clothes were not made for the men who claimed compensation, but it had long since ceased to be anything of the kind. Then the Board of Inquiry upon that said to the prisoner, "Can you explain how it suits the contractor to give a cash two-thirds compensation for articles not required by any individual which would have been issued to him had he needed them from those delivered and paid for?" and the prisoner's answer was, "No, I cannot; the contractors for clothing have never made any application for the return of the clothing for which they have paid compensation claims." That was the luminous explanation afforded by the prisoner to the bewildered Board. Notwithstanding that, however, they did seem before long to have obtained some light for themselves, for, on the 15th September, the Board asked him if he considered that the contractor was obtaining money improperly, and to that question he said, "Yes, he does, no doubt, and I spoke about it. I pointed it out to the adjutant and to the Colonel when furnishing compensation lists that for simply putting in his voucher and getting his cheque he charged one-third cost about which he gave compensation." Then a good while later than that, on the 24th October, the Court reminded him that he said in his evidence that he had told Colonel Roberts and the adjutant of the improper manner in which the contractor was obtaining money, and they asked him when he did so. To that he replied, "On one or two occasions I have mentioned this to the Colonel when presenting the compensation lists for signature. On the separate occasions when presenting this list I mentioned this—so it must be over a twelvemonth I suppose." Now what could they make out of a statement like that? Both Colonel Roberts and Captain Savage had denied before the Board, as they had denied within the last few days before that Court, that Mr. Webster had ever pointed out to them that the contractor was obtaining money in an improper way. This was not a question of one man's word against another man's word. It was a matter of one man against two, and two men who could not have been mistaken on a point like that. Now in answer to that charge a number of questions had been asked with reference to custom, and the defence set up appeared to him was this: "It is true that this was an improper transaction; but it was a matter of custom, and surely the prisoner ought not to be held accountable for it any more than anybody else. It was known throughout the force, it was known to a large number of persons excepting himself, strange as it might be, it was a custom undoubtedly, and what could be more natural than that the prisoner knowing that it was a custom, had felt justified in following it?" He would admit that if the learned Counsel for the defence had succeeded in proving the genuineness of the custom, it would be his duty to have withdrawn that particular charge. If the defence had shown that Colonel Roberts had known that the contractor was getting the money in that particular way and had authorized the prisoner to continue it, if they had shown that the Major-General had known it and authorized it—or if even they had proven that Captain Savage had authorized it, then it might indeed have been making a scapegoat of the prisoner to have continued the prosecution upon that particular charge. But the other side had failed to prove the custom, whilst he had called a number of witnesses, not one of whom said that he knew of it in the manner that the contractor and the prisoner knew of it. Some of them said that they were aware that one-third went to the contractor, but they did not know the reason why it went to him. Colonel Roberts, although he knew that the goods were not supplied, was evidently under the impression that Henderson was entitled to a portion of the money, for he had told them that when he had signed the voucher he believed that it was a strictly financial transaction. It might have been that Colonel Roberts would have acted more prudently if he had probed the matter a little further. It might have been that he would have done better to have inquired the reason why the contractor was to retain one-third, but that was no excuse for the prisoner—an omission by Colonel Roberts to inquire into this matter was no justification at all for the prisoner, who was well acquainted with all its conditions. This custom in the beginning was a perfectly clear and proper custom, they had seen that the articles in respect of which compensation was paid in the early days of the Force were articles which were included in the contract, and which, when the contractor did not supply, involved a distinct breach of contract on the part of the Government both cloth and trimmings imported in those days from England, in order that the clothes might be made in the Colony, and every man who received compensation instead of clothing meant a reduction of the articles for which the contractor would be paid by the Government, and an increase of the stock of unmarketable goods that would be left on his hands. Supposing, for instance, that a man had engaged to supply 336 garments, had imported the cloth and engaged the tailors, and that then the Government and come to him and said, "After all, we shall not require any of these things;" clearly under those circumstances, although legally the Government might have shielded themselves behind the words "more or less" in the contract, the bargain could not have been broken without laying the Government under a moral obligation to the contractor. It had been clearly explained how compensation money was obtained in those days. The men obtained an order from their commanding officer upon the contractor, and they practically sold that order to him, getting for themselves two-thirds of the value of their regimental clothes if they liked, or, if they preferred it, a suit of civilian clothes, in which case the contractor would give them the full value of the money, as he obtained his one-third in the form of profit. Thus it was perfectly

perfectly evident that in its origin the retention of that proportion of compensation money by the contractor was fair and honest enough. It was in Henderson's time and the prisoner's time, however, that the transaction came to bear this complexion, and from an honest and proper transaction became a dishonest and fraudulent one. The system by which the clothes were supplied to the Force was altered. Instead of importing the cloth and making the garments the contractor imported the garments ready-made and supplied every one that had been ordered by the Government, thus leaving himself without the slightest claim to one penny's compensation. Now, if that had been properly explained to the authorities, there could be no doubt that the custom would not have been allowed to continue. As it was, however, it was not explained to them; there was nothing but vague idea floating in the minds of superior officers of why and how the money was retained, whilst the prisoner possessed the actual knowledge and must have known that it was a dishonest and improper transaction. The old practice did not depend on Mr. Nicholson alone for confirmation; it had been confirmed by the evidence given antecedently by Colonel Airey, who explained in former times he used to give his men an order upon the contractor, and that they used to go down and make their own arrangements with him; and, indeed, the very fact that the Major-General had told him to go to the contractor and make the best arrangements he could with him was a circumstance distinctly in favour of the line of argument adopted by the prosecution. Would the Major-General have done that if the contractor had no right to compensation. No; certainly not. It was because the contractor had a claim upon the Government for clothing that he ought to have supplied. No doubt, as he had already said, the old contracts were for the supply of so many garments "more or less"; that was a point that might be dwelt upon in favor of the prisoner. It might be argued that under the old contract the contractors had not any right to supply a definite number of articles, because the contract contained the words "more or less"; but they knew very well that those words were not put there in order to enable the Government to wrong the contractor. If the Government thought it right to deprive him of the profit that he was entitled to under his contract, perhaps as he had said they might have sheltered themselves behind those words, but they could not have honestly done so, and it was evidently in the first instance the desire of the authorities to give him a chance of recouping himself for any loss sustained through the non-completion of the contract. Then there was a quarrel or conversation between the prisoner and Quartermaster Sergeant Wilson. The prisoner had stated that those two men were enemies of his. But that rested merely upon his assertion, and to him it appeared that the manner in which they had given their evidence would be taken by the Court as sufficient proof that they were not animated by any desire to injure him, indeed, that they did not entertain unfriendly feelings towards him. The Court would remember that Taylor had given his evidence reluctantly, he had tried to pass the matter over, and it was only when pressed by the Court that he had admitted that Sergeant Wilson had asked what the one-third was to be deducted for, and had obtained no satisfaction. The way in which he had given his evidence did not show that he had any illwill towards the prisoner. In the same way when Sergeant Wilson gave his evidence, he did not press the matter unduly; it was only after being asked by the Court, and asked in such a manner, that it was clear they meant to have a decided answer, that he admitted having been told in reply to his question to mind his own business, or else to consider himself under arrest. At the time of the quarrel between the prisoner and Sergeant Wilson, the men had made up their compensation lists without deducting the one-third, and the prisoner had told them to do it. They asked what it was for; that was significant. If the custom was such a well-known custom, how was it that those sergeants had not known of it; and if it was a proper custom, why had the prisoner refused to give him a reason for his orders. Of course it might be said that the rough words were only an outcome of temper, but then the misfortune to the prisoner was that all the facts seems to point in the one direction—a desire to keep from others the knowledge that one-third was still being retained by the contractor. Then there was the conversation between Colonel Airey and Colonel Roberts; he did not know that there was any necessity for him to refer to it at great length; but his learned friend had thought it worth his while to recall Colonel Airey and then, having done so, to recall Colonel Roberts, as though for the purpose of contradicting him, so that it evidently appeared to the other side to be a matter of some little weight. But he wanted to know how a custom could possibly be proved in a manner like that? Colonel Airey had been called and asked if he knew of a certain custom, and he had said that he did not. What he was speaking about in the Victoria Barracks a week or two previously he told them had no reference to that question at all. How could a custom be proved in that way? Two officers had been called and both of them had said distinctly that they knew nothing about a custom. Then one of them was told a fortnight ago he had said something quite different, and he replied that he was speaking about something quite different, and that if he had said what he did in reference to this particular case that it would not have been true. And whilst he was speaking of that matter he might say that it seemed to him that greater pains should have been taken by the other side before Colonel Airey was asked the question at all. He had been asked deliberately whether he had not said that he would make short work of the case against Webster. Anything more abominably wicked than to have the power by tendering evidence to put an end to the criminal charge and still to withhold that evidence could hardly be imagined. The question has been reported in the public prints and the insinuation that it had involved had been talked about over the town, and yet what did they find? They found that Colonel Roberts had never heard Colonel Airey say anything of the kind, and that Captain Savage had never heard anything of the kind said either. Surely there could have been no difficulty in getting to know from those officers what the real facts of the case were before Colonel Airey was subjected to a cross-examination like that of the Attorney-General. It did seem to him that Colonel Airey had been treated very improperly.

He now came to the eleventh charge:—That the prisoner had been guilty of "conduct to the prejudice of good order and military discipline and that he procured the payment of exorbitant and excessive sum of public money to himself and certain other warrant officers of the New South Wales Artillery, by way of compensation for clothing." They had heard something about custom with regard to that charge too; and, really, one felt inclined to ask, after all that had been said on the subject, "What is a custom?" Did the doing of a thing once constitute a custom? Because those warrant officers were paid in full in the year 1886—all except Tristrum, who for some reason or other was not paid in full—did it follow that they were to be paid in full the next year also? He submitted that to say that involved a gross abuse of the word custom. Because the warrant-officers had upon one occasion been allowed the full amount of compensation, were they always to be allowed full compensation. He did not think that it would be denied for a moment by anybody that the amount paid to the warrant-officers in 1887 was exorbitant

exorbitant and excessive that appeared on the face of the matter. In the previous year staff-sergeants and warrant-officers were included in the contract, and if the Court would look at Riley's contract they would find that they were down by name, with the amounts opposite to their names, and that there was no difference in that contract between warrant-officers and staff-sergeants—more than that, they would find that if they turned up Riley's compensation vouchers that there was no difference in that year between the amount actually paid to staff-sergeants and warrant-officers. So there, they had it from the prisoner's own statement that staff-sergeants and warrant-officers were entitled to the same compensation, and that clothing was valued at that year at a sum which would allow a man who took compensation for everything £8 13s. 6d. But the following year they found that staff-sergeants were omitted from the contract, and the first question that he would ask the Court was, how it was that they came to be omitted. Why were they omitted? He would only think of one legitimate answer to that question. It seemed to him that they had been omitted for the purpose of opening the door for the payment of this excessive compensation. If, on the other hand, they had been omitted because they had plenty of clothing in store for warrant-officers and staff-sergeants, that would have been a perfectly proper and legitimate reason. However, when they were left out, why should the fact that they had been left out, because there was clothing in store, have entitled them to higher compensation than they had obtained before? The prisoner said, "You see we are not in the contract this year, so that if we want clothing we should be supplied with enough money to go to a tailor and purchase it," and that notwithstanding the fact that there was plenty of clothing for them in store. If the Court thought that that was how the matter had been brought about, he would ask them to consider that it was no answer to his objection to say that the claim had been endorsed by the Colonial Secretary. It was no excuse to say that the General had authorized it. It would have been no excuse if it had gone to the Governor himself, or to have been placed before Her Majesty the Queen. No doubt the Treasury had plenty of authority for paying the money, but what they had to determine was, how the claim had been preferred and the money procured. As he had already said, the argument had been used that the excessive compensation was fair and reasonable, because staff-sergeants and warrant-officers having been omitted from the contract would have had to get their clothes made out here; but there was a staff-sergeant of the name of Goodall equally entitled to use the same argument, and yet he had only received compensation at the rate at which clothing would have been imported. Why was compensation on the higher scale not procured for Goodall? He submitted that it was because Goodall was not a warrant-officer, like the prisoner, and that therefore there could have been no object in obtaining as large an amount of compensation for him. On the 3rd October, 1888, the prisoner was asked this question by the Board of Inquiry:—"How do you calculate the amount of compensation due to warrant-officers; are they allowed a higher rate than staff-sergeants, and are they entitled to a patrol-jacket annually?" Now, they knew that in the previous year the prisoner had obtained £16 7s. 6d. on the ground that that was the amount which Henderson would have charged had he made the clothes for him. And this was the answer that he gave to that question: "According to schedule for contract price, 1886-1887, tunics, £5; warrant-officers' and staff-sergeants' patrol-jackets, £4; cloth trousers, 23s. 6d.; serge trousers, 14s. They are entitled to a patrol-jacket annually." Inasmuch as the prisoner had really calculated the compensation for warrant-officers on the rate at which Henderson would have made the clothes, and not at the rate at which they would have been imported for at all, that statement was, at all events, untrue. Then he was asked whether he had preferred a demand like one marked H, which had been previously handed in and attached to the proceedings of the Board, signed by himself, to the effect that the items were paid, or due to meet claims for compensation for 1887 and 1888, and why did that document need Captain Savage's signature, and what was his answer? That Captain Savage's signature was attached prior to his, and that he considered it to mean that he had approved as to the correctness of the vouchers, and then he proceeds: "I should suppose that the Colonel Commanding the Artillery Forces, seeing his adjutant's signature, is satisfied therewith as an assurance that the document needing his initials is correct, and the matter is forwarded in the usual way." The prisoner evidently considered that when Colonel Roberts saw the signature of some person in whom he had confidence he would take the voucher as correct, and affix his signature to it without further inquiry. That fact might throw a light upon other circumstances which otherwise would be very difficult to explain. Now, on the 4th October, Webster was asked about the same matter again. He was asked this question: "How are the prices mentioned in the compensation lists for warrant-officers higher than the last contract referred to by you yesterday?" and this was his answer: "The amount of compensation was referred to the contractor to determine. He fixed the price for such garments as shown in the compensation lists. He sent his voucher to Colonel Roberts, by whom they were forwarded to the Paymaster, and submitted to the General, and being returned to my department to reply to certain questions, I therefore knew they had been through these channels. Before the account was duly paid by the contractor, the amount, some £65 odd, was authorized by the Colonial Secretary to be paid. Hence, same amount for individuals has been submitted for the current year. There was a great deal of correspondence before these amounts were put through and got sanctioned." Now, they knew very well that it was the prisoner who supplied the contractor with the materials from which the vouchers were made up. That was a matter that interested the prisoner very closely, and the only question that would arise in his mind was, "How much am I to put down for myself?" He had evidently said to himself, "I am not in the contract; I want to get more this year than I got the year before." So he went to the contractor and asked him how much he would supply certain articles for. The contractor thereupon drew up a voucher, the amount at which he would supply the things. The voucher went to Colonel Roberts, and then to the Treasury, but the Treasury were more wide awake than the prisoner had expected, and they declined to pay the money. Then the voucher went back to Colonel Roberts, and he made a memorandum upon it, after it had been signed as correct by Mr. Webster. In that memorandum Colonel Roberts stated: "The prices here quoted are less than what they have hitherto been charged." But if they looked at Mr. Riley's contract they would find that that was a mistake; the prices were really nearly double what they had previously been charged at. Colonel Roberts had told them that in making that memorandum Colonel Roberts stated that he must have been influenced by his memory. But he also said that he was never told at any time—that it had never been pointed out to him that the compensation for those garments for the previous year had only been half the amount. That was the suppression of a material fact by the prisoner. If it had not been suppressed, did anybody believe for one moment

moment that Colonel Roberts would have sanctioned the charges. From the appearance of the document it really looked as if Colonel Roberts was under the impression that the men wanted the garments and not the money. It was very evident, therefore, that he had been misled, and that he had been misled by the prisoner.

The President interposed that a note had been made by the Court to the effect that one witness had explained the difference in the price of warrant officers' clothing by saying that it was now made of better cloth than it used to be.

Mr. Heydon continuing, said that he was aware that there was evidence of a certain character to justify the excessive amount put down by the prisoner in the vouchers of which he was alluding; but the Court would remember that he asked the Major-General particularly whether he knew of any change that would involve greater expense in the dress of warrant officers between the years 1886 and 1887 and the General had stated very positively that there was no change of that nature during those years. There was absolutely no evidence to the effect that the cloth was of a better quality in 1887 than it had been the previous years. Of course it was perfectly natural that the warrant officers would like to get that large amount for their compensation every year, and perhaps, indeed, that they thought that they were entitled to it; but that was a very different thing from any positive evidence to the effect that there was a change in the quality of the cloth or in the design of the garments between the years 1886 and 1887. He therefore put it to the Court, that this was an exorbitant and excessive charge, unauthorized by the General, and passed by nobody but the prisoner. Now, with regard to the 5th, 6th, 7th and 8th charges—which all dealt with the same offence. The fifth charge charged the prisoner with having embezzled 15 tunics, 347 cloth trousers, 335 serge trousers, 67 Norfolk jackets, and 113 jumpers, of the value of £800 or thereabouts. That charge was also a distributed charge, and the Court were not bound, in order to convict the prisoner upon it to find that the quantity mentioned there had really been embezzled. In the first of that batch of charges the prisoner was charged with having embezzled the clothing himself. In the second of them at having connived at the embezzlement of the articles. In the third charge with being culpably negligent in keeping the clothing, in consequence of which the deficiency arose. And in the last of the series with having been culpably negligent in keeping the clothing books. The deficiency was a very large one; it was a deficiency of something like £800 worth of goods in the course of two years and a half. Such a large amount of clothing could hardly have gone from the store without the prisoner's knowledge. The deficiency was shown very clearly, but at the same time there had been an attempt to account for it by the evidence of the actuary; and therefore it would be necessary for him to probe the matter rather more fully than he otherwise would have done. First of all they must take into consideration the manner in which the prisoner accounted for the deficiency at the Board of Inquiry. He stated that he balanced his books between the 1st March and the 30th October, and that there was no Survey Board held in the year 1887. The prisoner only balanced his books once a year, just before the Survey Board came round, and it was, to say the least of it, strange that the amounts, according to the books, appeared to be balanced to a single article. Now the evidence as to the deficiency was merely the evidence taken from the prisoner's books and vouchers, and the Court had before it the two statements by the Board of Inquiry and the Actuary. Comparing those two statements it would appear that there were two main lines of difference—one in the receipts and the other in the issues. The difference in the receipts was contained in the list of clothes made and supplied by the master tailor. Of course what was put down in the receipts was a debit against the prisoner, and it was to his interest to make them as small as possible. The Board of Inquiry had found a large deficiency in the cloth, for which the prisoner could not account. Naturally he would perceive that it was a very serious matter, so he accounted for it by supplying two returns—one of them signed by himself and the other in his own handwriting. Those returns had really been prepared by the prisoner, and he wanted to know how it was that someone had suggested to his learned friend that one of them had been supplied by Mr. Little's clerk, whereas, as a matter of fact, it was made up by a corporal in the Brigade Office. Evidently no one but the prisoner had made that suggestion to his learned friend; but the second return was in the prisoner's own handwriting, and he could not get away from that. He stated, however, that Mr. Little had given him the materials from which he was to make it up; but they had heard Mr. Little deny that he had ever done such a thing. Consequently, they had before them those returns, both of them signed by the prisoner, and one of them in his handwriting, so they were justified in taking the statements contained in them as true. And taking those statements as true they found that the receipts were exactly what they were found to be in the table of the Board of Inquiry. In the issues, the main difference lay in the year 1886. Other differences were of such small account that it was hardly worth while inquiring into them. The important question was how the difference had arisen. To his mind it is perfectly clear that the actuary, taking the prisoner's books and not being informed of the books kept by the quarter-master sergeants of the batteries, omitted to take into account the return to the store of 260 suits and a balance of the ninety issued to No. 2 Battery, and in that way the Actuary, roughly speaking, showed a surplus in favour of the prisoner of thirty garments—in other words, he showed that the prisoner issued thirty more garments than he was supposed to have received. But if the number of garments that were returned from the batteries had been debited against the prisoner, there would still have been a deficiency of at least 108. At the same time, in the account placed before the Court by the prosecution of the number of clothes in the prisoner's store, they had taken notice of the fact that the goods had been returned by the battery, and that left the amount at what they said. There was another matter that would make the prisoner's position worse to the extent of about 200 garments. It had been proved that the debits against the prisoner for clothing received from the contractor did not include sergeants nor yet the band, whilst the returns made up by the quarter-master sergeants of batteries did not include the sergeants but did include the band. Consequently the prisoner did not show by his books the receipt of 210 additional garments. On that charge the prisoner was asked (on page 64 of proceedings)—“Whose are the initials under this receipt for a Norfolk jacket to Gunner Hough?” And he answered, “They are those of Battery Quarter-master Sergeant John Taylor.” The erasure by knife was done by me, and was necessitated by having to remove the “G” which was for compensation in order to insert JA for the issue of a Norfolk jacket for alteration. He (the battery quarter-master sergeant, J. Taylor) put those initials in my presence.” Now, Taylor's evidence was that those were not his initials at all. As to what he had said about the band clothing, he would read from the evidence of the prisoner on the 4th October: The prisoner said that he could not show where the clothing for the band was entered in his books as having been

been received from the contractor for the current year and for 1886; and, further, that he had none of the above-mentioned clothing on hand on the 1st April, 1886—they had been supplied in the following November by the contractor. Previous to April, 1886, the staff and other sergeants' clothing were made in the Colony, and the band clothing also. Thus it was perfectly clear that he had not been debited with the band clothing. In October, the prisoner was asked what number of tunics, patrol jackets, Norfolk jackets, jumpers, cloth trousers, and serge trousers, had been made from material furnished by the Government during the period that Sergeant Lyttleton had been master tailor, his answer was:—"I can tell by making it up from my books and the master tailor's measurement book and will produce it when the Board meets to take stock." Again on the 15th October, the prisoner was asked for an account of the discrepancy shown on certain tables. In answer he said, "I would like a copy of these documents to enable me to furnish an explanation. I shall require receipts of all materials supplied to my Department. The clerk, my assistant, acting Bombardier Loveless, has been supplied with a duplicate key of the clothing store, by a verbal order of the adjutant, and is allowed to sleep in my store. Having to go every day, Sunday excepted, to Mr. Kidman's to inspect the next day's rations—this is by a Board order—I made no proposition that any one should have a duplicate key of my store. Having to leave my store open I cannot be held responsible for what is issued during my absence. I know, for a fact, that things have been issued and received without my knowledge. I have noticed that in looking round my store. I have found articles of necessaries especially, and clothing received from the master tailor, made up from material irregularly delivered to my store through the clerk Loveless, and no entry to have been made of them until I have made inquiries, hence the new books I compiled to get a more proper receipt and issue of accounts." Now if the prisoner had noticed the things were going on wrongfully why did he not take a more frequent balance, and see that things were not issued in that irregular way. But that statement was quite inconsistent with another made by the prisoner on the 19th November. It was then said to him, "You complained in your former evidence that your responsibility was not complete, in fact that it was not the same since your clerk had a duplicate key of and allowed to sleep in your store. To whom then did you first complain, and when and to whom did you raise an objection to this arrangement which you allege reduced your responsibility for the store, previously admitted to be under your sole charge." To this the prisoner said, "I never objected to this arrangement." Then he is asked if he did not propose it, and answered "Yes, I did propose that Loveless should have a duplicate key." [The Board then reminded him that on the 15th inst. he had stated that he had made no proposition that anyone should have a duplicate key of the store, and they asked him to which statement he intended to adhere. His answer was, "I made no proposition; the proposition was in the first place made by the adjutant, in order that during my absence he could refer to books, &c., in the Brigade store." According to that it would appear that Loveless was to be held responsible for the deficiency in the clothing.

Coming to the last charge of all, the ninth charge, which charged the prisoner with directing and conniving at the exorbitant charges of master tailor Lyttleton—of course that charge, he might say, included a charge against two people, as far as they could include a charge against two people when they were only trying one, at all events as far as the prisoner was concerned—was that he directed and connived at these excessive and exorbitant charges on the part of the master tailor. They arose in two ways. First of all, the master tailor had been allowed to charge for remakes at the price of makes when he was not entitled to charge for them as such, and he had not only done so, but he had charged for an excessive number of remakes. He found it such a profitable transaction that he wanted to reduce the number as much as possible. If he established either charge it would be enough for his purpose, so he would take the first. No authority whatever had been shown by the other side for making extensive alterations at the price that would be paid for making new garments. Indeed, there was a garrison order in existence the terms of which were perfectly plain and explicit, giving a scale of making garments, and for fitting and altering garments, but giving no authority for charging for remakes at the price of makes. That law which had been promulgated by the proper authorities had never been repealed. They had discovered, however, it came to be disregarded. Behan had told them that that scale would never pay, and that he could not go on altering garments to the extent of remaking them at the rate of 1s. 9d. Consequently he had a conversation with Webster about it. He told Webster that he must charge at a higher rate, and Webster said, "Well it cannot be helped." That was the custom originated in 1885. But what they had to consider was the fact that it was not the quartermaster-sergeant's duty to authorize any charge above that referred to in garrison order. Whilst that order was in force it was law and binding upon everybody, and the prisoner had no more right to allow those excessive charges than to have gone into the street and to have picked anybody's pocket. On the 26th June the prisoner was asked by the Board of Inquiry what the scale of charges was, and on that occasion he gave the charges as they appeared in the garrison order. Then he went on and said that for any "extensive alterations" the following scale was allowed—and he gave a list of figures, which included the 18s. for altering rank and file tunics. Then he gave some evidence which was certainly very important. He said,—“From my knowledge of tailoring I assessed an amount for the different alterations from the scale laid down above. The high rate as compared with the Imperial Office was rendered necessary from the enforced employment of civilian labour in the tailor's shop.” Thus it would appear that the prisoner, and only he, was the person who made the allowance, and that he, and only he, from his knowledge of tailoring, assessed the amount. On the 29th of the same month he produced a garrison order, and stated that the material for making up all alteration is paid for by Government, and is ordered on the annual contract on requisition as required. This, of course, is extra to amounts laid down as above, gas and fuel being also paid for by the Government. The master tailor's accounts are first rendered to them, and I examine them and certify to their correctness or otherwise and take them to the brigade adjutant for signature of the colonel commanding. The accounts are then forwarded to the paymaster for payment. Copies of the accounts are filed in my office. On the 9th July the prisoner told the Board that he produced the rough notes from which he made up the master tailor's bills. And lastly, when further questioned by the Board, he stated that the master tailor kept no books excepting the measurement book. In answer to the question by whose authority has the item remaking been introduced, said the authority was quoted in the garrison order of the 5th June, 1883, signed J. A. Compton, Acting Brigade Major. Thus it was very evident that the prisoner and nobody else was responsible for those excessive charges, and that he had clearly allowed them without any authority whatever. If further proof were required of the prisoner's responsibility it would be found in the
statement

statement that the material supplied to the master tailor was supplied by the Government and expended by him; that the whole of the master tailor's shop was under his sole charge and direction, and that no one could go into it without his permission. Undoubtedly the disobedience of that garrison order of the 5th June, 1883, and the charge for remaking garments had been entirely owing to the prisoner. It was quite true that Colonel Roberts, if he had expressly authorized the prisoner to allow those charges, would have removed the blame from his shoulders, but he had not done so, and even Colonel Roberts would have no authority to go behind the garrison order. The excessive charges spoke for themselves—when the force was at its weakest the master tailor's bills were at their highest—and they knew that Lyttleton had refunded a large sum of money. The only question was whether those enormously excessive charges could have gone on without the prisoner's knowledge, and submitted to the Court that that was impossible.

The Court then adjourned until Thursday, the 28th day of March, to enable the Judge-Advocate (Major H. B. Lassetter) to prepare his summing up.

On Thursday, 28th March, at 10 a.m., the Court reassembled pursuant to adjournment. Present:—The same members as before.

The Judge-Advocate (Major H. B. Lassetter) makes the following summing up:—

The prisoner (Brigade Quartermaster-sergeant William Webster) has been arraigned before the Court on eleven different charges, to each of which he has pleaded "not guilty." The whole case is one of great complication, but after the able addresses which have been delivered by the Attorney-General and Mr. Heydon I do not propose to detain the Court by summing up at great length, merely intending to lay before them the evidence for and against the prisoner in order to enable the members to come to a true and just finding on each and every charge. As the Court have already been informed, the charges against the prisoner, although eleven in number, are practically reduced to six.

The first charge brought under the notice of the Court was charge 10, being "Conduct to the prejudice of good order and military discipline, in that the prisoner was aware that Messrs. Henderson & Co. (the clothing contractors for the year 1887) obtained a large sum of money,—to wit, £114 16s. 3d., to which they were not entitled, and that the prisoner did conceal this fact from his superior officers."

The prosecution proved that, under a certain contract, Henderson & Co. were to supply articles of clothing for the New South Wales Artillery, and that they received as payment for the same the sum of £2,004 4s. 5d. This contract appears to have been carried out. The prosecution contend that when this contract was completed Henderson & Co. were not entitled (under the terms of their contract) to supply any further garments, and were therefore not entitled to retain one-third of the cost of the garments contained in the voucher for £344 8s. 10d. The defence admit that the contractors retained the sum of £114 16s. 3d. for their own use; but contend that they were entitled to do so by the custom that obtained in the Force for many years, in fact since the formation of the artillery; and, further, that the officers of the corps knew of this custom and allowed it. The prosecution assert that although compensation was paid in former years, it was paid on very different grounds; that the contractors were then entitled to supply the clothing for which compensation was claimed; and that the one-third was retained as the profit they would have made if they had been allowed to complete their contract with the Government. To prove that the officers of the Force did not know of the custom, the prosecution called Colonel Roberts, who states that he did not know what the contractor got the one-third for, and that the prisoner did not tell him until lately that Henderson, for merely putting in his voucher, got the one-third. Captain Savage said that he was ignorant of the practice, and General Richardson stated that he first heard of this custom just before the Court of Inquiry was held. To convict the prisoner on this charge the Court must satisfy themselves that they knew that Henderson & Co. were obtaining this sum of £114 16s. 3d. improperly, that it was done with his connivance, and that he neglected to inform his superior officers of this fact.

I will now proceed to the charges connected with the sum alleged to have been paid by Henderson to the prisoner for the purpose of paying the compensation to the men of the Artillery.

The first charge is for embezzling the sum of £9 12s. 2d. out of a sum of £229 12s. 7d. paid to the prisoner by Henderson. The second charge (laid under section 40 of the Army Act) is an act to the prejudice of good order and military discipline in having paid away the sum of £9 12s. 2d. without due authority. The fourth (under the same section as the second charge) is for being culpably negligent in keeping the compensation accounts for clothing, so that there was a deficiency of £9 12s. 2d.; the second and fourth charges are alternative to the first charge. The prisoner cannot (according to law) be found guilty of all three, but he can be partly guilty of one and partly guilty of the others. Before proceeding to review the evidence on these charges it will be as well to explain to the Court what the law of embezzlement is. The law says:—

"Whoever being a clerk or servant, who shall have fraudulently misapplied or disposed of money or goods entrusted to his care, shall be guilty of embezzlement." On a charge of embezzlement the fraudulent conversion of the money or goods charged to be embezzled may be inferred by the Court, either from the fact that the accused person has not handed them over or accounted for them in the ordinary course, or from the fact of his having falsely accounted for it, or from the fact that on examination of his accounts there is a general deficiency, for which he is unable to account.

The evidence adduced by the prosecution was that the prisoner had obtained the sum of £229 12s. 7d. from Henderson and Co., and by the evidence of Colonels Airey, Spalding, and Murphy, we see that the prisoner paid to those officers a total sum of £220 0s. 5d., leaving a sum of £9 12s. 2d. in his hands. This sum the prisoner is charged with embezzling. Having received this money from the contractors, it was his duty to account for it. The

learned counsel for the prosecution has read to the Court the different explanations made by the prisoner to clear up this amount. These explanations the prisoner made before a Court of Inquiry ordered by the General Officer Commanding to assemble to inquire into and report upon the system of clothing in force in the New South Wales Artillery. I need not allude to these statements in detail, as they were sworn to by Colonel Eden in his examination-in-chief, and have been quoted by Mr. Heydon in his reply. With regard, however, to these various statements and explanations before this Court of Inquiry, the learned Attorney-General has urged in defence that the prisoner was flurried when under examination by the Board, and that the statements made by Mr. Webster were not voluntary, but were wrung from him by severe cross-examination on the part of the President and members of this Board. If these statements were not made voluntary and without compulsion they are inadmissible as evidence against him. I would point out to the Court that in the rules laid down for the conduct of Courts of Inquiry (Rule of Procedure, 123) it is stated that:—

“Whenever any inquiry affects the character of an officer or soldier, full opportunity must be afforded to such officer or soldier of being present throughout the inquiry, of cross-examining witnesses whose evidence, in his opinion, affects his character, and producing any witness in defence of his character.” This does not appear to have been done, and I leave it to the Court to decide whether the prisoner had the proper opportunity of making his statement to the Board. The prosecution also produced a letter (Exhibit No. 20) written by the prisoner to his Commanding Officer, offering to refund the sum of £9 12s. 3d. In his letter he expresses a hope that the Major-General will be pleased to forgive what was, on his part, purely an oversight and carelessness. The defence now say that when this was written the prisoner was unable to find any document to account for the deficiency. They now produce a receipt from Sergeant Lynch for the sum of £4 1s. 10d., from Bombardier Loveless for £2 10s. 6d. These men swore that the signatures on the receipt were theirs, and this leaves a sum of £2 19s. 10d. To account for this balance the prisoner says in his statement, “I paid the sum of £2 10s. 6d. to a man called Burgess, and obtained a receipt from him. I have searched high and low for this receipt, but cannot find it anywhere.” He also says that he paid the remaining 9s. 4d. to a gunner, and that he cannot now recollect his name. Colonel Roberts says, in answer to the Attorney-General, that when taking down the summary of evidence before the trial that Mr. Webster informed him that he had paid Burgess the sum before mentioned. This is not actual evidence that Burgess received the money, and it is a question for the Court as to whether it is a satisfactory way to account for it. Mr. Heydon (for the prosecution) suggested that the receipt alleged to be signed by Lynch was a very suspicious document, and asked why it was not produced before. The defence state that they were unable to find it until the last moment. Lynch was undoubtedly paid the sum of £2 15s. 5d. for compensation by Lieutenant Bridges at Middle Head; and he says in his evidence that he does not think he has been paid twice. In cross-examination by the Attorney-General, he admits that the receipt produced by the prisoner was in his handwriting, and that he would not sign the receipt if he had not obtained the money. Now, as to the second charge, viz., paying away the £9 12s. 2d. without due authority.

On behalf of the prosecution, Colonel Spalding states, “I did not authorize the payment of any money as compensation for clothing to any other men than appear in the list. The payments to Bombardier Loveless were unauthorized by me.” He also says that he can only speak from hearsay about the amounts paid to other men. The other officers commanding batteries, also say that they did not authorise any payments to the men outside the compensation list.

In answer to this, the defence states that the payment was authorised by the prisoner's Commanding Officer; Colonel Roberts states that he did not authorise the payment to the men by name, but that he gave general instructions that all compensation should be paid by the prisoner to the men entitled to the same, and it was apparently on this that the learned Attorney-General relied. Colonel Roberts further said that he did not give a deliberate order that the men were to be paid behind the backs of their Battery Officers. The question for the Court is whether this was proper authority or not. Charge 4 is also connected with the sum of £9 12s. 2d. Mr. Heydon (for the prosecution) contends that this charge is practically admitted by the prisoner in his letter [Exhibit No. 20] to Colonel Roberts, dated 4 February, 1889. The prisoner's answer to this charge is the same as to the first charge, viz., that the money was not deficient, and it was paid away by him.

Charge 3 is being privy to the making of a false statement in a pay voucher, the accuracy of which it was the prisoner's duty to ascertain.

To convict on this charge the prosecution must prove.

Firstly—That the prisoner was bound to acquaint himself with its contents.

Secondly—That the statement was false.

And lastly that it was made out with the consent of the prisoner, with the full intent of carrying out the fraud specified.

It appears that the officers commanding batteries send in a list for compensation for clothing to enable the compensation voucher to be drawn up. By Quartermaster Little's evidence it seems that this voucher (initialled by the prisoner) differs from the battery lists, giving an excess of different articles of clothing to the value of £16 5s. 1d., or a cash excess of £15 13s. 4d., and Mr. Heydon maintains that these extra articles of clothing should not be inserted in the voucher. The defence urge that some men entitled to compensation were not inserted in the battery lists, and that in order to expedite the payment the prisoner (by order of Colonel Roberts) directed Messrs. Henderson & Co. to insert these names in the voucher. Colonel Roberts says on this point, in answer to the Attorney-General, “It might happen that under these circumstances the omission of these names would

would cause a delay, and it would not be an unusual thing to include the names of men (not in the battery lists) in the voucher forwarded to the Treasury. The garments, according to the evidence of Mr. Little, are in excess of the numbers paid for as compensation to Lynch, Loveless, Burgess, and the unknown gunner.

Charge nine is for directing and conniving at excessive and exorbitant charges made by Sergeant-master-tailor Lyttleton.

The prosecution state that by a garrison order the only authorized scale of payments to the master tailor was for altering and fitting and for making garments. They contend that there was no authority but the authority of the prisoner for the charges for remakes. On this point Sergeant Lyttleton says that his accounts were made up by the prisoner and his clerks according as each garment required a make or a remake, that the prisoner valued them and by that means his accounts were made up. Mr. Heydon contends that Behan's evidence proves that there was no authority for the commencement of this charge for remakes, and that as Sergeant Lyttleton was under the prisoner that these charges were carried out under his direction.

General Richardson, in his evidence, says: "I was not aware that charges were being made by the master tailor for remaking garments on the same scale as for making them, and I would not have authorized it. It would be necessary to issue a garrison order to authorize such an alteration as that." Captain Savage states: "I do not know of any writing at all purporting to be an authority for remakes."

The prisoner, in his statement, says: "The master tailor's charges for remaking, when extreme alterations were made, was according to a scale which I was under the impression was duly authorized many years back. It was no benefit to me for the master tailor to get more than he was entitled to."

The order about the scale of charges was issued in 1883, after the prisoner was quartermaster-sergeant.

To find the prisoner guilty of this charge the Court must fully satisfy themselves that the prisoner actually directed and connived at these charges, and that they were both exorbitant and unauthorized.

Charge eleven is conduct to the prejudice of good order and military discipline, in that the prisoner procured the payment of an exorbitant and excessive sum to himself and other warrant-officers by way of compensation for clothing in the year 1887.

The compensation paid in the year 1887 appears to have been greater than in the year 1886, and the prosecution states that this charge was unauthorized by anyone. The question for the Court is, whether the prisoner procured these charges, and if so, were they exorbitant, excessive, and unauthorized.

Major-General Richardson says: "I cannot remember whether I authorized any change in the quality or pattern of the warrant-officer's uniform between 1886 and 1887. I am not aware of any order justifying an increase in the cost of warrant-officers' clothing from some £8 odd in 1885 to £16 odd in 1887. If I had made such an order I think I should have remembered it." On the back of Exhibit No. 33 there appears some correspondence on the subject of this increased compensation. The prosecution contend that the memo. written by Colonel Roberts was written on information given by the prisoner. Colonel Roberts in this memo. states that the prices are less than have hitherto been charged, and that this is the price the contractor would charge if the warrant-officers had to buy their own uniform. Sergeant Goodall (a staff-sergeant) appears to have only received compensation at the rate of two-thirds of the contract rate for 1886, whereas the warrant-officers obtained the amount of £16 7s. 6d. without any deduction whatever. In reply to this the prisoner calls Colonel Roberts, who states: "The mounting for staff-sergeants and warrant-officers are quite different, and that the warrant-officers' clothing is of a very much better kind of cloth, in fact their tunic is nearer approaching an officer's tunic than anybody else's." In cross-examination by Mr. Heydon, Colonel Roberts states that when he said in his memo. of June 8th, 1887, that the prices quoted (*viz.*, £16 7s. 6d.) were less than in former years, he wrote from memory, and he was not informed at the time that these garments had been in the contract for the previous year at something like half the price.

The last group of charges that I have to deal with are those comprised under charges 5.

In the fifth charge the prisoner is charged with embezzling public goods. The prosecution submit that according to the evidence taken from the prisoner's books, and from the statements made by him, there appears to be a large deficiency of clothing, amounting to the quantities shown in the charge.

The defence to answer this called an actuary (Mr. Roberts) who has made calculations which differ from those submitted by the prosecution, as shown in Quartermaster Little's evidence. The actuary and Mr. Little differ mainly in two particulars—one in a line of issues, and the other in a line of receipts. The actuary's calculations show that instead of the prisoner having a deficiency he has a surplus. The line of receipt in which the two evidences differ is in the quantities received by the prisoner from the master tailor. The actuary states that he has taken these amounts from the books in the prisoner's office. The difference in the line of issues involves the question of the clothing issue in bulk to the batteries. The prisoner has debited No. 1 Battery with 180 garments, No. 2 with 90, No. 3 with 180, and also a few individual issues, some 60 or 70. Mr. Heydon maintains that it is shown by the evidence of the officers commanding batteries, and their respective quartermaster-sergeants, that these garments were issued in bulk, and that the two lots of 180 were returned to the prisoner, and also a balance of the 90. The actuary does not appear to have taken these into consideration. It appears that some of the above clothing was reissued, and is summarized by the returns furnished by the quartermaster-sergeant, and laid before the Court. These non-commissioned officers further swore that the only clothing they received from the prisoner was what appeared as issued in the battery books.

No evidence appears to have been offered by the prosecutor on charge 6, the charge for conniving at the embezzlement.

Charges

Charges 7 and 8 are alternative charges to charge 5. Charge 7 is for keeping the clothing in a culpably negligent manner and causing the deficiency mentioned in the fifth charge. Charge 8 is for keeping the clothing books in a culpable and negligent manner.

The Court have had full evidence before them as to how the books were kept, and I need not go into this matter.

In conclusion, I would remind the Court that the burden of proof rests with the prosecution, and they are bound to prove in substance and in fact every essential part of the case. Seven of these charges are laid under section 40 of the Army Act. Heading a charge in the words of this section does not constitute an offence, and as this heading is of very comprehensive application, it especially behoves the members of this Court to carefully consider whether the act, conduct, or neglect is really and substantially to the prejudice of good order and military discipline, and if they think that it is not, they are bound to acquit him.

Every officer that has given evidence before you has spoken of the uniformly good character borne by the prisoner—they state that they have always found him to be an honorable, straightforward, and upright man. We have before the Court testimonials signed by the prisoner's commanding officer in the Royal Marines, and also by the captains of the various ships in which he has served, stating that his character has always been that of a thoroughly good soldier in every sense of the word. Taking this high character into their most earnest consideration, I must ask the Court to give a verdict of acquittal on any charge on which in their minds any conscientious and reasonable doubt may arise.

The Court then closed to consider their finding.

Finding.

- (1.) Guilty. THE Court find that the prisoner, No. 95, William Webster, Brigade Quartermaster-sergeant, Warrant Officer, New South Wales Artillery, is guilty of the first charge, with the exception that he did not embezzle the sum of £6 12s. 4d.
- (2.) Guilty. That the said prisoner is guilty of the second charge, with the exception that he did not without due authority pay away the sum of £2 19s. 10d.
- (3.) Guilty. That the said prisoner is guilty of the third charge.
- (4.) Not guilty. That the said prisoner is not guilty of the fourth charge.
- (5.) Guilty. That the said prisoner is guilty of the fifth charge, with the exception that he did not embezzle public goods to the value of £253 7s. 9d.
- (6.) Not guilty. That the said prisoner is not guilty of the sixth charge.
- (7.) Not guilty. That the said prisoner is not guilty of the seventh charge.
- (8.) Not guilty. That the said prisoner is not guilty of the eighth charge.
- (9.) Guilty. That the said prisoner is guilty of the ninth charge.
- (10.) Guilty. That the said prisoner is guilty of the tenth charge.
- (11.) Guilty. That the said prisoner is guilty of the eleventh charge.

Proceedings on Conviction—Evidence of Character, &c.

THE Court being reopened the prisoner is again brought before it.

Lieutenant-Colonel Mackenzie being reminded of his former oath is further examined:—

2211. *The President*: Have you any evidence to produce as to character and particulars of service of the prisoner? *By witness*: Yes, I will call Captain Savage.

Captain and Adjutant Savage, of the New South Wales Artillery, being reminded of his former oath, hands in a written statement:—

The above statement with the schedule of convictions is read, marked, and signed by the President and attached to the proceedings.

2212. Is the prisoner the person named in the statement which you have read? Yes.

2213. Have you compared the above statement with the regimental books? Yes.

2214. Are they true extracts from the regimental books and is the statement of entries in the defaulter's book a fair and true summary of those entries? Yes.

The prisoner declines to cross-examine this witness.

[The witness withdraws.]

The Court is closed to consider the sentence.

Sentence.

THE Court sentence the prisoner, No. 95, Brigade Quartermaster-sergeant William Webster, Warrant Officer, New South Wales Artillery, to be reduced to the ranks, and further to be imprisoned, with hard labour, for one year.

Signed at Dawes Battery, Sydney, in the Colony of New South Wales, this twenty-eighth day of March, 1889.

H. B. LASSETTER, Major,
Permanent Mounted Infantry
(Major South Staffordshire Regt. of Foot),
Judge Advocate.

E. BINGHAM, Colonel,
General Staff
(Lieut.-Col. R.A.),
President.

Confirmed.—CARRINGTON, 4/4/89.

Promulgated at Victoria Barracks, and prisoner furnished with certified extracts, of charges, finding, sentence, and confirmation.

CHAS. F. ROBERTS, Colonel,
Commanding Artillery Forces.

S/4/89.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MILITARY.

(RETURN GIVING PARTICULARS RESPECTING THE PERMANENT FORCE.)

Ordered by the Legislative Assembly to be printed, 16 July, 1889.

[Laid upon the Table of this House in answer to Question No. 3 of 16 July, 1889.]

Questions.

3. Mr. WRIGHT asked THE COLONIAL SECRETARY,—

- (1.) What is the number of officers and subordinates comprising the Head-quarters Staff of the Defence Force of the Colony?
- (2.) What is the total cost per annum of the Head-quarters Staff?
- (3.) The amount paid annually for salaries?
- (4.) The same with reference to forage, rent, rations, and all other allowances?

Answers.

The following answers have been supplied by the Major-General Commanding the Military Forces:—

(1.) General Staff: 5 Officers and 8 Clerks. Pay Department: 6, including Paymaster. Imperial Military Instructors: 2 Officers and 1 Warrant-officer. Permanent Staff, Miscellaneous: Instructors, 2; Armoury, 3; Messengers, 3; Rifle Range, 3; Engineers' Clerk, 1; General Store, 2.

(2.)	General Staff	...	...	...	...	...	...	£4,885	2	6
	Pay Department	...	...	...	...	...	...	1,873	12	4
	Imperial Military Instructors	...	...	...	...	...	...	1,925	1	11
	Permanent Staff, Miscellaneous	...	...	..	...	...	...	2,610	7	0
								£11,294	3	9

(3.)	General Staff	...	...	...	...	...	...	£3,107	18	0
	Pay Department	...	...	...	...	...	...	1,236	6	0
	Imperial Military Instructors	...	...	...	...	...	...	1,346	8	0
	Permanent Staff, Miscellaneous	...	...	...	...	...	...	1,992	16	0
								£7,683	8	0

(4.)	General Staff	...	...	...	...	...	...	£1,777	4	6
	Pay Department	...	...	...	...	...	...	637	6	4
	Imperial Military Instructors	...	...	...	...	...	...	578	13	11
	Permanent Staff, Miscellaneous	...	...	...	...	...	...	617	11	0
								£3,610	15	9

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MILITARY.

(REPORTS, &c., ON ACCIDENT TO GUNNER JOHN FOSTER, PERMANENT ARTILLERY.)

Ordered by the Legislative Assembly to be printed, 22 August, 1889.

[Laid upon the Table of this House in answer to question No. 1 of 22 August, 1889.]

1. MR. GREENE to ask THE COLONIAL SECRETARY,—
- (1.) Was Gunner John Foster injured whilst on duty during the year 1888?
 - (2.) If so, on what date, and under what circumstances?
 - (3.) What was the nature of his injuries?
 - (4.) Has he yet returned to duty; if not, from what cause?
 - (5.) When is it likely that he will return to duty?
 - (6.) What reports or recommendations (if any) have been made to the Officer Commanding Artillery, or the Major-General Commanding, in reference to this soldier; by whom, and on what dates, respectively?

Answer.

The following answers have been supplied by the Major-General commanding the Military Forces, viz:—

- (1.) Yes.
- (2.) 16 March, 1888, whilst on duty as driver with Field Battery N.S.W.A.
- (3.) Simple fracture of left femur, with great bruises of soft tissues of thigh, and simple comminuted fracture of left humerus.
- (4.) No. He is in hospital suffering from result of injuries, as stated in answer No. 3.
- (5.) He is awaiting discharge from the corps, being unfit for further military service.
- (6.) Proceedings of Court of Inquiry, 24th August, 1888, on driver Foster's injuries. Report from Surgeon-Major Williams to O.C.A.F., 17/12/88. Minutes on driver Foster's application, 21/12/88, for employment in armoury, recommended by Surgeon-Major Williams, 31/12/88, to G.O. Comg. Further application from driver Foster for light employment, 22/1/89; again, 1/5/89, and Dr. Chisholm's report to O.C.A.F., 6/5/89. O.C.A.F. to G.O. Comg., submitting claim for compensation to driver Foster, 13/5/89. O.C.A.F. to G.O. Comg., recommending driver Foster's discharge, 13/6/89, enclosing former correspondence. Driver Foster's reminder *re* his applications, 13/6/89, with various minutes *re* his employment in armoury. G.O. Comg. to H.E. the Commander-in-Chief, 14/6/89, recommending driver Foster's discharge; *vide* above letter from O.C.A.F., 13/6/89. G.O. Comg. to P.U.S., 14/6/89, recommending a pension for 3 years of £30 per annum, to compensate Foster for his injuries. Driver Foster's further letter, 5/7/89, forwarded to G.O.C., as directed at his Inspection. Letter from P.U.S., 22/7/89, notifying Col. Secretary's approval of payment of pension recommended above by G.O. Comg.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

RESIGNATION OF CAPTAIN W. J. HILL, PENRITH
VOLUNTEER CORPS.

(RETURN RESPECTING.)

Ordered by the Legislative Assembly to be printed, 29 May, 1889.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 16th April, 1889, That there be laid upon the Table of this House,—

“Copies of all papers relating to the resignation of Captain W. J. Hill
“from the Penrith Volunteer Corps in 1883.”

(*Mr. Alfred Allen.*)

The Commandant to The Principal Under Secretary.

Sir, Brigade Office, Sydney, New South Wales, 16 April, 1883.
I have the honor to forward the accompanying letter from the Officer Commanding 1st Regiment New South Wales Volunteer Infantry, enclosing a communication from Second Lieutenant W. J. Hill, of that corps, tendering the resignation of his commission, and to recommend that the same be accepted, and effect given to it in the usual manner.

I have, &c.,
JOHN S. RICHARDSON,
Col. Commandant.

The resignation might be accepted and notified in the usual way.—C.W., 2/5/83. Approved.—
A.S., 3/5/83.

[*Enclosure.*]

Sir, I have the honor to forward herewith a letter from Lieutenant W. J. Hill, tendering the resignation of his commission as Lieutenant in the Volunteer Force.
I have, &c.,
R. PEEL RAYMOND,
Lieutenant-Colonel, Commanding 1st Regiment, Volunteer Infantry.

The Commandant.

[*Sub-Enclosure.*]

Sir, I have the honor to tender you my resignation as a Lieutenant of your regiment.
70, Elizabeth-street, Sydney, 14 April, 1883.
I have, &c.,
W. J. HILL,
Lieutenant, 1st Regiment, Volunteer Infantry.

Lieutenant-Colonel Raymond, 1st Regiment, Volunteer Infantry, Sydney.

Extract from *Government Gazette*, 8 May, 1883.

Colonial Secretary's Office, Sydney, 5 May, 1883.
NOTICE is hereby given that Mr. W. J. Hill has resigned his appointment as Second Lieutenant in the 1st Regiment, New South Wales Volunteer Infantry.

ALEX. STUART.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CABLE FOR TORPEDO PURPOSES.
(CORRESPONDENCE RESPECTING TENDERS FOR.)

Ordered by the Legislative Assembly to be printed, 5 March, 1889.

The Honorable Jno. M. Creed, M.L.C., to The Principal Under Secretary.

Sir,

29 December, 1887.

Will you please ascertain as quickly as possible whether tenders were called for the supply of 30 knots of cable supplied by Messrs. Johnson and Phillips, 14 Union Court, Old Broad-street, E.C., for torpedo purposes—invoice dated July 7, 1885. It is highly desirable that this information should be obtained before the Select Committee on Torpedo Defence makes its report, which it is hoped will be done immediately on the resumption of Parliament.

I am, &c.,

JNO. M. CREED,
Chairman.

The Clerk of Select Committees, Legislative Council, to The Principal Under Secretary.

Sir,

Sydney, 13 January, 1888.

I am directed by the Chairman of the Select Committee on the "Torpedo Defences of the Colony," to ask if you have yet obtained from the Agent-General's Office the information asked for by him, as to whether tenders were called for the supply of armoured cable in 1885 for the use of the Torpedo Corps.

I have, &c.,

E. A. GARLAND,
For the Clerk of Select Committees.

Inform them the information appears of such an unusual character that the Colonial Secretary would be glad to be informed for what special purpose it is required before incurring the expense of obtaining it by cable.—H.P., 16/1/88.

The Principal Under Secretary to The Clerk of Select Committees, Legislative Council.

Sir,

Colonial Secretary's Office, Sydney, 17 January, 1888.

In acknowledging the receipt of your letter of the 13th instant, requesting that certain information may be obtained from the Agent-General, regarding armoured cable for the use of the Torpedo Corps, for the Select Committee on the Torpedo Defences of the Colony, I am directed to inform you that the information appears of such an unusual character that the Colonial Secretary would be glad to be informed for what special purpose it is required before incurring the expense of obtaining it by cable.

I have, &c.,

CRITCHETT WALKER,
Principal Under Secretary.

The Acting Agent-General to The Colonial Secretary.

Sir, 5, Westminster Chambers, Westminster, S.W., 2 March, 1888.

I have the honor to inform you that I have been "asked by the Honorable John Mildred Creed, M.L.C. (Chairman of the Committee of the Legislative Council to inquire into the purchase, &c., of cables), to furnish to him certain particulars in regard to the cables purchased through this Department." The information asked for I enclose herein, and request that you will be so good as to cause the same to be forwarded to Mr. Creed.

I have, &c.,

DANIEL COOPER.

Shall these be forwarded to Dr. Creed?—C.W., 10/4/88.

[Enclosures.]

Sir, 5, Westminster Chambers, Westminster, S.W., 2 March, 1888.

Sample of cable,
30 knots.

I have the honor to acknowledge the receipt of your letter of the 16th January last, No. 88-18, asking to be informed with full particulars in regard to the 30 knots of cable, and 6 knots of seven-core multiple cable, ordered in the Honorable the Colonial Secretary's despatch, No. 85-212 of the 10th January, 1885; and 3 miles of 50 conductor cable, ordered in despatch No. B 84-7,208 of 30th June, 1884.

In response to your request I append hereto full particulars in reference to the three cables in question, which I trust will meet with your requirements.

I have, &c.,

DANIEL COOPER.

The Honorable John Mildred Creed, M.L.C., &c.,

Chairman, Committee of Legislative Council to inquire into the purchase, &c., of cables.

INQUIRY by Select Committee of Legislative Council into "the purchase, storage, and present condition of insulated cable," the property of the New South Wales Government.

Memoranda in answer to questions raised in letter of the Honorable J. M. Creed, M.L.C., M.R.C.S., Chairman of Select Committee, addressed to the Agent-General for New South Wales, dated 16th January, 1888, No. 88-18.

	PAGE:
No 30 knots single core cable.....	2
No 6 knots multiple cable	3
No 3 miles 50 conductor cable	9

(F. 1,256.)

RE purchase, &c., by Agent-General for New South Wales of 30 knots of single core armoured copper conductor, ordered in C.S. despatch, No. 85-212, of 10th January, 1885.

Question.

- (1.) Whether tenders were called for the supply of 30 knots of cable ordered in C.S. despatch, No. 85-212, dated 10th January, 1885, Torpedo Branch?
- (2.) If not, was it ordered direct from the manufacturers, Messrs. Johnson and Phillips, 14, Union Court, Old Broad-street, E.C., who supplied it, accompanied by invoice dated 7th July, 1885.
- (3.) If ordered direct from this firm without tenders being called by whose recommendation was this order given to them?
- (4.) Furnish copies of all the papers in the possession of your office, and any other information which can be procured relating to the purchase of this cable.

Answer.

- (1.) Yes.
Upon receipt of this indent from the Honorable the Colonial Secretary it was referred to Major-General Steward, R.E., who recommended that the undermentioned firms should be invited to tender for the 30 knots of cable in question, and on the 7th April, 1885, tenders were received from the firms referred to, viz., Messrs. W. T. Henley & Co. (Limited) the India-rubber Gutta-percha and Telegraphic Works Co. (Limited), Messrs. Siemens Bros.
- Copies of those tenders are appended hereto, marked respectively A, B, & C. (In connection therewith see also documents marked A, B, C 1 and A, B, C 2.)
- On the 20th of the same month an estimate was received by the Agent-General, through Major F. C. Cracknell (then on a visit to England) from Messrs. Johnson & Phillips of 14, Union Court, E.C., for the supply of the same description of cable (See documents annexed, marked D, E, and F.)
- The whole of the foregoing documents were submitted to Major Cracknell for consideration, and the paper marked G contains a copy of his recommendation.
- A copy of the acceptance of Messrs. Johnson and Phillips' tender is hereto appended, marked H.
- Copies of the following correspondence, having reference to the inspection of the cable are also attached, viz. :—
- Letter from Messrs. Johnson & Phillips, dated 1st May, 1885.—I.
- Agent-General to Major Cracknell, 5th May, 1885.—J.
- Minute by Major Cracknell to Agent-General, 14th May, 1885.—K.
- Agent-General to Johnson & Phillips, 15th May, 1885.—L.
- Johnson & Phillips to Agent-General, 12th June, 1885.—M.
- Agent-General to Major Cracknell.—N.
- Major Cracknell to Agent-General.—O.
- Invoice of Messrs. Johnson & Phillips—certified by Major Cracknell.—P.

A.

TENDER.

To the Agent-General for New South Wales, 5, Westminster Chambers, Victoria-street, S.W.,—

Sir,

We hereby undertake and agree to manufacture and supply for the Government of New South Wales, and to deliver properly and securely packed for shipment to Sydney, and in good order and condition, free on board in London, the several goods mentioned on the other side, or such of them as you may accept this tender for at the respective prices set opposite to the description of the same respectively, and that the same shall be ready for shipment within the times set opposite to the description of the same respectively, and be subject to inspection during their manufacture and to approval on their completion by you or your nominee.

We

We will advise you where the goods are being manufactured, and afford you all such facilities and means as you or your nominee may require for the inspection and testing of the same, and of the materials of which the same are being manufactured, and will observe and comply with any directions which you or your nominee may from time to time give with reference to such goods or materials.

We will also, within the time or times respectively named for the goods ordered by you to be ready for shipment, send you particulars of the weight, dimensions, and mode of packing, and five copies of invoice, so that you may send the necessary shipping instructions for the goods, when approved, and we undertake and agree to deliver the said goods, or any of them, as you may require, free on board, from time to time, within seven days after receipt of your shipping instructions.

And we hereby guarantee that any goods supplied under this tender shall be of our own manufacture, and of the best quality and workmanship, and shall comply in all respects with the description given below, and with any other instructions given by or on behalf of the New South Wales Government; and we undertake and agree that no approval by you, or on your behalf, nor any payment made to us in respect of such goods shall in any manner, or to any extent, prejudice any claim or demand which you or the Government of New South Wales may have against us in the event or in consequence of the goods supplied not being properly or securely packed, or not being duly and punctually ready for shipment, or not being such as is hereby guaranteed.

It is understood and agreed that payment is to be made within seven days after receipt by you of clean bills of lading.

It is also understood and agreed that if we should at any time sublet the work, or any part of it, or fail to comply with your orders or instructions in accordance with this tender, if accepted wholly or in part, you are to be at liberty to rescind the contract wholly or in part, and to obtain elsewhere the goods or any of them not then approved by you, or if approved, not shipped within the time limited; and we will pay any increased costs and expenses which may be incurred by reason of our default.

Yours, &c.,

G. SUTTON,
Secretary

(For W. T. Henley's Telegraph Works Co., Limited).

Description of goods.	Price, stating the discount to be allowed for payment as above.	Time to be ready for shipment.
6 knots of seven-core multiple cable copper conductor, 20 B.W.G., four strand in each conductor, India-rubber Hooper core armour, sixteen No. 19 galvanized iron wires, each covered with tape and two servings of hemp, and covered with a composition of pitch and tar, at per knot.	£209 per knot net	Four weeks. If six weeks were given we would make a reduction in the price of £3 15s. per knot.
30 knots single core armoured copper conductor, 20 B.W.G., four strand India-rubber Hooper core armour, ten No. 13 galvanized iron wires covered with tape, and two servings of hemp covered with a composition of pitch and tar, at per knot.	£71 per knot net	Four weeks. If six weeks were given we would make a reduction in the price of £2 10s per knot.
<p>The price quoted by you must be inclusive of packing and delivery f.o.b. ship in London.</p> <p>To be of the very best quality and description in all respects, and to be subject to inspection and approval by Major-General Steward, R.E. (or other officer duly authorized).</p> <p>Please state proposed mode of packing.</p>		<p>The cables would be packed on drums, the seven-core cable being packed $\frac{1}{2}$ knot on each drum, the total weight being about 3 tons.</p> <p>The single-core cable would be packed 2 knots on each drum, the total weight being about $3\frac{1}{2}$ tons per drum of cable.</p> <p>If you would prefer the cable shipped in a tank, we could supply a water-tight iron tank and coil the cable in it for £30 in addition to the above tender.</p>

B.

TENDER.

To the Agent-General for New South Wales, 5, Westminster Chambers, Victoria-street, S.W.

Sir,

Silverton, 2 April, 1885.

We hereby undertake and agree to manufacture and supply for the Government of New South Wales, and to deliver properly and securely packed for shipment to Sydney, and in good order and condition free on board in London, the several goods mentioned on the other side, or such of them as you may accept this tender for, at the respective prices set opposite to the description of the same respectively, and that the same shall be ready for shipment within the times set opposite to the description of the same respectively, and be subject to inspection during their manufacture, and to approval on their completion, by you or your nominee.

We will advise you where the goods are being manufactured, and afford you all such facilities or means as you or your nominee may require for the inspection and testing of the same and of the materials of which the same are being manufactured, and will observe and comply with any directions which you or your nominee may from time to time give with reference to such goods or materials.

We will also, within the time or times respectively named for the goods ordered by you to be ready for shipment, send you particulars of the weight, dimensions, and mode of packing, and five copies of invoice, so that you may send the necessary shipping instructions for the goods, when approved, and we undertake and agree to deliver the said goods or any of them, as you may require, free on board, from time to time, within seven days after receipt of your shipping instructions.

And we hereby guarantee that any goods supplied under this tender shall be of our own manufacture and of the best quality and workmanship, and shall comply in all respects with the description given below, and with any other instructions given by or on behalf of the New South Wales Government, and we undertake and agree that no approval by you or on your behalf, nor any payment made to us in respect of such goods shall in any manner or to any extent prejudice any claim or demand which you or the Government of New South Wales may have against us in the event or in consequence of the goods supplied not being properly or securely packed, or not being duly or punctually ready for shipment, or not being such as is hereby guaranteed.

It is understood and agreed that payment is to be made within seven days after receipt by you of clean bills of lading.

It is also understood and agreed that if we should at any time sublet the work or any part of it, or fail to comply with your orders or instructions in accordance with this tender if accepted wholly or in part, you are to be at liberty to rescind the contract wholly or in part, and to obtain elsewhere the goods or any of them not then approved by you, or if approved, not shipped, within the time limited, and we will pay any increased costs and expenses which may be incurred by reason of our default.

Yours, &c.,

J. W. BAILEY

(Pro the India-rubber, Gutta Percha, and Telegraph Works Co., Limited).

Description of goods.	Price, stating the discount to be allowed for payment as above.	Time to be ready for shipment.
<p>6 knots of 7-core multiple cable, copper conductor 20 B.W.G., four strand in each conductor, India-rubber Hooper core armour, sixteen No. 9 galvanized-iron wires, each covered with tape and two servings of hemp, and covered with a composition of pitch and tar, at per knot.</p> <p>30 knots single-core armoured copper conductor 20 B.W.G., four-strand India-rubber Hooper core armour, eight No. 13* galvanized-iron wires, covered with tape and two servings of hemp, covered with a composition of pitch and tar, at per knot.</p> <p>The price quoted by you must be inclusive of packing and delivery f.o.b. ship in London.</p> <p>To be of the very best quality and description in all respects, and to be subject to inspection and approval by Major-General Steward, R.E. (or other officer duly authorized).</p> <p>Please state proposed mode of packing.</p>	<p>£312 per knot</p> <p>£60 per knot</p>	<p>One month from receipt of order.</p> <p>Packed either on half-knot wood drums for the 7-conductor, and knot drums for the single conductor, or in a sparred wood tank.</p>

*Altered to ten No. 13, per letter 27th March, 1885 (memo. by contractors).

C.
TENDER.

To the Agent-General for New South Wales, 5, Westminster Chambers, Victoria-street, S.W.

Sir,

12, Queen Anne's Gate, Westminster, 2 April, 1885.

We hereby undertake and agree to manufacture and supply for the Government of New South Wales, and to deliver properly and securely packed for shipment to Sydney, and in good order and condition, free on board in London, the several goods mentioned on the other side, or such of them as you may accept this tender for, at the respective prices set opposite to the description of the same respectively, and that the same shall be ready for shipment within the times set opposite to the description of the same respectively, and be subject to inspection during their manufacture and to approval on their completion by you or your nominee.

We will advise you where the goods are being manufactured, and afford you all such facilities and means as you or your nominee may require for the inspection and testing of the same, and of the materials of which the same are being manufactured, and will observe and comply with any directions which you or your nominee may from time to time give with reference to such goods or materials.

We will also, within the time or times respectively named for the goods ordered by you to be ready for shipment, send you particulars of the weight, dimensions, and mode of packing, and five copies of invoices, so that you may send the necessary shipping instructions for the goods when approved; and we undertake and agree to deliver the said goods, or any of them, as you may require, free on board, from time to time, within seven days after receipt of your shipping instructions.

And we hereby guarantee that any goods supplied under this tender shall be of our own manufacture and of the best quality and workmanship, and shall comply in all respects with the description given below, and with any other instructions given by or on behalf of the New South Wales Government; and we undertake and agree that no approval by you or on your behalf, nor any payment made to us in respect of such goods, shall in any manner or to any extent prejudice any claim or demand which you or the Government of New South Wales may have against us in the event or in consequence of the goods supplied not being properly or securely packed, or not being duly and punctually ready for shipment, or not being such as is hereby guaranteed.

It is understood and agreed that payment is to be made within seven days after receipt by you of clean bills of lading.

It is also understood and agreed that if we should at any time sublet the work or any part of it, or fail to comply with your orders or instructions in accordance with this tender, if accepted wholly or in part, you are to be at liberty to rescind the contract wholly or in part, and to obtain elsewhere the goods or any of them not then approved by you, or if approved, not shipped within the time limited, and we will pay any increased costs and expenses which may be incurred by reason of our default.

Yours, &c.,

(For Siemens Bros. & Co., Limited),

J. J. EASTON.

Description of goods.	Price, stating the discount to be allowed for payment, as above.	Time to be ready for shipment.
<p>6 knots of 7-core multiple cable copper conductor, 20 B.W.G., four strand in each conductor, India-rubber Hooper core armour, sixteen No. 9 galvanized-iron wires, each covered with tape and two servings of hemp, and covered with a composition of pitch and tar, at per knot.</p> <p>30 knots single-core armoured copper conductor 20 B.W.G., four strand, India-rubber Hooper core armour, ten No. 13 galvanized-iron wires, covered with tape, and two servings of hemp covered with a composition of pitch and tar, at per knot.</p> <p>The price quoted by you must be inclusive of packing and delivery f.o.b. ship in London.</p> <p>To be of the very best quality and description in all respects, and to be subject to inspection and approval by Major-General Steward, R.E. (or other officer duly authorized). Please state proposed mode of packing.</p>	<p>£291 per knot net</p> <p>£72 15s. per knot net.</p>	<p>We can deliver the total 36 knots of cable in ten weeks from receipt of order.</p> <p>The 7-core multiple cable would be packed one knot on a drum, and the single core cable 2 knots on a drum.</p>

(A.B.C.) L.

MEMO. by Major-General Steward, R.E., to Agent-General, respecting the tenders for 30 knots single-core cable, invited from the Indian-rubber, Gutta-percha, &c., Company, Messrs. Siemens Bros. & Co., and Henley's Telegraph Works, &c., Company.

Agent-General,—

With reference to the 30 knots of single-core cable required by Colony, tape covering is specified for the protecting wires. As this takes up less room than hemp, it will be necessary to increase number of protecting wires from eight to ten. This has been done in the wires recently supplied to the War Department. Unless done the covering will be incomplete.

Notification to the firms invited to tender will be necessary.

E. HARDING STEWARD,

Major-General, 26/3/85.

COPY

COPY of letter sent, by direction of Agent-General, to the Indian-rubber, &c., Company, Messrs. Siemens Bros. & Co., and Henley's Telegraph Works, &c., Company, in accordance with General Steward's memo., marked (A.B.C.) 1. A.B.C.) 2

Gentlemen,

5, Westminster Chambers, London S.W., 27 March, 1885.
With reference to the form of tender for cables sent to you on the 25th instant, please note that the 30 knots of single core should be 10 No. 13 instead of 9 No. 13, galvanized iron wires covered with tape, as therein stated.

Yours, &c.,

S. YARDLEY,
Secretary, N.S.W. Government Agency.

D.

ESTIMATE given by Johnson & Phillips, Telegraph Works, Charlton, London, S.E., 20th April, 1885—To Major E. C. Cracknell, London—For submarine cables with single conductors.

Single conductor cables for submarine mines or for establishing communication between ships in action, connecting forts, &c.

Core—Four No. 20, high conductivity tinned copper wires stranded and insulated with best vulcanized India-rubber, and taped.

Sample No. 1—Core, as specified above, protected with a stearine tape and sheathed with eighteen No. 18 mild steel galvanized wires, protected on outside with three compounded tapes.

Diameter of complete cable, 0.45 inch.

Breaking strain cable, 25 cwt.

Price per statute mile, £61 15s.

Sample No. 2—Core, as specified above, protected with three tapes and sheathed with eighteen No. 16 mild steel galvanized wires, protected on outside with three compounded tapes.

Diameter of complete cable, 0.6 inch.

Breaking strain cable, 75 cwt.

Price per statute mile, £75.

BENNETT PELL,
(Pro JOHNSON & PHILLIPS).

E.

F. 1,256 cable.

Gentlemen,

5 Westminster Chambers, 23 April, 1885.

With reference to your estimate, dated 20th instant, for submarine cables, I am desired by the Agent-General for New South Wales to ask you to be so good as to state whether the price quoted by you for cable to your sample No. 1, at £61 15s., is at per statute mile or per knot. If the price is only at per statute mile, please say what extra charge would be made for the cable at per knot, including packing and delivery free on board ship in London.

I have, &c.,

S. YARDLEY,

Secretary, N.S.W. Government Agency.

Messrs. Johnson & Phillips, Telegraph Works, Charlton, S.E.

F.

Sir,

Johnson & Phillips, 14, Union Court, Old Broad-street, London, E.C., 24 April, 1885.

In reply to your letter No. F 1,256, cable, dated 23rd instant, we have the honor to inform you that we are prepared to supply the cable referred to, i.e., as per our sample No. 1, at £67 15s. per knot, packed and delivered f.o.b. Thames.

Hoping that we may be favoured with your orders, which would receive our careful and prompt attention.

We have, &c.,

BENNETT PELL,

(pro JOHNSON & PHILLIPS).

The Agent-General for New South Wales, 5, Westminster Chambers, S.W.

G.

I forward you a sample of a cable, single core, armour coated, for submarine mining, manufactured by Messrs. Johnson & Phillips, which is in every way suitable for the purpose, and in every respect as good a cable as that specified for by the Government of New South Wales, and I recommend that the thirty knots ordered be sent out of this kind, the price being much lower than the one quoted (*vide* Submarine Mining Manual, 1880, page 344), Class F.

E. C. CRACKNELL,

Major, Torpedo and Signalling Corps, New South Wales.

22/4/85.

Sir Saul Samuel, K.C.M.G., Agent-General, New South Wales.

I also recommend that the offer of Messrs. Siemens be accepted for the six knots of 7-core cable, at £291 per knot.—
E.C.C., 22/4/85.

H.

New South Wales Government Offices, 5 Westminster Chambers, Victoria-street, S.W., 23 April, 1885.

Gentlemen,

I hereby accept your tender dated 20th April, 1885, for the goods hereunder specified.

Be good enough to acknowledge the receipt of this letter, and to inform me where the goods will be manufactured, and when they can be inspected.

Yours, &c.,

SAUL SAMUEL,

Agent-General for New South Wales.

Messrs. Johnson & Phillips, Telegraph Works, Charlton, S.E.

Description of goods.	Price.	Time to be ready for Shipment.
Thirty knots of cable to your sample No. 1, to be subject to the inspection of Major-General Steward, R.E., and after approval to be packed in the best possible manner for shipment to Sydney and delivered f.o.b. in London.	Packed and delivered f.o.b. London, £67 15s. per knot.	When will this cable be ready for delivery?

I.

Sir,

14, Union Court, Old Broad-street, London, E.C., 1 May, 1885.

We have the honor to acknowledge, with thanks, the receipt of your letter No. F-1,256, dated 28th ultimo, accepting our tender of 20th April last, for thirty knots cable to our sample No. 1.

In reply to the questions contained in your letter, we beg to say that the cable will be manufactured at our Works in Victoria Road, Charlton, S.E., and that it will be ready for delivery in about seven weeks.

If you will kindly inform us at what stages of the manufacture this cable will be subject to inspection, we shall have pleasure in advising you when we are ready.

A *pro forma* invoice is enclosed as requested.

We have, &c.,

BENNETT PELL,

(pro JOHNSON & PHILLIPS.)

The Agent-General for New South Wales, 5 Westminster Chambers, Victoria-street, S.W.

J.

6

Sir,

J. 5, Westminster Chambers, London, S.W., 5 May, 1885.
I am desired by the Agent-General for New South Wales to inform you that he has received a communication from Messrs. Johnson and Phillips, the firm you recommended to be entrusted with the order for thirty knots of cable to their sample No. 1, in which they state that the cable will be ready for delivery in about seven weeks, and asking during what stages of manufacture it will be subject to inspection. Will you kindly state your wishes in regard to this matter, in order that a reply may be sent to Messrs. Johnson and Phillips.

Yours, &c.,

S. YARDLEY,

Secretary, N.S.W. Government Agency.

Major E. C. Cracknell, Queen Anne's Mansions, S.W.

K.

Minute by Major Cracknell, in reply to letter from Agent-General's Department, of the 5th May, 1885—J.
I WILL pay periodical visits to Charlton and inspect the cable during its manufacture.

E.C.C., 14/5/85.

L.

(Please quote F. 1,256, 30 knots cable.

Gentlemen,

5, Westminster Chambers, London, S.W., 15 May, 1885.
Referring to your letter of the 1st instant, on the subject of the inspection of the 30 knots of cable which you are now making for the Government of New South Wales, I am desired by the Agent-General to inform you that it is proposed that Major Cracknell shall pay periodical visits to your works at Charlton to inspect the cable during its manufacture.

Yours, &c.,

S. YARDLEY,

Secretary, N.S.W. Government Agency.

Messrs. Johnson and Phillips, 14, Union Court, Old Broad-street, E.C.

M.

No. F. 1,256—30 knots cable.

Sir,

14, Union Court, Old Broad-street, London, E.C., 12 June, 1885.
We have the honor to inform you that we have now completed the manufacture of the 30 knots of cable to your esteemed order of 28th April last, and it will be ready for shipment after a final inspection by Major Cracknell. We have advised that gentleman of its completion.

We have, &c.,

Pro JOHNSON & PHILLIPS,

BENNETT PELL.

The Agent-General for New South Wales, 5, Westminster Chambers, Victoria-street, S.W.

N.

Minute from Agent-General's Department to Major Cracknell, on back of letter marked M.

Major Cracknell,—

Please note and return, and state when you have finally inspected, approved, and passed the cable referred to herein.

S. YARDLEY,

Secretary, N.S.W. Government Agency, 13/6/85.

O.

Minute in reply, by Major Cracknell.

I HAVE finally inspected and passed the 30 knots of cable referred to herein, and the account can now be paid.

E. C. CRACKNELL, 2/7/85.

P.

The Agent-General for New South Wales to Johnson & Phillips.

14 Union Court, Old Broad-street, London, 7 July, 1885.

30 knots cable to sample No. 1, at	per knot.	
Coiled on drums and covered with several layers of compounded hessian, and bound round with thick bagging, and sewn securely ready for shipment.	£67 15 0	£2,032 10 0

Received,—

Pro JOHNSON & PHILLIPS.

E. BLOXHAM, 27/8/85.

Major Cracknell.—Please certify and return. Is the extra charge of 32s. 6d. per drum correct (30 drums)?—S. YARDLEY, Secretary, N.S.W. Government Agency, 6/8/85. Certified—Yes.—E. C. CRACKNELL, 6/8/85.

(F. 1,256.)

Its purchase, &c., by Agent-General for New South Wales, of 6 knots of seven core multiple cable copper conductor, ordered in C.S. despatch, No. 85-212, of 10th January, 1885.

Question:—

(1.) Whether tenders were called for the supply of 6 knots of seven core multiple cable, ordered in C.S. despatch, No. 85-212, dated 10th January, 1885. Torpedo Branch?

(2.) If not, was it ordered direct from the manufacturers, Messrs. Siemens Bros., who supplied it?

(3.) If ordered direct from this firm without tenders being called, by whose recommendation was this order given to them?

(4.) Furnish copies of all the papers in the possession of your office; and any other information which can be procured relating to the purchase of this cable?

Answer:—

(1.) Yes.

Upon receipt of this indent from the Honorable the Colonial Secretary, it was referred to Major-General Steward, R.E., who recommended that the undermentioned firms should be invited to tender for the 6 knots of seven core multiple cable copper conductor in question, and on the 7th April, 1885, tenders were received from the firms referred to, viz.:—Messrs. W. T. Henley & Co. (Limited), the India-rubber, Gutta-percha, and Telegraph Works Co. (Limited), Messrs. Siemens Bros.

Copies of those tenders are appended hereto, marked respectively No. 1, No. 2, and No. 3.* These tenders were then referred to Major Cracknell for consideration, and on the 22nd April, 1885, that gentleman recommended the acceptance of Messrs. Siemens' tender. See copy of letter herewith, and copy of acceptance of tender, numbered respectively 4 and 5.†

* A.B.C. before referred to.

† See "G."

7

Copies of the following correspondence are appended hereto, having reference to the inspection and approval of the cable under notice, viz. :-

- Letter from Siemens Bros. to Agent-General, dated 30th June, 1885—No. 6.
 Agent-General to Major Cracknell, 1st July, 1885—No. 7.
 Major Cracknell to Agent-General, 2nd July, 1885—No. 8.
 Agent-General to Major-General Steward, 3rd July, 1885—No. 9.
 Major-General Steward to Agent-General, 6th July, 1885—No. 10.
 Agent-General to War Office, 7th July, 1885—No. 11.
 War Office to Agent-General, with enclosure, 30th July, 1885—No. 12.
 Invoice of Siemens Bros. Certified by Major-General Steward—No. 13.

5.

New South Wales Government Offices, 5, Westminster Chambers,
 Victoria-street, S.W., 28 April, 1885.

Gentlemen,

I hereby accept your tender dated 2nd April, 1885, for the goods hereunder specified.

Be good enough to acknowledge the receipt of this letter, and to inform me where the goods will be manufactured, and when they can be inspected.

Yours, &c.,

SAUL SAMUEL,

Agent-General for New South Wales.

Messrs. Siemens, Bros., & Co., 12, Queen Anne's Gate, S.W.

Description of Goods.	Price.	Time to be ready for Shipment.
Six knots of seven-core multiple cable, copper conductor, 20 B.W.G., four strand in each conductor, india-rubber hooper core armour, 18 No. 9, galvanized iron wires, each covered with tape and two servings of hemp and covered with a composition of pitch and tar; to be of the very best quality and description in all respects, and to be subject to the inspection and approval of Major-General Steward, R.E., or other officer; afterwards to be packed, 1 knot on a drum, and delivered F.O.B., London.	£201 per knot.	In ten weeks.

6.

Sir,

12, Queen Anne's Gate, Westminster, London, S.W., 30 June, 1885.
 We beg to inform you that the 6 knots of cable ordered by you on the 28th April will be ready for inspection on the 3rd July. We shall be obliged if you will let us know the name of your inspector, and the day on which he will go to our works at Woolwich, so that we may forward you a card of admission for him.

We are, &c.

(For Siemens Bros. & Co., Limited),

J. J. EASTON.

The Agent-General for New South Wales, 5, Westminster Chambers.

7.

The Agent-General to Major Cracknell.

Will you please say whether you desire to inspect the cable referred to herein.

1/7/85.

S. YARDLEY,

Secretary, New South Wales Government Agency.

8.

Major Cracknell to Agent-General.

I AM leaving London for the continent, and cannot spare sufficient time to inspect this cable. I think Mr. Preece or some other professional man should test and pass it.

2/7/85.

E. C. CRACKNELL.

9.

The Agent-General to Major-General Steward.

Major-General Steward,—What do you propose should be done in regard to the inspection of the cable referred to herein.

3/7/85.

S. YARDLEY,

Secretary, New South Wales Government Agency.

10.

Major-General Steward to Agent-General.

Agent-General.—The proper course is to write to S. S. War, and request him to cause authority to be given to an officer of the Submarine Mining Branch of the War Office to test the Cable (6 knots) manufactured by Messrs. Siemens, for your Government, add copy of specification, and say that you will be prepared on behalf of your Government to meet any expenses which may be incurred in making the test.

6/7/85.

E. HARDING STEWARD.

11.

F. 1256, 6 knot cable.

Sir,

5, Westminster Chambers, 7 July, 1885.

I have the honor to inform you that an order has been placed by me with Messrs. Siemens Brothers and Co., of 12, Queen Anne's Gate, S.W., for the supply of 6 knots of seven-core multiple cable, copper conductor, 20 B.W.G., four strand in each conductor, india-rubber hooper core, armour 18, No. 9 galvanized iron wires, each covered with tape and two servings of hemp, and covered with a composition of pitch and tar, and I shall feel extremely obliged if you will be so good as to allow an officer of the Submarine Mining Branch of your Department to test and report upon the cable, which is now ready.

I shall of course be prepared, on behalf of my Government, to repay the cost of any expenses which may be incurred in carrying out the tests.

I have, &c.,

SAUL SAMUEL.

The Under Secretary of State for War, War Office, S.W.

12.

Sir, In reference to your letter of the 7th instant, desiring that an officer of the Submarine Mining Branch of this Department might test and report upon certain cable ordered of Messrs. Siemens Bros. & Co. for the Government of New South Wales, I am directed by the Secretary of State for War to acquaint you that the cable in question has been examined and that the accompanying tables of tests (Nos. 1 and 2) show the results.

War Office, 30 July, 1885.
I have, &c.,
H. SCHAW (for J.G.F.)

Sir Saul Samuel, K.C.M.G., Agent-General, New South Wales.

(No. 1.)
SIEMENS BROTHERS & Co.—Electrical Tests of Cable to Order, No. 13,323, 22nd July, 1885.

No. of Section.	Length of Cable in knots.	I.R. Core.		Conductor resistance in ohms.		Dielectric resistance in megohms per nautical mile at 75° F.		Temperature of water, Deg. F.
		No.	Length in nautical miles.	Measured.	Per nautical mile at 75° F.	1 minute.	2 minutes.	
1	1,000	1	1,012	13-266	13-49	1,693	2,399	62°
		2	"	14-128	14-37	1,693	2,315	"
		3	"	14-295	14-54	1,800	2,618	"
		4	"	13-917	14-16	1,920	2,618	"
		5	"	13-440	13-67	1,800	2,618	"
		6	"	14-559	14-81	1,693	2,399	"
		7	Centre 1,001	13-886	14-07	1,920	2,618	"
		8	1,012	13-782	14-02	1,800	2,618	"
		9	"	14-648	14-90	1,920	2,618	"
		10	"	14-211	14-45	1,920	2,618	"
2	1,000	11	"	13-925	14-16	1,800	2,618	"
		12	"	14-106	14-35	2,033	2,879	"
		13	"	14-298	14-54	1,800	2,618	"
		14	Centre 1,001	13-761	14-00	1,800	2,618	"
		15	1,012	14-350	14-60	1,920	2,618	"
		16	"	13-760	14-00	1,800	2,618	"
		17	"	14-575	14-82	1,693	2,379	"
		18	"	14-015	14-25	2,033	2,879	"
3	1,000	19	"	13-920	14-16	1,920	2,618	"
		20	"	14-107	14-35	1,800	2,618	"
		21	Centre 1,001	13-632	13-86	1,515	2,033	"
		22	1,012	13-916	14-16	1,920	2,618	"
		23	"	14-296	14-54	2,033	2,879	"
		24	"	14-209	14-45	2,033	2,879	"
4	1,000	25	"	14-790	15-04	2,033	2,879	"
		26	"	13-812	14-05	2,033	2,879	"
		27	"	13-621	13-85	2,033	2,879	"
		28	Centre 1,001	13-680	13-91	2,033	2,879	"

P. ESTLES.

(No. 2.)
SIEMENS BROTHERS & Co.—Electrical Tests of Cable to Order, No. 13,323, 22nd July, 1885.

No. of Sections.	Length of Cable in knots.	I.R. Core.		Conductor resistance in ohms.		Dielectric resistance in megohms per nautical mile at 75° F.			Temperature of water, Deg. F.	Remarks.
		No.	Length in nautical miles.	Measured.	Per nautical mile at 75° F.	1 minute.	2 minutes.	5 minutes.		
5	1,000	29	1,012	14-114	14-35	1,920	2,618	62°	
		30	"	13-729	13-97	1,800	2,618	.....	"
		31	"	13-826	14-06	2,033	2,879	.....	"
		32	"	13-799	14-04	2,033	2,879	.....	"
		33	"	14-184	14-43	2,033	2,879	.....	"
		34	"	14-311	14-55	2,033	2,879	.....	"
		35	Centre 1,001	14-615	14-86	2,033	2,879	.....	"
		36	1,012	13-829	14-06	1,693	2,399	.....	"
6	1,000	37	"	14-004	14-24	1,920	2,618	.....	"
		38	"	13-878	14-12	2,033	2,879	.....	"
		39	"	14-170	14-41	1,920	2,618	.....	"
		40	"	13-826	14-06	2,033	2,879	.....	"
		41	"	14-184	14-43	1,920	2,618	.....	"
		42	Centre 1,001	13-828	14-06	2,033	2,879	.....	"
1	7,073	97-422	14-17	1,677	2,340	3,471	"	Seven cores in series.
2	"	98-722	14-36	1,677	2,340	3,413	"	"
3	"	98-342	14-30	1,611	2,268	3,413	"	"
4	"	98-342	14-30	1,917	2,796	4,108	"	"
5	"	97-582	14-19	1,797	2,517	3,659	"	"
6	"	98-282	14-29	1,677	2,340	3,471	"	"

P. ESTLES.

The Agent-General for New South Wales, 5, Westminster Chambers, S.W., to Siemens Brothers & Co., (Limited.)
12, Queen Anne's Gate, Westminster, London, S.W., 5 August, 1885.

W. A. 20,216. Per "Parramatta."
For the undermentioned goods to your esteemed order F. 1,256, of the 25th April last.
Six knots of seven (7) core multiple cable copper conductor 20 B.W.G., 4-strand in each conductor, India-rubber Hooper core armour, 16 No. 9 galvanized-iron wires each covered with tape and two servings of hemp and covered with a composition of pitch and tar, at per knot, £291—£1,746.

J. A. WADE.

Ordered in C.S. Despatch 85-212, dated 10/1/85. Store Branch. Major-General Steward,—Please certify and return.—S. YARDLEY, Secretary, N.S.W. Govt. Agency, 6/8/85. Original stamped. Certified.—E. HARDING STEWARD, 7/8/85. Received by cheque, £1,746, 18/8/85.—Pro Siemens Bros. & Co., W. E. CARTER.

Re

Re Requisition as to purchase by Agent-General of $1\frac{1}{2}$ miles of 50-conductor cable supplied by Callender's Bitumen Telegraph and Waterproof Company, Limited. Invoice to Agent-General, dated 8th July, 1885, ordered in Despatch No. B 7447, dated 30th June, 1884; and the like as to $1\frac{1}{2}$ miles of 50-conductor cable supplied by the India-rubber, Gutta-percha, and Telegraph Works, Limited. Invoice of about the same date, ordered by same Despatch.

THE Indent received by the Agent-General in letter B 7447 of 30th June, 1884, from the Honorable the Postmaster-General, Sydney, was for 3 miles of 50-core Multiple Cable, Callender's Bitumen and Waterproof Patent, at £480 per mile, to be obtained from the makers, Callender's Bitumen Telegraph and Waterproof Company, Limited, 101, Leadenhall-street, London, E.C.

A tender was invited from that Company, and on the 30th August, 1884, the same was sent in to the Agent-General, together with a letter dated 29th idem, copies of which documents are attached hereto, marked respectively A 1 and A 2.

The tender and letter were then referred to Mr. Preece, of the General Post Office, London, on the 30th August, 1884, for examination, and on the 1st September following Mr. Preece returned the same with his recommendation endorsed thereon (copy attached, marked A 3).

On the same date (1st September, 1884) the order was placed with the Callender's Bitumen Telegraph and Waterproof Company, Limited, for 3 miles of cable at £400 per mile (copy of acceptance of tender herewith marked A 4).

A letter was received on the 8th January, 1885, from Mr. Preece, stating that the Callender's Bitumen Telegraph, &c., Company were unable to make this cable to his specification, and enclosing a letter from that firm, addressed to himself, dated 5th idem, to that effect. (See copy letters marked respectively A 5 and A 6.)

As Major Cracknell was, at this time, expected in England, the Agent-General wrote to Mr. Preece suggesting that the matter should remain in abeyance until Mr. Cracknell's arrival. (Copy attached, marked A 7.)

On the 15 April, 1885, Mr. Preece wrote to the Agent-General, and suggested that an order for $1\frac{1}{2}$ miles of cable should be given to "The India-rubber, Cutter-percha, and Telegraphic Works Company, Limited," and that an order for a similar quantity should be placed with "The Callender's Bitumen Telegraph and Waterproof Company, Limited" (a copy of this sent herewith, marked A 8).

Mr. Cracknell attached a minute, to the above letter, containing his recommendation on the subject, (copy appended, marked A 9).

Copies of the tenders of the abovenamed firms are hereto attached, marked respectively, A 10 and A 11.

Copies of the acceptances of those tenders are also attached, marked respectively A 12 and A 13.

The following documents are herewith enclosed, viz:—

Copy of letter from Callender's Bitumen, Telegraph, &c., Company, reporting cable ready for inspection—"A 14."

Minutes thereon as to inspection—"A 15."

Report of inspection, by Mr. Preece, of cable at the India-rubber, Gutta-percha, &c., Company's Works—"A 16."

On the 6th January, 1885, the Agent-General wrote to the Honorable the Colonial Secretary, and furnished answers to certain questions which had been asked in the Legislative Assembly, Sydney, respecting this order for 3 miles of cable; and on the 3rd February following the Agent-General furnished to the Honorable the Colonial Secretary the opinion of Dr. J. Hopkinson, F.R.S.C.E., as to the value of the two samples of the cable under notice.

A 1.

TENDER.

To the Agent-General for New South Wales, 5, Westminster Chambers, Victoria-street, S.W.,—

Sir,

101, Leadenhall-street, London, E.C., 29 August, 1884.

We hereby undertake and agree to manufacture and supply for the Government of New South Wales, and to deliver properly and securely packed for shipment to Sydney, and in good order and condition, free on board in London, the several goods mentioned on the other side, or such of them as you may accept this tender for, at the respective prices set opposite to the description of the same respectively, and that the same shall be ready for shipment within the times set opposite to the description of the same respectively, and be subject to inspection during their manufacture and to approval on their completion by you or your nominee.

We will advise you where the goods are being manufactured, and afford you all such facilities and means as you or your nominee may require for the inspection and testing of the same and of the materials of which the same are being manufactured, and will observe and comply with any directions which you or your nominee may from time to time give with reference to such goods or materials.

We will also, within the time or times respectively named for the goods ordered by you to be ready for shipment, send you particulars of the weight, dimensions, and mode of packing, and five copies of invoice, so that you may send the necessary shipping instructions for the goods, when approved; and we undertake and agree to deliver the said goods, or any of them as you may require, free on board, from time to time, within seven days after receipt of your shipping instructions.

And we hereby guarantee that any goods supplied under this Tender shall be of our own manufacture, and of the best quality and workmanship, and shall comply in all respects with the description given below, and with any other instructions given by or on behalf, of the New South Wales Government; and we undertake and agree that no approval by you or on your behalf, nor any payment made to us in respect of such goods, shall in any manner or to any extent prejudice any claim or demand which you or the Government of New South Wales may have against us in the event or in consequence of the goods supplied not being properly or securely packed, or not being duly and punctually ready for shipment, or not being such as is hereby guaranteed.

It is understood and agreed that payment is to be made within seven days after receipt by you of clean bills of lading.

It is also understood and agreed that if we should at any time sublet the work or any part of it, or fail to comply with your orders or instructions in accordance with this tender, if accepted, wholly or in part, you are to be at liberty to rescind the contract wholly or in part, and to obtain elsewhere the goods or any of them not then approved by you, or if approved, not shipped within the time limited, and we will pay any increased costs and expenses which may be incurred by reason of our default.

Your obedient servants,

For Callender's Bitumen Telegraph and Waterproof Co. (Limited),

JAMES D. SARGENT,

Secretary.

Description of goods.	Price, stating the discount to be allowed for payment as above.	Time to be ready for shipment.
3 miles of 50-core multiple cable, Callender's Bitumen and Waterproof Patent (for the use of the Electric Telegraph Department at Sydney, N.S.W.), as per specification given this day to Mr. W. H. Preece.	£400 per statute mile, net cash.	Delivery within two months from receipt of order.

Drums and packing extra.

A 2.

Dear Sir,

101, Leadenhall-street, London, E.C., 29 August, 1884.

Referring to the tender we are asked to make to the New South Wales Government for 3 miles of 50-core multiple cable, we propose to make it up to the following specification.

We may state that the cable is intended for arial purposes and telephonic use.

Each conductor to be composed of copper wire of No. 21 B.W.G., guaranteed of not less than 96 per cent. conductivity, insulated to No. 12 B.W.G. When insulated and before braiding, we guarantee that the resistance per mile in water at 60° Fahr. will be not less than 100 megohms per statute mile. Each

Each core will be braided, passed through a solution of bitumen, and then stranded. When cabled it will be passed through another solution of bitumen, doubly taped with bitumenized tape and braided overall.
When finished the whole cable will be passed through another solution of bitumen. We guarantee that the resistance of each wire when complete—tested in water—will be not less than 100 megohms per statute mile.
The cable when manufactured will have a capacity of 235 microfarads per mile.

We are, &c.,
(For Callender's Bitumen Telegraph and Waterproof Co., Limited),
JAMES D. SARGENT,
Secretary.

W. H. Preece, Esq.

A 3.

Agent-General's Department to Mr. Preece.

Will Mr. Preece be good enough to look through the within specification, and advise the Agent-General whether he can now accept the tender of Messrs. Callenders.

30/8/84.

S. YARDLEY,
Secretary N.S.W.G.O.

I have looked through the attached specification, and, as Messrs. Callender agree that the cable, when finished, shall be tested in water, it now meets with my approval. I beg to recommend the acceptance of the tender.—W. H. PREECE, per J. H. C., 1st September, 1884. Agent-General.

A 4.

New South Wales Government Offices, 5, Westminster Chambers,
Victoria-street, S.W., 1 September, 1884.

Gentlemen,
I hereby accept your tender dated 29th ultimo for the goods hereunder specified.
Be good enough to acknowledge the receipt of this letter, and to inform me where the goods will be manufactured, and when they can be inspected.
Callender's Bitumen, Telegraph, and Waterproof Co. (Limited),
101, Leadenhall-street, E.C.

Yours, &c.,
SAUL SAMUEL,
Agent-General for New South Wales.

Description of Goods.	Price.	Time to be ready for Shipment.
3 miles of 50-core multiple cable, Callender's bitumen and waterproof patent, for the use of the Electric Telegraph Department in Sydney, N.S.W., as per your specification, 29th August, 1884. After inspection and approval, to be properly packed and delivered f.o.b. in London. Drums and packing extra. Please furnish a <i>pro forma</i> invoice of this order at once, with packing and delivery f.o.b. in London included.	£400 per mile net.	In two months.

A 5.

Sir,
It will be seen from the enclosed letter which I have received from Messrs. Callender & Co., that the 3 miles of 50-core multiple cable which they have made for New South Wales under order F, 1,147 will not comply with the tests required by my specification. Some of the wires give an insulation resistance of only 137,000 ohms per mile. I was afraid of this when the cable was ordered, for my experience of bitumen is that while it is very durable when buried underground, it quickly deteriorates when exposed to the atmosphere; it is therefore most unsuitable for aerial cables—in fact, for such cables india rubber is the only suitable material, and the Post Office uses nothing else. Unless, therefore, the colonial authorities in New South Wales will consent to the cable being placed underground (in which case bitumen might be used), I can only recommend that the order to Messrs. Callender be cancelled, and a cable covered with india rubber substituted.
I certainly cannot endorse the statement that "the cable as it stands * * * is in all respects fit for work," inasmuch as the tests of some of the wires are so much below our standard that we should regard them as faulty.

I have, &c.,
W. H. PREECE.

The Agent-General for New South Wales, Victoria-street, S.W.

A 6.

Dear Sir,
101, Leadenhall-street, London, E.C., 5 January, 1885.
Referring to the conversation we had with you a few days ago on the subject of the order for Sydney, we regret to say that the cable as made will not comply with the tests to which you desire to submit it.
We have made the entire 3 miles, but now find the insulation resistance of each of the wires when stranded will not come up to your specification of 100 megohms in water. We are very sorry for this, and, under the circumstances, do not wish to tender it as in execution of your specification.

We may mention that the sample we sent out to Australia consisted of wires very lightly insulated, and was intended to have a very slight insulation resistance, being simply for light overhead work.
It was on this that the order was sent Home, and we have endeavoured, whilst following our original plan in the manufacture, to comply with your conditions as to testing. This we now find we cannot do.

The cable as it stands, though it will not do what you require of it, is in all respects fit for work, and if laid on the plan we adopt (by embedding it in bitumen) would certainly give satisfactory results.

We would be much obliged if you could suggest its use in this way to the Agent-General for New South Wales, and if they would consent to take it for work such as this we would endeavour to meet their views.

We are, &c.,
(For Callender's Bitumen Telegraph and Waterproof Co., Limited),
JAMES D. SARGENT, Secretary.

W. H. Preece, Esq.

A 7.

Sir,
5, Westminster Chambers, 13 January, 1885.
I am desired by the Agent-General for New South Wales to acknowledge the receipt of your letter of the 6th instant, reporting on the letter which you received from Messrs. Callender & Co. in regard to the order for 3 miles of multiple cable, and, in reply, to inform you that if you are not inclined to recommend the acceptance of the cable which the Callender Bitumen, &c., Co. have made, Sir Saul Samuel will not accept it.

Mr. Cracknell, the Superintendent of Telegraphs in the Colony, will shortly be in England, and it is therefore thought desirable to allow the matter to remain in abeyance until his arrival, when it will be brought before him for consideration.

I am, &c.,
S. YARDLEY,
Secretary, N.S.W. Government Agency.

W. H. Preece, Esq., Now General Post Office, E.C.

11

A 8.

Sir,

New G.P.O., E.C., 15 April, 1885.

With reference to your letter of the 13th instant, I beg to inform you that since my last report I have had the opportunity of consulting with Mr. Cracknell and obtaining his views on the matter. Samples of cable have been submitted by the Indiarubber and Telegraph Works Company, and by Messrs. Callender & Co., which Mr. Cracknell has approved of, and I beg to recommend that an order be given to each firm for 1½ miles—that of the former Company being made of Indiarubber, and that of the latter of Callender's special compound, the prices being £395 and £400 per mile respectively. The cables to be made according to the samples submitted, and to be subject to my inspection.

The Agent-General for New South Wales, 5, Westminster Chambers,
Victoria-street, S.W.

I have, &c.,
W. H. PREECE.

Mr. Cracknell,—For your information and comment.—S. YARDLEY, Sec. N.S.W. G. Agency, 15/4/85.

A 9.

Major Cracknell to The Agent-General.

I think Mr. Preece's recommendation should be carried out, and each tender for 1½ mile of cable be accepted, as it will give a better opportunity of deciding which stands the climate the best, and will be a guide for future orders.

E.C.C., 17/4/85.

A 10.

TENDER.

To the Agent-General for New South Wales, 5, Westminster Chambers, Victoria-street, S.W.,—

Sir,

Silvertown, Essex, E., 21 April, 1885.

We hereby undertake and agree to manufacture and supply for the Government of New South Wales, and to deliver properly and securely packed for shipment to Sydney, and in good order and condition, free on board in London, the several goods mentioned on the other side, or such of them as you may accept this tender for, at the respective prices set opposite to the description of the same respectively, and that the same shall be ready for shipment within the times set opposite to the description of the same respectively, and be subject to inspection during their manufacture and to approval on their completion by you or your nominee.

We will advise you where the goods are being manufactured, and afford you all such facilities and means as you or your nominee may require for the inspection and testing of the same and of the materials of which the same are being manufactured, and will observe and comply with any directions which you or your nominee may from time to time give with reference to such goods or materials.

We will also, within the time or times respectively named for the goods ordered by you to be ready for shipment, send you particulars of the weight, dimensions, and mode of packing, and five copies of invoice, so that you may send the necessary shipping instructions for the goods, when approved; and we undertake and agree to deliver the said goods or any of them as you may require, free on board, from time to time, within seven days after receipt of your shipping instructions.

And we hereby guarantee that any goods supplied under this tender shall be of our own manufacture and of the best quality and workmanship, and shall comply in all respects with the description given below and with any other instructions given by or on behalf of the New South Wales Government; and we undertake and agree that no approval by you or on your behalf, nor any payment made to us in respect of such goods, shall in any manner or to any extent prejudice any claim or demand which you or the Government of New South Wales may have against us in the event or in consequence of the goods supplied not being properly or securely packed, or not being duly and punctually ready for shipment, or not being such as is hereby guaranteed.

It is understood and agreed that payment is to be made within seven days after receipt by you of clean bills of lading.

It is also understood and agreed that if we should at any time sublet the work or any part of it, or fail to comply with your orders or instructions in accordance with this tender, if accepted, wholly or in part, you are to be at liberty to rescind the contract wholly or in part, and to obtain elsewhere the goods, or any of them not then approved by you, or if approved, not shipped within the time limited, and we will pay any increased costs and expenses which may be incurred by reason of our default.

Yours, &c.,
The Indiarubber, Gutta-percha, and Telegraph Works Company (Limited),
JNO. BAILEY.

Description of goods.	Price, stating the discount to be allowed for payment as above.	Time to be ready for shipment.
1½ mile cable to be in accordance with the sample submitted by you to Mr. Preece, and to be subject to his inspection and approval.	£394 per statute mile	Eight weeks.
After inspection and approval to be properly and securely packed to prevent injury during transit to Sydney and delivered f.o.b. in London.		
Packed in ¼ mill-drams as instructed by Mr. Preece, 40s. each.	£8	Eight weeks.
Total cost	£402 per statute mile.	

A 11.

TENDER.

To the Agent-General for New South Wales, 5, Westminster Chambers, Victoria-street, S.W.,—

Sir,

101, Leadenhall-street, E.C., 27 April, 1885.

We hereby undertake and agree to manufacture and supply for the Government of New South Wales, and to deliver properly and securely packed for shipment to Sydney, and in good order and condition, free on board in London, the several goods mentioned on the other side, or such of them as you may accept this tender for at the respective prices set opposite to the description of the same respectively, and that the same shall be ready for shipment within the times set opposite to the description of the same respectively, and be subject to inspection during their manufacture, and to approval on their completion by you or your nominee.

We will advise you where the goods are being manufactured, and afford you all such facilities and means as you or your nominee may require for the inspection and testing of the same, and of the materials of which the same are being manufactured, and will observe and comply with any directions which you or your nominee may from time to time give with reference to such goods or materials.

We will also, within the time or times respectively named for the goods ordered by you to be ready for shipment, send you particulars of the weight, dimensions and mode of packing, and five copies of invoice, so that you may send the necessary shipping instructions for the goods, when approved, and we undertake and agree to deliver the said goods or any of them as you may require, free on board, from time to time, within seven days after receipt of your shipping instructions.

And we hereby guarantee that any goods supplied under this tender shall be of our own manufacture, and of the best quality and workmanship, and shall comply in all respects with the description given below, and with any other instructions

instructions given by or on behalf of the New South Wales Government, and we undertake and agree that no approval by you or on your behalf, nor any payment made to us in respect of such goods shall in any manner or to any extent prejudice any claim or demand which you or the Government of New South Wales may have against us, in the event or in consequence of the goods supplied not being properly or securely packed, or not being duly and punctually ready for shipment, or not being such as is hereby guaranteed.

It is understood and agreed that payment is to be made within seven days after receipt by you of clean bills of lading.

It is also understood and agreed that if we should at any time sub-let the work, or any part of it, or fail to comply with your orders or instructions in accordance with this tender, if accepted wholly or in part, you are to be at liberty to rescind the contract wholly or in part, and to obtain elsewhere the goods or any of them, not then approved by you, or if approved, not shipped within the time limited, and we will pay any increased costs and expenses which may be incurred by reason of our default.

Yours, &c.,
(For Callender's Bitumen, Telegraph, and Waterproof Co., Limited)
JAMES D. SARGENT,
Secretary.

Description of goods.	Price, stating the discount to be allowed for payment as above.	Time to be ready for shipment.
1½ miles Callender's special compound cable, to be in accordance with the sample submitted by you to Mr. Preece, and to be subject to his inspection and approval. After inspection and approval to be properly and securely packed to prevent injury during transit to Sydney, and delivered f.o.b. in London.	Price, £600 for the 1½ miles, being at the rate of £400 per mile. Drums and packing to be charged extra.	End of May.

A 12.

New South Wales Government Offices, 5, Westminster Chambers, Victoria-street, S.W.,
23 April, 1885.

Gentlemen,

I hereby accept your tender, dated 21st instant, for the goods hereunder specified.

Be good enough to acknowledge the receipt of this letter, and to inform me where the goods will be manufactured and when they can be inspected.

Yours, &c.,

SAUL SAMUEL,
Agent-General for New South Wales.

The India-rubber Gutta Percha, &c., Co., Silvertown.

Description of goods.	Price.	Time to be ready for shipment.
1½ miles cable, to be in accordance with the sample submitted by you to Mr. Preece, and to be subject to his inspection and approval. After inspection and approval to be packed on ½ mile drums, and delivered f.o.b. in London.	Per statute mile, £394; drums, &c., 40s. each.	In eight weeks.

F 1174.

A 13.

New South Wales Government Offices, 5, Westminster Chambers, Victoria-street, S.W.,
28 April, 1885.

Gentlemen,

I hereby accept your tender, dated 27th instant, for the goods hereunder specified, packing and delivery f.o.b. in London to be included.

Be good enough to acknowledge the receipt of this letter, and to inform me where the goods will be manufactured and when they can be inspected.

Yours, &c.,

SAUL SAMUEL,
Agent-General for New South Wales.

The Callender's Bitumen, Telegraph, and Waterproof Co.,
101, Leadenhall-street, E.C.

Description of goods.	Price.	Time to be ready for shipment.
1½ miles Callender's special compound cable, to be in accordance with the sample submitted by you to Mr. Preece, and to be subject to his inspection and approval. After inspection and approval the cable to be properly packed on drums for shipment to Sydney, and delivered f.o.b. in London.	For the 1½ miles, £600. Drums and packing extra.	By the end of May.

A 14.

101, Leadenhall-street, London, E.C., 18 June, 1885.

Sir, We beg to inform you that your order (F. 1174), for 1½ mile, Callenders' special compound cable is now completed, and that we await your instructions for shipping.

The cable has been officially inspected and passed by an electrician of the General Post Office, sent down on behalf of Mr. Preece.

Mr. Preece and Mr. Cracknell intend visiting our works at Erith on or about Wednesday next, in order to view the cable before it is sent off.

Yours, &c.,

(For Callenders' Bitumen Telegraph and Waterproof Co. (Limited).)

SFR. LAMBERT,
Secretary.

The Agent-General for New South Wales, Victoria-street, S.W.

A 15.

The Agent-General to Major Cracknell.

MAJOR CRACKNELL,—For your information and return. Kindly say if cable referred to herein is satisfactory to you when you have inspected it?

S. YARDLEY,
Secretary, N.S.W. Government Agency, 15/6/85.

Mr. Yardley,—This cable was inspected by me, and tested satisfactorily. I shall be glad to give the necessary certificate on receipt of the invoice and to submit my professional inspection charges.—W. H. PREECE, 3/7/85. Agent-General.

A 16.

Sir, I beg to inform you that the $1\frac{1}{2}$ mile of 50-wire India-rubber cable, manufactured by the Silvertown Company, has been duly inspected.

A 10.

Electrician's Branch, General Post Office, 31 July, 1885.

I am, &c.,

W. H. PREECE.

Sir Saul Samuel, Agent-General for New South Wales, 5 Westminster Chambers, S.W.

The Colonial Secretary to The Acting Agent-General.

Sir,

Colonial Secretary's Office, Sydney, 19 July, 1888.

With reference to your letter of the 2nd March last, received here on the 6th April, stating that you have been asked by the Honorable Dr. Creed (Chairman of the Committee of the Legislative Council to inquire into the purchase, &c., of cables) to furnish to him certain particulars in regard to the cables purchased through your Department, and transmitting a number of documents, I have the honor to inform you that as this information has been sought to be irregularly obtained through you without reference to, or the knowledge of, the Government, I must request you to avoid any similar irregularity in the future.

I have, &c.,

HENRY PARKES.

Extract from Minutes of the Proceedings of the Legislative Council, 19 July, 1888.

6. TORPEDO DEFENCE OF THE COLONY.—PURCHASE OF ARMOURED CABLE:—Mr. Creed, having pursuant to Notice, asked the Vice-President of the Executive Council,—On what date was the letter of the Acting Agent-General, containing particulars as to the purchase of armoured cable, sent for the information of the Select Committee on the "Torpedo Defence of the Colony," which was forwarded from London in March last, directed through the office of the Colonial Secretary to the Chairman, but which never reached that Committee, received at that office?

Mr. Salomons replied,—A communication from the Acting Agent-General was received at the Colonial Secretary's Office on the 6th of April last, covering a number of documents which had been sought to be irregularly obtained without reference to, or the knowledge of, the Government of the Colony. The Agent-General has been instructed to avoid any similar irregularity in the future.

The Acting Agent-General to The Colonial Secretary.

Sir,

5, Westminster Chambers, Westminster, S.W., 2 August, 1888.

I have the honor to inform you that upon perusing the "Report from the Select Committee on 'Torpedo Defence of the Colony' (ordered by the Council to be printed, 7th June, 1888)," I find that in the fourth paragraph on page 4, it states:—

"We, through the Chairman communicated with the Principal Under Secretary in January, asking that the Colonial Secretary would obtain definite information, and also by a letter, direct to the Agent-General, asking for a copy of all papers relating to this purchase, dated 10th January last. From neither source have we received any information, and are therefore only in a position to recommend that your Honorable House do order that the whole of the papers be obtained from the Agent-General, and as quickly as possible laid upon the Table for its information."

I desire to point out that on the 22nd February last I received the Honorable Mr. Creed's letter, dated the 16th January, No. 88-18, asking to be furnished with information, as quickly as possible, from the records of this office, in regard to:—

30 knots of cable ordered in Colonial Secretary's despatch to the Agent-General, dated 10th January, 1885, No. 85-212;

6 knots of 7-core multiple cable, ordered in the same despatch;

One and a half miles of 50 conductor cable supplied by "Callenders' Bitumen Telegraph Company," ordered in despatch No. B 84-7,208, dated 30th June, 1884; also

One and a half miles of 50 conductor cable supplied by The Indiarubber, Gutta-percha, and Telegraph Company, ordered by same despatch.

In obedience to the urgent request for information (the importance of which I fully realized), I lost no time in furnishing the fullest particulars in my possession, relating to the orders in question; and on the 2nd March last I had the honor to forward my replies direct to your Department, for transmission to the Chairman of the Committee. (See my letter of that date S. 82-88.) This letter should have reached you on or about the 8th of April, and is formally acknowledged in your despatch to me dated 18th April last.

I observe that the report, from which I have previously quoted, is dated the 6th June, 1888; I am therefore quite unable to account for the remark contained therein, which is practically a reflection upon this office, that "From neither source have we received any information, &c., &c.," seeing that the specific information asked for, which was exceedingly voluminous, must have been at hand very little short of two months, at the time the report was written, I respectfully beg to ask that this erroneous impression, that "no information had been sent" by me, may be removed as quickly as possible.

I have, &c.,

DANIEL COOPER.

Resubmit—say about the 27th.—H.P., 10/9/88.

Resubmitted, 23rd September, 1888.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DEFENCES.

(RETURN OF GUNS IN STORE FOR PURPOSES OF.)

Ordered by the Legislative Assembly to be printed, 7 August, 1889.

Questions and Answers.

LEGISLATIVE ASSEMBLY, 10 JULY, 1889.

- (2.) Guns in Store for Defence Purposes:—Mr. DIBBS asked the Colonial Secretary,—
- (1.) The number of guns for defence purposes now in store; the sizes and calibre of such guns?
 - (2.) When such guns arrived in the Colony?
 - (3.) The cost of such guns (approximately)?
 - (4.) When is it proposed to mount such guns in position?
 - (5.) The reasons for the delay in mounting such guns?
 - (6.) Has money been voted for the cost of these guns and for the cost of erection?
 - (7.) The number, sizes, and particulars of guns ordered from England?
 - (8.) When so ordered, and when expected to arrive in the Colony?
 - (9.) Is it proposed to lodge such guns in store for a period of years before taking steps to have them mounted?

SIR HENRY PARKES answered,—I will lay a Return upon the Table this afternoon or to-morrow, giving the required information.

- The following answers have been supplied by the Major-General Commanding the Military Forces:—
- (1.) Two 8-in. B.L. guns, 12½ tons; twenty 6-in. B.L. guns, 5 tons; three 5-in. B.L. guns, 38 cwt. In store and in charge of the Artillery unmounted, fourteen 1½-in. Nordenfeldt.
 - (2.) 8-in. in 1886, 5-in. in 1887, 6-in. in 1886, 1887, 1888, and 1889, Nordenfeldt, in 1887.
 - (3.) 8-in., £5,100 each; 6-in., £3,400 each; 5-in., £1,370 each; Nordenfeldt. £360 each.
 - (4.) As soon as the works are ready.
 - (5.) The works are not ready.
 - (6.) For the guns, yes, and the cost of some of the works has been authorized.
 - (7.) Four 9.2 in. B.L. guns on hydropneumatic mountings.
 - (8.) In May, 1889. In about 12 or 18 months.
 - (9.) Unless the construction of works for guns now in the Colony is expedited they will have to be stored.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

COLONIAL DEFENCES.

(CORRESPONDENCE RESPECTING ARMAMENTS AND GARRISONS FOR KING GEORGE'S SOUND AND THURSDAY ISLAND.)

Ordered by the Legislative Assembly to be printed, 23 August, 1889.

Telegram received on 8th August, 1889, from The Governor of South Australia.

FOLLOWING from Secretary of State:—Her Majesty's Government ready to undertake provide armaments King George's Sound and Thursday Island at cost of 26,460 pounds, and permanent garrisons of marines as specified Colonial Conference Paper, by Colonies paying annual charge. Total expenditure of Colonies for works, 14,300 pounds at King George's Sound, and 17,100 pounds at Thursday Island. Annual charge for garrison and maintenance, 3,513 pounds and 4,807. This would be modified of proposals of West Australia delegates. Reply as soon as possible.

Telegram from His Excellency the Governor to The Right Honorable the Secretary of State.

Sydney, 14 August, 1889.

THIS Government is prepared to join other Colonies in providing armaments for King George's Sound and Thursday Island, and in maintaining the necessary garrisons; but it cannot assent to any arrangement at variance with the principle first laid down by England that Colonies must provide for their own military defence. It is therefore submitted that the garrisons should be furnished from the military forces of the Colonies, and placed under Federal command. This Government has in store four 6-inch rifled breech-loading guns on hydro-pneumatic mountings, complete with overhead shields, ammunition, and spare parts (Armstrong's), which might be handed over for the forts in question, if desired, in view of saving time, on the condition of the said guns being replaced at Sydney within fifteen months.

Circular Despatch to The Governments of Queensland, Victoria, and South Australia.

Sir,

Colonial Secretary's Office, Sydney, 14 August, 1889.

I have the honor to enclose, for your information, copy of telegram which has been transmitted by His Excellency Lord Carrington to the Right Honorable the Secretary of State, in reply to the message received on the 8th respecting armaments and garrisons for King George's Sound and Thursday Island.

I have, &c.,

HENRY PARKES.

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

Melbourne, 20 August, 1889.

IN your telegram to Secretary of State, copy of which you forwarded to me, it appears that to some extent you have misapprehended the proposal. The Imperial Government proposes to provide the cost of the armaments (not the Colonies), the Colonies meeting the cost of the works and the subsequent maintenance. I agree with you it will be better to abide by the understanding come to at the London Conference, that Western Australia should provide the garrison at King George's Sound, and Queensland should provide the garrison for Thursday Island, and in the event of war each of the Colonies should, at their own cost, increase the number to the war standard. It is well to bear in mind that the annual cost of the garrison will be greatly increased by their being manned by Australian troops, and special provisions will be required to be made to secure efficiency, probably by means of the garrisons being frequently recruited from other Colonies. Some competent body will require to consider the whole of this question, and I am pleased that you recognize the necessity of Federal provision. New South Wales joining the Federal Council will make this easy.

Telegram from The Honorable P. O. Fysh, M.L.C., Tasmania, to The Colonial Secretary, New South Wales.

Hobart, 20 August, 1889.

THIS Government is willing that Thursday Island be garrisoned, and works and maintenance of garrison be a charge upon all the Colonies on the basis of contributions to naval defences, and is of opinion that the manning of that defence appears to settle the propriety of an Imperial garrison coaling station must necessarily be garrisoned by the Imperial troops, as the Imperial navy must depend thereon for supplies. As to King George's Sound, a coaling station only, it is suggested that the defence of a commodity which can be so easily destroyed in the harbour is of little importance compared with the defence of this harbor, which lies near to Melbourne, Sydney, Adelaide, and New Zealand, and which necessarily, if undefended, would be an important strategic position for an enemy to possess. Having already spent £100,000 on permanent works and armaments here, this Government waits the development of a federal scheme of harbour defence, as to share in the cost of which Parliament would doubtless make liberal provision.

Telegram from The Honorable P. O. Fysh, M.L.C., Tasmania, to The Colonial Secretary, New South Wales.

Hobart, 21 August, 1889.

DEFENCE of coaling stations.—Reference of entire question to Federal Council undoubtedly best method of securing agreement. I have differed on the question of Imperial or Colonial troops for garrisons, because we have already accepted Imperial naval service as first line of defence, and the coaling stations as an integral part thereof should be under kindred services.

Telegram from The Chief Secretary, Queensland, to The Colonial Secretary, New South Wales.

Brisbane, 22 August, 1889.

GOVERNOR of Queensland has telegraphed to Lord Knutsford that this Government is willing to pay its proportion of cost of constructing and maintaining the fortifications and providing the garrisons at King George's Sound and Torres Straits on basis of proposal made at Conference of eighteen eighty-seven. The garrisons to be provided from Colonial Military Forces and commanded by officers in the Colonial Service.

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

Melbourne, 22 August, 1889.

Re King George's Sound and Thursday Island since wiring you on the 20th inst., Sir James Lorimer has drawn my attention to the entire inadequacy of the amount offered by the Imperial Government for armaments, more particularly as regards King George's Sound. I will send you a copy of Sir James' memorandum by post, and I am sending a copy to General Edwards, who is just about to proceed to Western Australia in the course of his mission. Perhaps it would be well to await his return before coming to a conclusion on that part of Lord Knutsford's telegram which refers to the amount proposed to be expended by the Imperial Government on the necessary armaments, as it is urged that it is quite insufficient. With regard to the concluding sentence of Lord Knutsford's telegram, I think, on fuller consideration, it must refer to the offer of Western Australia, to provide £5,000 out of £12,700 for cost of construction. (See letter of 22nd April, 1887, volume two (2) of London Conference Papers, page 277.)

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DEFENCE OF THE AUSTRALIAN COLONIES BY IMPERIAL TROOPS.

(MEMORANDUM BY SIR HENRY PARKES, COLONIAL SECRETARY, 22 AUGUST, 1889.)

Ordered by the Legislative Assembly to be printed, 27 August, 1889.

In the year 1870 steps were taken to withdraw Imperial troops from the Australian Colonies.

In reply to a proposal by the late Sir Charles Cowper to retain four companies of Infantry, at an increased rate, on the condition that they should not be withdrawn in a time of war, Lord Granville (Secretary of State) said:—

“Although Her Majesty’s Government readily acknowledge the reciprocal duty of defending every portion of the Empire, and that a Colony which pays for the presence of troops during peace may fairly expect that they should not be removed during war except under the strongest necessity, yet the exigencies of a state of war are so unexpected, and the necessity for entire freedom of action so great, that it would not be possible for them to give a pledge to that effect.”

When Major-General Chute was making preparations for the embarkation of the troops in Melbourne, the Governor of this Colony, the Earl of Belmore, wrote to him the following letter:—

“Sir,

“I am requested by my Ministers to inform you that they propose to submit to Parliament a proposition for engaging, under the terms of the Despatch, 19 May, 1870, with the Battery of Artillery, or such portion as it may be considered desirable to retain, and to ask you whether you will consent to postpone the departure of the Artillery until the decision of Parliament can be obtained. This will probably be ascertained within a month from the assembling of Parliament, which takes place on the 11th instant.

“Government House,

“Sydney, 4 August, 1870.

I have, &c.,

“BELMORE.”

The reply was telegraphed:—

“Telegram from Major-General Chute to Governor the Earl of Belmore.

“TONNAGE having been taken up and date of departure fixed for twentieth (20th) instant, in compliance with instructions I have received from Home, which have also been communicated to your Lordship, it is impossible that I can comply with your Lordship’s request to delay embarkation of any of the troops.”

In the early part of 1875 the Earl of Carnarvon (Secretary of State) sent out a despatch proposing to return to the system of defending the Colonies by Imperial troops. I was not in office at the time, but I was asked by the Governor (Sir Hercules Robinson) to state my views on the proposal, and I addressed the following letter to His Excellency:—

“My dear Sir Hercules,

Ashfield, 21 April, 1875.

“Sometime ago you were good enough to express a desire that, for the information of the Secretary of State, I should place you in possession of my views on the expediency of returning to the system of providing for the defence of the Australian Colonies by detachments of the Imperial troops. As I understood the proposal submitted by Lord Carnarvon—in its application to New South Wales for example—it was that one of the Queen’s regiments should be stationed in the Colony, with its concurrence, at the expense of the local Government, on the condition that the force so received should not be withdrawn at any time to meet the exigencies of Great Britain.

“Assuming that that is the proposal—and if I am in the main correct, it is sufficient for my purpose—I cannot think that the course proposed would be expedient, or would meet with the approval of the Colony. The mere annual expense of maintaining a regiment of Infantry, or any equivalent

in numbers, of the Imperial forces, would be made a question of chronic public discussion, renewed with heat and unscrupulousness at every general election, and serving at all times to give point to the arguments of public economists in the newspapers. It is not difficult to foresee a state of circumstances, for instance, such as may arise at a time of financial pressure, when a Parliamentary majority would be returned by the constituencies directly opposed to the expenditure, and little disposed to consider any arrangement previously made. The unpopularity of the officer in command, or one or two flagrant instances of misconduct on the part of the men, would aggravate this feeling of opposition. The effect under such circumstances, as it would manifest itself in turmoil with which British authority would be associated, could not tend to strengthen the bonds of Imperial connection. Nor am I disposed to attach much value to the condition that the Colony once consenting to receive and take upon itself the expense of the Imperial soldiers, they should not afterwards be withdrawn to meet the demands of Imperial service. Without any reflection on the honour of Government, a hundred reasons might present themselves in a season of national trouble for modifying—for one party in a qualified manner withdrawing from, or the other party voluntarily giving up—a condition of this character made in a time of peace. A time of war often is, and may in any case become a time of unmitigable necessities when the only consideration is what for the moment is best, or what is possible. I do not see how any condition could be made which in the nature of things could be or ought to be permanently binding in the unseen future.

"In my judgment the step taken by the Imperial Government in withdrawing the troops a few years ago was one of too much national significance for both countries, and has had too abiding an effect on the rapidly-developing character of the Australian communities to be now retraced. It was popularly regarded here as the acknowledgment of Great Britain—not simply of the political freedom of the Colonies, but of their complete power to provide for themselves; as the removal of the last symbol of Imperial authority in the management of Australian affairs. And the colonies had abundant reason for so regarding it. English statesmen of the highest influence had for years been exhausting argument to prove that the colonies ought to provide for their own defence. Not to go further back, the late Lord Lytton, then Secretary of State for the Colonies, counselled an Australian Governor on his appointment in 1859 in these words:—"A colony that is once accustomed to depend on Imperial soldiers for aid against riots, &c., never grows up into vigorous manhood." Again, eleven years later, in one of the latest of his thoughtful speeches, Lord Lytton says:—"In vain may you communicate to a Colony your industry, your arts, your literature, and your laws, if you do not also communicate that spirit of courage and manhood by which the inhabitants will submit to hardship and privations in fitting themselves to defend from aggression their hearths and altars." I might multiply examples of similar reasoning on the part of men in the first rank of public life in England. The Colonies, therefore, were not unprepared for the step which was taken, and, so far as I am aware, they accepted the decision of the Imperial Government without remonstrance or complaint. But I am satisfied that the act was widely felt by all classes in Australia as a concession to their virtual independence. The feeling, not unaccompanied by a sense of pride, was that in the estimation of the mother country the time had arrived when the Colonies ought to be left to shift for themselves. It would not have been creditable to the character of the Australian populations if so great a change in their relations to England had not produced a corresponding effect on their political intelligence; and the continuous and expanding effect has undoubtedly been to give new strength to the rude and resolute spirit of self-reliance which the work of colonisation is at all times so calculated to awaken and foster. This I regard as a very wholesome effect. And its extent and deep-seatedness must not be estimated by the limited success of the Volunteer movement. I cannot admit, because the Colony has not all at once succeeded in a military organisation, that therefore the Colony is not perfectly capable of defending itself. The best way to teach it success is to leave it, with its feelings already prepared for the task, to face the necessity. In considering this question it must be borne in mind that several years have elapsed since the troops were withdrawn, that the sentiment and spirit of self-dependence have since grown with the growth of a largely increased population, and that in another ten years these Colonies will unitedly possess the numbers and all the elements of strength of a powerful State. I do not doubt but persons of influence in the Colony will be found to favour Lord Carnarvon's suggestions, but I altogether doubt, chiefly for the reasons I have stated, that they would be able to find the means of carrying them into effect.

"Even if no other objections presented themselves, the geographical conditions of the Australian Colonies must not be lost sight of in estimating the practicability of a return to Imperial provision for their defence. The dense capitals of Sydney and Melbourne might be easily dealt with in this view of the subject; but the remote country districts and the large inland towns, already sensitively jealous of any expenditure confined to the capitals, would not be easily reconciled to a large annual appropriation of revenue (which would be characterized as extravagant and useless) confined to Sydney or Melbourne. And again, how would the troops be distributed among the widely-separated seaport cities with limited populations along the extensive seaboard of Queensland?"

"So far as New South Wales is concerned, the Legislative Assembly unanimously agreed to the following resolution fifteen years ago (December 20th, 1859):—"That the true principle of military defence, and the only course which would ensure effective resistance in extreme circumstances, is to habituate the subjects of the Queen in this Colony to the use of arms, and to foster among all classes a loyal and patriotic spirit of reliance on their own valour and military organization."

"I am, my dear Sir Hercules, yours very truly,
"HENRY PARKES."

I received the following acknowledgment:—

"My dear Mr. Parkes, * * * * * Government House, Sydney, 29 April, 1875.

"I duly received your Military letter and will send a copy of it to Lord Carnarvon. I have got no answer yet from Mr. Robertson, but your view, although I cannot quite agree with it, practically disposes of the question, as Lord C. would not move unless at the desire of all sides.

Yours very truly,
HERCULES ROBINSON."

1889.

NEW SOUTH WALES.

IMPERIAL OFFICER FOR THE INSPECTION OF FORTIFICATIONS
AND DEFENCE FORCES.

(DESPATCH RESPECTING.)

Presented to Parliament by Command.

New South Wales,
No. 35.

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

My Lord,

Downing-street, 17 June, 1889.

With reference to the telegraphic correspondence which has passed on the subject of the appointment of Major-General Edwards, R.E., C.B., to inspect the local forces of the Australian Colonies, I have the honor to transmit for the information of your Government a copy of the instructions addressed to that officer by the Secretary of State for War.

It will be within your recollection, that in my circular of 31st January, 1888, it was proposed, in accordance with the feeling expressed at the Colonial Conference in 1887, that an Imperial Officer of high standing should be appointed to advise the respective Governments in the first instance as to the uniform organization of their local forces, with a view to enabling them to co-operate effectively, in the event of joint action becoming necessary, and further to make provision for periodical inspection in subsequent years.

It was not, however, found practicable to arrange for the apportionment between the Colonies of the cost of that proposed arrangement, and it occurred to Her Majesty's Government, that as a preliminary measure, if it should be acceptable to the Governments of the Australasian Colonies, or to a sufficient number of them, Major-General Edwards, R.E., C.B., who is at present in command of Her Majesty's troops on the China Station, might be instructed to take an early opportunity of visiting those Colonies for the purpose of inspecting the forces and conferring with the Colonial Governments on any matters regarding which they might desire his advice. The expenses of this visit are to form a charge upon Imperial funds.

I observe with pleasure that this proposal has been received with general satisfaction in Australasia, and I trust that it will be found that the advice of General Edwards will be productive of much good to the Colonies, while at the same time it will be very advantageous to Her Majesty's Government to receive from this experienced officer full information as to the present state of training of the Colonial forces and their organisation for war.

I have, &c.,
KNUTSFORD.

Colonial Secretary.—CARRINGTON.

[Enclosures.]

Sir,

Horse Guards, War Office, 3 June, 1889.

In confirmation of the telegram from this Department of the 31st May (copy enclosed), I am directed to acquaint you that the Commander-in-Chief has approved of your inspecting and reporting upon the Australasian Military Forces, and you will accordingly place yourself in communication with the Governors of the respective Colonies, and make arrangements with them as to the dates, &c., on which these inspections can most conveniently be carried out.

Your Aide-de-Camp may accompany you.

I am to add that the reports of your inspections, and any recommendations you may consider it advisable to make in regard to the organisation of the various local forces on a uniform basis, should be addressed to the Colonial Governments concerned, and duplicates furnished for His Royal Highness' information.

His Royal Highness, whilst anxious that your inspection should be as complete as possible, trusts that no unnecessary delay will take place in your returning to your command.

I have, &c.,

GODFREY CLERK,

The General Officer Commanding the Troops in China and the Straits Settlements.

D.A.G.

Telegram to General Officer Commanding in China and the Straits Settlements, Hong Kong.

INSPECTION local troops Australasian Colonies approved. Make arrangements with Governors. You may be accompanied by Aide-de-Camp.

Adjutant General.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

NAVAL DEPÔT.

(CORRESPONDENCE RESPECTING ERECTION OF BUILDINGS AT GARDEN ISLAND AND WOOLLOOMOOLOO BAY, AND AS TO SYDNEY BEING HEAD NAVAL DEPOT OF HER MAJESTY'S SHIPS IN THE PACIFIC.)

Ordered by the Legislative Assembly to be printed, 27 September, 1889.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 25th September, 1889, praying that His Excellency the Governor will be pleased to cause to be laid upon the Table of this House,—

“Copies of all letters, documents, papers, minutes, &c., between Admiral Fairfax and His Excellency the Governor, during the past three years, in reference to the carrying out of the arrangement made by the Government of this Colony and the Imperial Government, with regard to the Port of Sydney being the head Naval Depot of H.M. Ships in the Pacific.”

(*Mr. Dibbs.*)

Minute by The Acting Colonial Secretary.

Subject :—As to erection of Stores and other Offices at Woolloomooloo Bay and works at Garden Island for Naval authorities.

Colonial Secretary's Office, Sydney, 7 January, 1885.

CAPTAIN Ackland having called here this morning, on behalf of the Commodore, for information as to the erection of the stores and offices at Woolloomooloo Bay in connection with the Naval Station and all the other works at Garden Island, I am now in a position to inform your Excellency, in order that you may communicate with the Commodore, that the necessary works will be prosecuted without any delay.

The Cabinet yesterday approved of the plans of the stores in Woolloomooloo Bay, and the Secretary for Public Works will call for tenders for their erection at as early a date as possible. The other works in connection with the Naval Station will also be vigorously proceeded with.

In accordance with the recommendation made by Mr. Moriarty, that Mr. Fishenden, the gentleman who was recently sent by the Admiralty here to arrange matters relating to the Naval Station with the Colonial authorities, should co-operate with and advise the Agent-General and our inspecting engineer in London in the selection of the machinery, &c., the Cabinet request His Excellency to invite the Commodore to procure the necessary authorization from the Admiralty.

WILLIAM BEDE DALLEY,
Acting Colonial Secretary.

For His Excellency.—W.B.D., 7/1/85. Communicated to H.E., 7. The Under Secretary for Public Works, B.C., 7 Jan., '85.—C.W.

The Acting Colonial Architect to The Under Secretary for Public Works.

Sir, Department of Public Works, Colonial Architect's Office, Sydney, 9 December, 1885.
With reference to works in progress for Naval Station on Garden Island, I do myself the honor to forward herewith plans of proposed rigging-house, sail-loft, &c., in connection with the same, estimated to cost £13,000, chargeable to votes taken for Naval Station. The papers respecting these works are with the Works Department.

I have, &c.,

W. COLES,

Acting Colonial Architect.

The Principal Under Secretary, B.C., 10/12/85.—J.R. Submitted.—J.R., 24/12/85. Approved.—JOHN R. The Under Secretary for Public Works, B.C., 29 December, 1885.—C.W. The Acting Colonial Architect, B.C., 31 December, 1885.—J.R. Form of notice herewith.—W.C., Ac. C. A., 13 January, 1886. Notice sent to *Gazette*. Tenders for 2nd March, 1886. Submitted.—J.R., 15/1/86. Approved.—J.G., 19/1/86. The Acting Colonial Architect, B.C., 20/1/86.—J.R.

Minute by The Engineer-in-Chief for Harbours and Rivers to The Under Secretary for Public Works.

Harbours and Rivers Branch, Sydney, 5 July, 1886.

Subject:—Naval Station Works, Port Jackson.

In reference to paragraph 4 of the Colonial Architect's memo. respecting the above (86-3,686), the only information required from this Department is in relation to the columns for carrying the traveller, for which the design is now finished, and is in course of transmission to the Colonial Architect.

As to the Woolloomooloo Bay buildings, I have not undertaken to put in the foundations, which will be an exceedingly difficult and costly work; but I mentioned to Mr. Coles, of the Colonial Architect's Department, that I thought it would be well to postpone determining on the plan of the foundations until the foundations for the crane had been put in, when we should have information as to the nature of the ground.

This has been reported on by Mr. Williams. [See his report herewith, 17th instant, which was forwarded for the Minister's information on the 21st inst. (86-3,631).]

A copy of Mr. Williams' report has been this day forwarded to the Colonial Architect.

E. O. MORIARTY.

Submitted 6/7/86.—J.R. Seen.—W.J.L., 10/7/86. Harbours and Rivers, B.C., 12/7/86.—J.R. Found among some old papers.—S.S., 13/2/88. Let Mr. Darley see these papers in case any further action is needed.—S.S., 14/2/88. Seen. Put by for present. Matter arranged.—C.D., 14/2/88. Resubmit.

Minute by Mr. C. W. Darley.

(87-5,481)

Department of Public Works, Harbour and Rivers Branch,

Sydney, 6 August, 1887.

Subject:—Admiralty Wharf, Woolloomooloo Bay.

I BEG to make the following suggestions with respect to changing the site for the Admiralty Wharf, Woolloomooloo Bay.

I attach a print showing the Admiralty Wharf as executed (in brown).

As it has been found impossible to procure safe foundations for the large stores required, without incurring a very heavy expenditure, I recommend that the wharf be extended northward as far as Robinson's Ladies' Baths, as shown in pink.

About 320 feet of the northern end of this extension might then be set apart as an Admiralty Wharf, and behind this portion very good rock foundation can be reached at an easy depth, and with some excavation this site will afford as much accommodation for the buildings as that first set apart. Very good storage for inflammable articles, such as oil, tar, turpentine, &c., can be procured by excavating drifts into the rock at back, under the Park Road.

If this is carried out, the present Admiralty Wharf might be extended southward to Cowper Wharf, and thus provide an additional 672 feet of wharfage, or two good berths.

As each berth brings in a revenue of about £1,000 a year, the sum of about £2,000 a year can thus be obtained at an expenditure of about £8,000, which I estimate will be the cost of the whole of the new wharfs, as shown in pink; but this sum will alone be saved in the difference in cost between erecting the stores where first proposed and where now suggested.

This change would enable the Admiralty buildings to be put in hand and proceeded with almost immediately; the wharf extension could be constructed simultaneously.

C. W. DARLEY.

P.S.—I omitted to call attention to the fact that this scheme will necessitate the removal of the Corporation Ladies' Baths, but as they are not much used, owing to the shallow and foul water, their removal will cause no inconvenience, and I am given to understand the lease has expired, and has not been renewed.—C.W.D.

The Engineer-in-Chief for Harbours and Rivers.

As the construction of the Admiralty stores comes under Mr. Barnett, I recommend that this papers be sent on to him for his consideration in the first instance. It will then be necessary to submit the proposed alteration of the site for the consideration of the Admiral. The suggestions seem to me to get over the difficulty in regard to the foundations, which the borings show to exist at the first proposed position.—E.O.M., 8/8/87. Under Secretary P. Works, B.C. Col. Architect.—J.R., B.C., 10/8/87.

I see no objection to the change of site suggested, but the proposed position of the two stores for inflammable materials should not, I consider, be adopted, as in the event of their contents taking fire the main stores would be almost certain to follow. As to encroachment on Ladies' Baths, this is not a matter for my Department to deal with. Should the proposed alteration of site be approved, plans and specification can be prepared by my Department during the progress of the foundations under the Harbours and Rivers Department. I would, however, suggest that perhaps the storage accommodation required might be obtained by utilizing the stores lately resumed by the Government from the A.S.N. Co., Circular Quay.—J.B., 8/11/87.

Harbours and Rivers.—J.R., B.C., 12/11/87. Let Mr. Darley have this.—S.S., 17/11/87. I think Mr. Barnett's suggestion in reference to the store should be submitted to the Admiral.—E.O.M., 22/11/87. B.C., Under Secretary Public Works. Principal Under Secretary.—J.R., B.C., 23/11/87.

The Engineer-in-Chief for Harbours and Rivers to The Under Secretary for Public Works.

Respecting suggested Wharfrage Extension, Woolloomooloo Bay.

Sydney, 20 September, 1887.

As provided in my minute of the 26th ultimo (87-5,962), dealing with improvements to the Circular Quay, I now beg to submit for the consideration of Mr. Secretary Sutherland, my proposals with regard to Woolloomooloo Bay, as desired by the Treasurer.

The accompanying plan will better illustrate my views than the most elaborate descriptions.

Not with papers.

The plans will show:—1st. A large jetty 700 feet long by 100 feet wide. 2nd. Widening Cowper Wharf to the west of the present passenger wharf. 3rd. Extending the present Admiralty Jetty, both to the north and south.

In a previous minute, 87-6,612, I recommended that a part of the proposed northern extension should be used for Admiralty purposes instead of the present wharf.

In that paper I gave my reasons at length for this suggestion, the principal one being that at the new site good foundations can be obtained for the large stores about to be erected which cannot be got at the rear of the Admiralty Wharf.

The whole cost of the work I estimate at £42,000.

It is not for me here to enter into any statement of the probable revenue to be derived on account of these large extensions. On this point, however, I think Mr. Burns was well satisfied, and it only remains for me now to leave the matter in the hands of Mr. Sutherland as requested.

In conclusion, I may perhaps be permitted to suggest with reference to the stores proposed to be erected for the Admiralty, whether they would not be better suited for the requirements of the Naval Service if they were erected on Garden Island instead of at Woolloomooloo Bay. It may be desirable to submit this proposal to the Admiral.

E. O. MORIARTY.

The Admiral Commanding Australian Station to His Excellency the Governor.

My Lord,

H.M. Ship "Nelson," Sydney, 22 October, 1887.

I beg to enclose for your Excellency's information reports of progress of works, (1) at Garden Island, (2) at Spectacle Island, and (3) at Woolloomooloo Bay.

2. I have the honor to request that your Excellency will call the attention of your Government to the want of progress in the naval stores at Woolloomooloo Bay for which plans were drawn up and forwarded to the Commodore commanding on the Station in November, 1883. This is a matter to which serious attention is now required to be given. The present naval depot at the Circular Quay is overcrowded with stores, and many of the floors are bearing weights for which, through age and decay, they are quite unsuited. The general state of the building is decay, and very shortly, to ensure only temporary safety, large repairs will be necessary.

3. Any increase to the naval force in those waters will render the present store quite inadequate to requirements.

4. I shall be glad if your Excellency will bring the matter forward and furnish me with any remarks or proposal on the subject, so that I may forward it to the Admiralty and satisfy their Lordships that works are contemplated which will provide storage necessary to meet additional requirements consequent on an increased squadron.

I have, &c.,

H. FAIRFAX, Rear-Admiral,
Commander-in-Chief.

The Colonial Secretary.—CARRINGTON, 25/10/87. The attention of the Colonial Architect should perhaps be invited to this matter.—C.W., 27/10/87. The Col. Architect.—H.P., 29/10/87. The Under Secretary for Public Works, B.C., 31/10/87.—C.W., P.U.S. The Colonial Architect.—J.R., B.C., 1/11/87.

Sketch plans have been prepared for the stores at Woolloomooloo Bay, and details of foundations for same forwarded to the Engineer-in-Chief for Harbours and Rivers, under whose department this portion of the work has to be carried out. Nothing, however, has yet been done I believe, pending consideration respecting great expense of building on the site originally proposed, which it is suggested should be changed. See my B.C. report of this date on other paper herewith.—J.B., 8/11/87.

Forward to Colonial Secretary. The Principal Under Secretary.—J.R., B.C., 12/11/87.

[Enclosures.]

[Enclosures.]

Date of last report, 19th July, 1887.

H.M.S. "Nelson," at Sydney; date, 10th October, 1887.—Report of progress of work at Garden Island.

No. of Item.	Item of work to be done.	Progress towards completion.	Progress since last report.	Remarks.
1	Supplying kiln	None	None.	
2	Proposed boat-house	Foundations completed	None	A small portion of the ground at the back of the proposed building not yet excavated.
3	Spar-shed	do	None	do.
4	Saw-mill	do	None	do.
5	Blacksmith's and engineer's shop.....	do	None	Additional excavation at the back of the proposed buildings, to provide space for coal store, &c., for foundry in progress.
6	Engine and boiler-house; and south end of factory work-shop.			
7	Anchor and chain store	do	None	All the ground at the back excavated.
8	Barracks, &c.	Three-quarters completed.	All the brick work laid; rafters for roof placed.	Internal fittings commenced—drainage works in progress.
9	Rigging-house and sail-loft	Rigging-house	Complete, except internal fittings.	These fittings were decided upon and asked for three months ago. Progress very slow.
		Sail-loft		
		Boat-shed complete, except boat-slips.		
10	Quarters for officer in charge and engineer.	None	None.	
11	Provost's quarters and cells	None	None.	
12	Fire-engine-house	None	None.	
13	Water-closets and urinals	None	None.	
14	Jetty	Piles completed	None	Progress very slow.
15	Sheerlegs	None	None.	
16	Cranes	Erected.		
17	Capstan, &c.	None	None.	
18	Tramways	None	None.	
19	Sea-wall, wharfs, &c.	Three-quarters completed.	None.	
20	Water supply, fire-service, &c.	None	None.	
21	Lighting	None	None.	
22	Precautions against fire.....	None	None.	

NOTE.—If necessary a separate sheet to be attached with remarks.

Rigging-house and sail-loft commenced, 31st May, 1886. Contract time of completion, November, 1887.

Barracks commenced, 10th January, 1887. Contract time of completion, April, 1888.

Portions of the machinery for engineers' shop have been received, and are stored at Garden Island in a shed erected for the purpose.

Weekly average of workmen employed since last report.

Contractor.	Quarry-men.	Carpenters.	Blacksmith and matic.	Painters.	Bricklayers.	Stonemasons.	Plasterers.	Slaters.	Labourers.	Total.
Batty & Shee (excavations)	13	2	1	...	...	...	...	...	...	16
Farley (rigging-house and sail-loft).	...	6	...	6	...	...	...	...	3	15
Langley (barracks) .....	...	4	...	...	14	4*	2†	2†	5	31
	13	12	1	6	14	4	2	2	8	62

* For three weeks only.

† For one week only.

JAMES R. W. QUINN,
Staff-Commander.

H.M.S.

H.M.S. "Nelson," at Sydney; date, 24th October, 1887.—Report of progress of work in Spectacle Island.

No. of Item.	Item of work to be done.	Progress towards completion.	Progress since last report.	Remarks.
1	Quarters for officers in charge	Finished.		
2	Erection of 5-ton crane at magazine jetty.	Not commenced.		
3	Jetty, south end, with 20-ton crane and a portable 20-cwt. crane.	Finished.		
4	Shell store	Finished	}	Internal fittings on top floor, now in course of progress, to be finished shortly.
5	Ordinance store for merchant ships equipment.	Finished		
6	Open shed	Finished.		
7	Torpedo and gun-cotton store	Finished.		
8	Fittings, small torpedo store and guard room in existing buildings.	Tramway laid down and stone flooring, but no fittings yet commenced.		
9	Powder magazine	Finished.		
10	Tramways	Complete inside shell store, but not laid down between shell store and jetty.		
11	Water supply and drainage	Finished.		

NOTE.—If necessary, a separate sheet to be attached with remarks.

Forwarded,—

T. F. HANMILL,
Captain.

HARRY C. REYNOLD,
Lieutenant.

24th October, 1887.

Date of last report, 19th July, 1887.

H.M.S. "Nelson," at Sydney; date, 18th October, 1887.—Report of progress of work in Woolloomooloo Bay.

No. of Item.	Item of work to be done.	Progress towards completion.	Progress since last report.	Remarks.
1	Site of buildings	Selected.		
2	Storehouses	None	None.	
3	Offices and quarters for foremen of storehouses.	None	None.	
4	Quarters for engine-driver and storeman.	None	None.	
5	Timber-shed	None	None.	
6	Storehouse for inflammable articles...	None	None.	
7	Fire-engine house	None	None.	
8	Water-closets and urinals	None	None.	
9	Jetty	Completed.		
10	Tramways	None	None.	
11	Boundary walls	None	None.	
12	Water supply, fire service, &c.	None	None.	
13	Lighting	None	None	Two electric lights on jetty only.
14	15-ton crane	Erected		Tested and accepted, December, 1886.

NOTE.—No work of any kind has been done since the date of last report.

NOTE.—If necessary, a separate sheet to be attached with remarks.

JAMES R. W. QUINN,
Staff-Commander.

The Admiral Commanding Australian Station to His Excellency The Governor.

My Lord,

H.M. Ship "Nelson," Sydney, 24 October, 1887.

I beg to offer a few remarks on the works at Garden Island, which I visited and inspected on the 22nd instant.

The rigging-house and sail-loft are erected; all now required to complete, are the internal fittings already decided on and asked for, and the papers are in the office; similarly, the boat's-shed is complete except boat slips.

The barracks are making good progress: the verandahs and balconies when fitted will much improve the appearance of this (at present) unsightly building.

The buildings next in order on the plan are, fire-engine house, the anchor and chain store, and the blacksmiths' and engineers' shops, and the works attached to them.

I understand the fire-engine has either arrived or is on its way, and now that the buildings are completed its services might well be made available.

Perhaps the anchor store and the blacksmiths' and engineers' shops, &c., could be undertaken simultaneously, but should a preference be given to any work to be done, I venture to suggest that the buildings for which much valuable machinery has arrived should be taken in hand first, so that chance of deterioration may be avoided as far as possible.

There

There is an unsightly tongue of rock now left in the centre of the island. I would recommend for the consideration of your Government that it should be removed, and to avoid expense in lightcrage the whole of it might be tilted into the water where there is a shoal on the side of the island, in such form as to include a space of water which could be used as a bathing-place for seamen and a boat chamber. A personal visit would explain this idea and the practicability of it.

I noticed that for the cottages already erected no wash-house had been provided; a dividing wall in the rear with roof and sink are all that is required. I think it was an accidental omission from the design.

I have, &c.,

H. FAIRFAX,

Rear-Admiral,
Commander-in-Chief.

The Colonial Secretary.—CARRINGTON, 30/10/87. The Colonial Architect to report direct to this office.—H.P., 9/11/87. The Colonial Architect, B.C., 10 Nov., 1887.—C.W., P.U.S.

The Principal Secretary of State for the Colonies to His Excellency the Governor.
(No. 101.)

My Lord,

Downing-street, 17 November, 1887.

I have the honor to transmit to you, for communication to your Government, a copy of a letter from the Admiralty respecting the works which are being carried out for that Department at Garden Island and Woolloomooloo, and I am to request to be informed what answer your Government would wish to be returned to the representations of the Lords Commissioners on this subject.

I have, &c.,

H. T. HOLLAND.

Colonial Secretary, for the desired information.—CARRINGTON, 7/1/88. Colonial Architect's report on Despatch No. 17 will, I assume, cover this.—H.P.

[Enclosure.]

(D.W., No. 4219.)

Sir,

Admiralty, 7 November, 1887.

I am commanded by the Lords Commissioners of the Admiralty to state, for the information of the Secretary of State for the Colonies, that it appears from the latest reports from the Commander-in-Chief on the Australian Station as to the state of the works at Garden Island and Woolloomooloo, Sydney, which the Colonial Government of New South Wales are carrying out for the Admiralty, that at the former place, with the exception of the rigging-house and sail-loft, which are nearly completed, the general progress of the works at the new naval depot has of late been very slow, whilst at the latter, where naval storehouses are to be built, no work of any kind has recently been done.

I am to request that Sir Henry Holland will have the goodness to represent to the Colonial Government that their Lordships are very desirous that the construction of the buildings at Garden Island and Woolloomooloo should be proceeded with more expeditiously.

The Under Secretary of State for the Colonies, Colonial Office.

I am, &c.,

EVAN MACGREGOR.

Minute by The Under Secretary for Public Works.

Subject:—Garden Island Naval Station.

Department of Public Works, Sydney, 18 November, 1887.

THE Colonial Architect has submitted the enclosed drawings (2) for engineers' shed, &c., proposed to be erected at Garden Island, and being a portion of the works for the Imperial Naval Station, as detailed in the list forwarded to the Colonial Architect, with instructions to prepare plans, &c., dated 3rd May, 1883. These instructions were issued by the then Colonial Secretary, Sir Alexander Stuart, as the outcome of the arrangement arrived at with the Naval authorities, with whom the Colonial Architect has conferred from time to time during the progress of the drawings.

J.R.

Principal Under Secretary, B.C.—J.R., 22/11/87. Submitted for approval—C.W., 29/11/87. Will Mr. Darley please let me have an estimate *re* completion of works Garden Island.—Per E.O.M., S.S., 23/12/87. Estimate herewith for E.O.M.—C.D., 23/12/87. B.C., Under Secretary for Public Works. Information is also required as to what amount has already been spent by the Harbours and Rivers Department, on account of these works chargeable to the votes for the Naval Station.—J.R., B.C., Harbours and Rivers, 30/12/87. Mr. Conley.—S.S., 21/12/87. Urgent. Mr. Thorpe, for statement.—J.C., 3/1/88. Statement.—F.P., 4/1/88. Amount of expenditure now filed in.—E.O.M., *per* S.S., 4/1/88.

The Colonial Architect to The Under Secretary for Public Works.

Department of Public Works, Colonial Architect's Office,

Sir,

Sydney, 25 November, 1887.

I do myself the honor to request a decision as to the accepting of W. Parley's tender, £623 10s. for fittings required in the rigging-house and sail-loft at Garden Island, submitted on the 22nd August last.

I have, &c.,

JAMES BARNET,

Col. Architect.

Principal Under Secretary, with reference to previous paper sent to him on the 21/10/87.—J.R., B.C., 26/11/87.

The Colonial Architect to The Principal Under Secretary.

Department of Public Works, Colonial Architect's Office,

Sir,

Sydney, 9 December, 1887.

In attention to the request conveyed by the minute of Sir Henry Parkes on accompanying correspondence forwarded to me under blank cover on 10th ultimo, I do myself the honor to report as follows, with respect to the works therein referred to.

Rigging House and Sail Loft.—A tender for supply of internal fittings to this building, amounting to £623 10s., was submitted to Works Department on 22nd August last, but authority has not yet been received for accepting same.

Boat Slips.—Have not yet been commenced, as the requirements in regard to them have only recently been made known—the cost of the work required in connection with the slips will be about £1,500.

Fire Engine House.—No particulars have yet been furnished as to the requirements of this building, but the cost will probably not exceed £500.

Engineers and Blacksmiths Shop.—Plan for this building, estimated at £17,900, was submitted to Works Department for approval on 14th ultimo.

Anchor and Chain Store.—Plan herewith, estimated to cost £4,000.

Wash-house for Cottages.—Will probably cost about £170.

If the works named, estimated at say £25,000, are approved, they can be commenced at once, but I am unable to say whether sufficient funds are available to defray their cost, as it is not known what sum will be required to pay for works now being carried out on the Island by the Harbours and Rivers Department.

With regard to the unsightly tongue of rock in the centre of the island, also alluded to in the correspondence, this is a matter which will probably be dealt with by the Harbours and Rivers Department.

I have, &c.,

JAMES BARNET,
Colonial Architect.

Inquire how much of the £25,000 has been spent by Harbours and Rivers Department.—C.W., 21/12/87. Will Mr. Williams please look carefully into this matter and report.—For E.O.M., S.S., 21/12/87.

Estimate of amount received by Harbours and Rivers Department, herewith.—For E.O.M., S.S., 23/12/87.

Naval Stations, Garden Island:—Expenditure to 31st December, 1887, £51,910 2s. 2d.—J.C., 4/1/88. F.T., 4/1/88.

Will the Colonial Architect please let me know how the whole question stands with regard to the votes for naval purposes—i.e., supply a statement showing votes taken, expenditure under each vote, balance, if any, on each vote, and if possible estimate of expenditure to complete works.—J.R., B.C., 9-11/1/88. B.C., Principal Under Secretary.—J.R., 3/2/88.

PORT JACKSON NAVAL STATION.

ESTIMATED Cost of completing Works now in progress and Works authorized, but not commenced. (Harbour and Rivers Department.)

Works in Progress—	£	s.	d.	£	s.	d.
Completing removal of rock authorized, to make room for new buildings	800	0	0			
Completing concrete wall as per original contract	2,500	0	0			
Completing wharf all but 150 feet under sheer legs, say	400	0	0			
Percentage kept back from contractor, as per last voucher	1,714	10	10			
						5,414 10 10
Works not yet Contracted for—						
Dock and landing stage for torpedo boats	4,600	0	0			
Gantry for lifting boats	800	0	0			
Concrete sea wharf wall in place of timber wharf for a length of 150 feet under the 160-ton sheer legs asked for by the Admiralty, and recommended	8,000	0	0			
Water supply to the Island from Sydney	1,000	0	0			
Erection of machinery in Engineer's shop, gas plant, &c., say	2,000	0	0			
						16,400 0 0
						21,814 10 10

Besides this there must be a considerable liability outstanding on account of machinery ordered from England but not yet all delivered or paid for, including the 160-ton sheer legs, which alone will probably cost £8,000, but of which we have as yet no particulars.

W. DARLEY.

(For E. O. MORIARTY.)

23/12/87.

Amount of expenditure by Harbours and Rivers Department to 31 December, 1887, £51,910 2s. 3d.—S.S. (for E. O. M.), 4/1/88.

Completion of Works at Naval Station, Sydney.

Copy of Colonial Architect's Minute on P.W. 38/336.

STATEMENT herewith showing balance of £19,781 at present available, also statement giving approximate estimate of expenditure required for completion of works amounting to £94,000. This estimate, however, does not include the list of works in progress and being carried out by the Harbours and Rivers Department, with papers P.W. 87/15,958, which may be estimated at about £30,000. Therefore, if all the works proposed are to be carried out, further provision of about £105,000 will be necessary.

J.B., 2 February, 1888.

[Enclosure.]

[Enclosure.]

Naval Stations.

	£	s.	d.
1884 Vote Loans.....	50,000	0	0
1887 Vote (in anticipation of loans).....	60,000	0	0
	110,000	0	0
Expended by Harbours and Rivers Department to 31 December, 1887.....	£51,910	2	2
Expended by Colonial Architect's Department to 31 January, 1888.....	38,308	15	3
	90,218	17	5
Balance available.....	£19,781	2	7

Colonial Architect's Office, Sydney, 2nd February, 1888.

STATEMENT giving approximate estimate of expenditure required to complete works in connection with Naval Stations, Port Jackson.

	£	s.	d.
Garden Island—			
Engineers' shop.....	17,000	0	0
Chain and anchor store.....	4,000	0	0
Saw-mill, spar-shed, boat-house, and pitch-house.....	13,000	0	0
Prison.....	4,500	0	0
Resident officers' houses.....	4,000	0	0
Fire-engine-house, cook-house, W.C's., drainage, &c.....	4,000	0	0
To complete contracts in hand.....	6,500	0	0
	53,000	0	0
Spectacle Island—			
Various works.....	1,000	0	0
Woolloomooloo Bay—			
Erection of stores, dwelling-offices, boundary wall, gates, &c.....	40,000	0	0
	£94,000	0	0

Colonial Architect's Office, Sydney, 2nd February, 1888.

£105,000 will be required to be placed on the Loan Estimates for this purpose, made up as follows:—

For completing works by Colonial Architect	£94,000
For completing works by Harbours and Rivers Department	30,000
	£124,000
Balance in hand	19,781
	£104,219

Say £105,000.

C.W., 30 May, 1888.

The Principal Secretary of State for the Colonies to His Excellency the Governor.
(No. 17.)

My Lord,

Downing-street, 1 February, 1888.

With reference to my Despatch No. 101, of the 17th November last, I have the honor to transmit to your Lordship a copy of a further letter from the Admiralty, inquiring when the buildings, &c., for the new Naval Depot at Sydney will be completed and handed over to the Naval authorities.

I request that you will inform me what answer your Ministers desire to make to this inquiry, and that you will call their attention to the last paragraph of the Admiralty letter.

I have, &c.,

H. T. HOLLAND.

[Enclosure.]

The Admiralty to the Colonial Office.

Sir,

Admiralty, 26 January, 1888.

With reference to Admiralty letter of 19 November last, I am commanded by my Lords Commissioners of the Admiralty to request that you will move the Secretary of State for the Colonies to cause them to be informed at what date it may be expected that the buildings, &c., for the new Naval Depot at Sydney will be completed and handed over to the naval authorities.

2. The Commander-in-Chief on the Australian Station has again called attention to the unguarded state of the stores, magazines, &c., at Spectacle Island, and my Lords have directed him to submit for their approval a scheme of the establishment which he considers will be necessary for the Naval Depot, when handed over by the Colonial authorities.

3. This scheme is to include the provision of a guard for the buildings and stores, both at Spectacle and Garden Islands, for the safety of which my Lords will then be prepared to make the necessary arrangements.

4. In the meantime my Lords conclude that the police guard already provided will be continued by the Government of New South Wales.

The Under Secretary of State, Colonial Office.

I am, &c.,

EVAN MACGREGOR.

The Colonial Secretary.—C., 16/3/88.

Colonial Architect for report on buildings at Garden Island, and also as to Spectacle Island, so far as he has knowledge.—H.P., 22/3/88. The Under Secretary for Public Works.—B.C., 22 March, 1888, C.W., P.U.S. The Colonial Architect.—J.R., B.C., 23/3/88.

The whole of the buildings proposed to be erected on Garden Island could be completed in about eighteen months if authority were given to proceed with the work. Plans for engineers' and smiths' shops estimated to cost £17,000, were submitted to Works Department on 8th September last, and for chain and anchor store—estimated at £4,000—to Colonial Secretary's Department, on 9th December last; but neither

neither have been returned. At Spectacle Island all works pointed out will be completed in a few weeks. I would also say that sketch plans for buildings at Woolloomooloo Bay have been prepared, and detail drawings for foundations furnished to the Harbours and Rivers Department, under which they will be carried out, but the work has not yet, I believe, been commenced; when the foundations are in the buildings can be erected in about twelve months.—J.B., 28 March, '88.

Harbours and Rivers for report as to buildings at Woolloomooloo Bay.—D.C.M'L., *pro* U.S., B.C., 29/3/88. Mr. Darley, 3/4/88.

With respect to the latter part of the Colonial Architect's minute, the delay is, I believe, now owing to the proposed change of site not being decided upon, owing to the unsuitableness of the first site, and expense and difficulty of obtaining foundations. I made a proposal to move the building to the north, and then construct a new wharf and crane for the Admiralty. I have not undertaken to put in the foundations for this building, on the contrary I pointed out that it would be much better for the same department that has to erect the building to put in the foundations also.—E. O. MORIARTY, 10/4/88. B.C., Under Secretary for Public Works.

The Acting Agent-General to The Secretary for Public Works.

30-ton Overhead Travelling Crane, F/1270/27.

Sir,

5, Westminster Chambers, Westminster, S.W., 24 February, 1888.

I have the honor to report, with reference to the 30-ton overhead travelling crane supplied by Messrs. Ransome and Rapier, for naval station works, Garden Island, just shipped per "British Merchant," that while their tender was accepted at £894 net, it was made a condition that I should retain 10 per cent. of the contract amount until the crane had been erected and worked in the Colony to the satisfaction of the Government Engineer. 90 per cent. of Messrs. Ransome and Rapier's invoice has been paid, and I have the honor to invite your attention to the conditions above referred to, under which the balance is due to them, and to ask that you will give me as early an intimation as practicable when the same may be paid.

I have, &c.,

DANIEL COOPER.

Engineer-in-Chief Harbours and Rivers, for report.—J.B., B.C., 5/4/88. Mr. Darley.—S.S., 6/4/88. I am not aware that authority has yet been given for erecting the engineer's shop within which this crane will be erected; so probably it may be considered reasonable to reconsider the arrangement rather than keep the firm out of their money for an indefinite period.—E.O.M., 12/4/88. B.C., Under Secretary Public Works. Submitted.—J.B., 13/4/88.

Minute by The Engineer-in-Chief.

[Very urgent.]

Department of Public Works, Harbours and Rivers Branch,

My dear Barnett,

Sydney, 13 March, 1888.

We are getting into a great fix about the Garden Island workshop. We are having a very large amount of valuable machinery landed, and I much fear it will be injured by exposure to the weather.

Faithfully yours,

James Baruch, Esq.

E. O. MORIARTY.

Forwarded to the Under Secretary for Works with reference to my letter of 8th September last submitting plans for engineers' workshops on Garden Island, and subsequent statement of 2nd ultimo respecting funds.—J.B., 15/3/88.

Principal Under Secretary, with reference to previous papers.—J.R., B.C., 17/3/88.

The Principal Secretary of State for the Colonies to His Excellency the Governor. (No. 33.)

My Lord,

Downing-street, 22 March, 1888.

With reference to my despatch, No. 17, of the 1st February, and to previous correspondence, I have the honor to transmit to you, for communication to your Government, a copy of a further letter from the Lords Commissioners of the Admiralty respecting the works at Garden Island and Woolloomooloo, Sydney, and I request that you will move your Ministers to be good enough to cause a report to be furnished at the earliest date possible upon the various points noticed by their Lordships in connection with these works.

I have, &c.,

KNUTSFORD.

[Enclosure.]

Sir,

Admiralty, 17 March, 1888.

With reference to Admiralty letter of the 7th November, 1887, D.W. No. 4,219, relating to the state of the works at Garden Island and Woolloomooloo, Sydney, which the Colonial Government of New South Wales are carrying out for the Admiralty, I am commanded by the Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that they have received a further report on the subject from the Commander-in-Chief on the Australian Station.

From this report it appears that, as regards the new Naval Depot, Garden Island, the work is practically at a stand still, and up to the 10th December last there was no apparent preparation for continuing it; whilst the erection of the Naval Storehouses at Woolloomooloo seems to have been practically abandoned, presumably owing to some difficulties as to the foundation for the building, without any steps being taken for the adoption of another site.

The Commander-in-Chief has suggested as the only feasible plan for providing a store which would possess equal advantages to one on the site at Woolloomooloo Bay, that it should be erected on the space now occupied by a tongue of rock on Garden Island, where, with some alteration in the plans that have been prepared, there would be ample space for the building.

2 This

This change of situation would involve the loss of a store and office on the mainland for the Paymaster-in-charge, and to counteract this it would be necessary to secure to the Navy a receiving store and office close to the Circular Quay, as well as to reserve right to a portion of the quay where vessels or lighters might be placed at any time.

I am to request that you will have the goodness to move the Secretary of State for the Colonies to obtain from the Colonial Government of New South Wales some definite information respecting the abovementioned points

The Under Secretary of State for the Colonies.

I have, &c.,
EVAN MACGREGOR.

Col. Sec., for the desired information.—C., 18/5/88. The Secretary for Public Works.—H.P., 22/5/88. The Under Secretary for Public Works.—C.W., P.U.S., B.C., 22 May, 1888. Submitted.—J.B., 31/5/88.

I would suggest for the consideration of my hon. colleague the Colonial Secretary, with a view to some definite conclusion being come to on this very important matter that the Engineer-in-Chief for Harbours and Rivers and the Colonial Architect be put into communication with the Admiral; a practical suggestion may be the outcome of such an interview which will enable my colleague to settle the difficulty with satisfaction to the Admiralty and advantage to the Colony.—JOHN SUTHERLAND, 4/6/88.

Principal Under Secretary.—J.B., 4/6/88. Submitted, 13/6/88.

The Admiral Commanding the Australian Station to His Excellency the Governor.

My Lord,

"Nelson," at Sydney, 8 April, 1888.

On the 22nd October, 1887, I had the honor to address your Excellency on the subject of the works for the Navy at Garden Island, at Spectacle Island, and at Woolloomooloo Bay, and, for reasons stated, I specially asked your Excellency to call the attention of your Government to the want of progress in work at Woolloomooloo Bay.

Your Excellency's acknowledgment, dated 25th October, 1887, informed me that you had forwarded my letter to the Colonial Secretary, but since then I have heard nothing further, and I venture to again bring my letter to your notice in the hope of receiving a reply.

Your Excellency may remember that I drew attention to the decayed state of the present Naval Depot, and to the probable increase of the squadron in these waters as being causes which render it very necessary that attention be immediately given to the subject.

Since then the Lords Commissioners of the Admiralty have recently (on 26th January, 1888) called on me to furnish a scheme of the staff required for the new Naval Depot, and for the works, machinery, and engines to be placed on Garden Island, and as to the quarters to be provided, I may say that, at this time I find a difficulty in giving a reply. I am unable to estimate a date for the completion of the buildings, for which so much valuable machinery is already provided and lodged at Garden Island, nor can I form any estimate as to the new Naval Depot. I should be very glad if your Excellency's Government will give me any information on the subject.

I have, &c.,
H. FAIRFAX,
Rear Admiral, Commander-in-Chief.

The Colonial Secretary.—CARRINGTON, 7/4/88.

The whole matter is engaging the attention of the Works Department to which Department these papers might now be referred.—C.W., 24/4/88. Secretary for Public Works.—H.P., 25/4/88. The Under Secretary for Public Works, B.C., 25/4/88.—C.W., Principal Under Secretary.

The Colonial Architect to The Under Secretary for Public Works.

Sir,

Department of Public Works, Colonial Architect's Office, Sydney, 9 May, 1888.

In reference to the barracks at Garden Island, now approaching completion, I do myself the honor to submit herewith tracing showing the fittings, furniture, &c., required for same, as pointed out and considered necessary by Captain Hammill, of H.M.S. "Nelson." The cost of these fittings, &c., is estimated at £1,530, chargeable to Vote for "Naval Stations."

I have, &c.,
JAMES BARNET.

B.C., Principal Under Secretary.—J.B., 11/5/88. The Colonial Architect is desirous of proceeding with the work at once.—C.W., 21/5/88. Submitted for approval.—C.W., 21/5/88.

The Colonial Architect to The Principal Under Secretary.

Sir,

Colonial Architect's Office, Sydney, 22 June, 1888.

In compliance with the verbal request of Sir Henry Parkes, I do myself the honor to report upon works connected with the Naval Station, as originally proposed, and the conditions on which they were undertaken, as far as can be ascertained by the papers. The works completed and in progress and those remaining to be carried out are also given.

By the papers referred to, I find that on 16th April, 1883, Mr. Stuart, the then Colonial Secretary, in a letter to the Governor, Lord Loftus, submitted a minute, describing the mode in which the Government was prepared to carry out the Naval Depot expenditure, by providing for works on Garden Island and mainland of Woolloomooloo Bay; also purchase of a suitable residence for the representative of the Navy in those seas; also the works when carried out to be conveyed in perpetuity for the use of Her Majesty's Navy, it being understood the Imperial Government will surrender all the lands known as Ordnance Reserves, and all other lands or buildings in the Colony to which it may have any claim or title.

On

On 30th April, 1883, the Commodore—Erskine—-notified by letter to the Governor that he had submitted these proposals by telegraph to the Lords Commissioners of the Admiralty, and had received a reply accepting same, provided necessary storehouses, &c., were built on situation at Woolloomooloo and Garden Island, with approval of Commodore. As instructed, detail drawings were then prepared by my Department for foundations on Garden Island and Woolloomooloo Bay shore, and furnished to the Harbours and Rivers Department, under which this portion of the work had to be carried out.

The works already completed and in progress under my Department are as follows:—

<i>Garden Island.</i>	
Erection of two cottages for men in charge—completed	£1,390 10 0
„ rigging-house, sail-loft, &c.	16,289 18 11
„ barrack, contract price—in progress	8,003 0 0
<i>Spectacle Island.</i>	
The following works in connection with Naval Depot have been carried out at this island, but are not referred to in Mr. Stuart's minute:—	
Construction of cable tanks	£821 0 0
Erection of shell-store, &c.	6,775 0 0
Works already carried out and in progress	£33,279 8 11
Works remaining to be carried out:—	
<i>Garden Island.</i>	
Engineer's shop—plan submitted	Estimated cost £17,000 0 0
Chain and anchor store—plan submitted	4,000 0 0
Fittings, &c., Barrack	1,530 0 0
Saw-mill, spar shed, boat-house, and pitch store	13,000 0 0
Prison	4,500 0 0
Water-closets, drainage, &c.	4,000 0 0
Resident officers quarters	4,000 0 0
<i>Woolloomooloo Bay.</i>	
Erection of stores, &c.—superstructure	Estimated cost 40,000 0 0
Estimated cost of work remaining to be carried out	£88,030 0 0

The sum (£105,000) submitted for Loan Estimates, will, it is anticipated, be sufficient to cover cost of above works, and works being carried out under the Harbours and Rivers Department.

The papers alluded to, which have been borrowed from your Department, are herewith returned, some of recent date having apparently not yet been dealt with. I forward as well a tracing showing proposed buildings, Woolloomooloo Bay, also asked for by Sir Henry Parkes.

I have, &c.,

JAMES BARNET,
Colonial Architect.

Minute Paper.

Subject:—Re Machinery, Garden Island Naval Works.

Harbours and Rivers Branch, Sydney, 13 July, 1888.

AFTER having visited Garden Island to day, I would strongly urge the necessity of steps being taken for the erection of the buildings at the Island for the reception of the valuable machinery which has arrived and is ready to be put in place, and which is now receiving considerable damage through exposure.

I suggest that the matter be referred to the Colonial Architect under whose supervision the buildings are to be erected.

ROBT. HICKSON.

The Under Secretary for Public Works.

Report on Machinery at Garden Island for Naval Depot.

Harbours and Rivers, 4 October, 1888.

As per M.P. 192-10/1/88, we have been, and are at present, engaged in examining and overhauling this machinery.

There are about 1,381 pieces and 212 cases at Garden Island, representing about 56 machines, 162 cases have been opened; the contents have had the rust removed from them; they have been thoroughly cleaned, redubbed, repacked, and the cases have been properly lettered and numbered, according to indent, and carefully stacked. The pieces have been gone through in a similar manner.

The remaining fifty cases and other pieces will be done in a like way. For your inspection I produce two small pieces, taken from one of the cases, comprising part of the cargo last received; they may be taken as a fair specimen to represent the general state of the machinery as it has been received, and had not prompt and proper precautions been taken a quantity of it would have only fit for the "scrap-heap."

Owing to the want of shed-room there are several bed-plates and frames of valuable machines exposed to the weather; they have been painted, and the bright parts redubbed with a composition, put on hot, which for a time is impervious to the weather. If it is not intended to take immediate action in reference to the erection of this machinery, I strongly advise that a new shed be made to receive them, not only to protect from the wet, but also to prevent any damage through the blasting operations now going on in removing the rock close to where they are placed. As these pieces of machinery are conveniently placed for removal to their proper position in the building, it would involve unnecessary expense to bring them back again, but to protect this material I see no other alternative, unless the buildings be proceeded with at once.

There are some pieces, as per indent, have not yet been received; and a few extra machines, not specified in the indent, have been landed. All particulars in reference to this machinery have been, as per instructions, given by me to Mr. Roseback.

Boilers

Boilers have been, as required, painted on the outside; they are placed above the ground resting on wood blocks. The interior has been occasionally examined. I intend, as a further precaution, to suspend in them some unslacked limestone, to absorb any moisture. All openings, not otherwise closed, are covered with wood flanges.

The number and kind of men employed varies according to the kind of work required to be done.
Mr. G. A. Tillet, Acting Principal Assistant Engineer, H. B. DAWSON.
Harbours and Rivers Department.

Submitted for the information of the Engineer-in-Chief.—G.W., 5/10/88. Write again, drawing attention to the want of buildings for this machinery.—R.H., 9/10/88. Write.—S.S., 10/11/88. See M.P. 7,404/88 herewith, Jno. P., 11/10/88—J.S.

From the paper hereto attached it will be observed that the necessity for the erection of buildings for the reception of the machinery at Garden Island is daily becoming more apparent, I would therefore again respectfully urge that steps be taken to carry out this much needed want. Copy of my minute of the 13th July herewith.—ROBT. HICKSON, B.C., 12/10/88. Under Secretary for Public Works.

Colonial Architect,—Report.—J.B., 18/10/88. Urgent.

Drawings of proposed buildings for reception of the machinery referred to, estimated at £17,000, were submitted to works on 8th September and 14th November, 1887, also subsequently referred to on 28th March last.—P.W., 88-3574.—I have not since received any instructions in the matter.—J.B., 25/10/88. P.W.O., 26/10/88.

Memo. to Mr. Dawson.—Cleaning Machinery, &c., Garden Island.

THE cost of this work, about £30 per month, seems rather large. Will Mr. Dawson be good enough to report as to its necessity, and whether what is absolutely necessary could not be done for less money?

G. A. TILLET,
30/10/88.

Mr. Tillet,—Report attached.—H.B.D., 30/10/88. Mr. Tillet.

The Colonial Architect to The Under Secretary for Public Works.

Respecting works, Garden Island, in connection with Naval Station.

Sir, Department of Public Works, Colonial Architect's Office, Sydney, 21 August, 1888.

The sum of £165,000 having been voted on Loan Estimates this year for work in connection with Naval Station, I do myself the honor to refer to my blank cover minute of 28th March last and previous correspondence, submitting plans for engineer's shops and chain and anchor store, proposed to be erected on Garden Island, estimated respectively at £17,000 and £4,000, but for which funds were not then available. Therefore, if it should be decided to carry out these works, tenders can be invited at once.

I have, &c.,

JAMES BARNET,
Colonial Architect.

The Principal Under Secretary.—J.B., B.C., 25/8/88. P.W., 88-336, 88-3574. Submitted.—J.B., 12/9/88. For approval.—C.W., 15/9/88.

Men Cleaning, Overhauling, &c., Machinery for Garden Island.

Harbours and Rivers Department, 31 October, 1888.

THE number engaged can only be regulated, with safety to the men and machinery, according to the weight and kind of material we have to deal with. Carrying out this principle, the expense varies, and has been reduced as low as possible.

From previous reports representing the bad condition (through rust) in which some of this machinery was received, and the way in which it has been cleaned, painted, stacked, and numbered, I think the expense incurred is reasonable.

When I find there is not full employment for the men their services are dispensed with, and when required they are again employed. As this work requires care the most useful men are retained.

If you could please state a time when you can make it convenient to go to the island, as I require your advice about several things in connection with this work, and you could then see what has been done and what requires doing, and, if possible, reduce the expense.

H. B. DAWSON.

Mr. G. A. Tillet, Acting Principal Assistant Engineer, Harbours and Rivers Department.

After visiting Garden Island I have come to the conclusion that only such labour as is absolutely necessary is being employed to clean and store the machinery which has been, is now being, and is to be, landed and stored there; in fact, before much more can be received there, fresh shed-room will be required. There is now a large mass of machinery of a costly kind exposed to the weather, the bright parts being only protected by dubbing. In addition to it being a source of expense, it seems a pity to see valuable machinery exposed as that is. The wooden frame-work and bodies of some half-dozen large lorries are cracked and split in all directions, and will probably not be of any use when required. There is no reason that I am aware of why the shops should not be built, and thus allow of the machinery being put in its proper place. I wish also to draw attention to the fact that in consequence of some blasting operations lately made by Batty and Sheehy, contractors, near the store in which the machinery is placed,
some

some 10 or 15 tons, at the least, of rock are left in a dangerous condition, overhanging the store at its northern end. The rock is much shaken, and should it fall will do a serious amount of damage. I think Mr. Williams should be instructed to have this shattered rock taken down.—G. A. TILLET, 5/11/88. The Engineer-in-Chief.

Mr. Williams to get this rock removed at once, and return the paper. Urgent.—R.H., 5/11/88. This matter will be attended to at once.—S.W.R. (for A.W.), 7/11/88.

I would again draw attention to the necessity of having the buildings erected for the machinery which is now on Garden Island and exposed to the weather. It is costing about £30 per month for cleaning and overhauling the machinery, and, what is far more important, is continually depreciating in value, owing to rust, &c. I suggest the Colonial Architect be asked how long it will be before the buildings are commenced.—ROB. HICKSON, B.C., 7/11/88. Under Secretary Public Works.

The Chairman, Parliamentary Standing Committee, Public Works, to Admiral
Commanding Australian Station.

Sir,

Sydney, 26 September, 1888.

I have the honor to state that this Committee, in pursuance of its duties under the Public Works Act of 1888, 51 Vic., No. 37, are engaged considering the expediency of carrying out certain proposed improvements and additions to the wharfage accommodation at Woolloomooloo Bay, referred to them for inquiry by Parliament, and as one of the proposed improvements is the construction of a wharf for the use of Her Majesty's ships on this Station, in lieu of the wharf for that purpose, at present in Woolloomooloo Bay. The Committee desire to know whether, in view of the arrangements between the Government of New South Wales and the Admiralty, for the construction of certain works for the use of the Squadron in these waters, the alteration meets with your approval.

The new wharf, according to the plan before the Committee, is to be constructed to the north of the present wharf, on the western side of the bay, and is to be 588 feet in length; 320 feet of this to be for the use of Her Majesty's ships, and the remaining portion for commercial purposes; and the evidence before the Committee is not sufficiently definite to enable them to understand whether this has been sanctioned by the Naval authorities.

I have, &c.,

JOHN LACKEY,
Chairman.

His Excellency the Governor.—H.P.

The proposed New Admiralty Wharf, Woolloomooloo Bay.

Rear-Admiral Fairfax to His Excellency Lord Carrington, in reply to a letter from the Chairman of the Parliamentary Standing Committee on Public Works, on the subject of wharfage accommodation for the Royal Navy, proposed to be provided in Woolloomooloo Bay.

My Lord,

"Orlando," at Sydney, 12 November, 1888.

In reply to letter, dated 26th September, 1888, from the Parliamentary Standing Committee on Public Works, forwarded by your Excellency, on the subject of wharfage accommodation for the Navy, to be provided in Woolloomooloo Bay, I beg to say that the arrangements between the New South Wales Government and the Admiralty have been completed some years ago, and without reference to their Lordships I could not concur in any extensive departure from the plans already approved.

If, however, as now appears, there is a difficulty in completing the wharf and buildings, as designed, in the assigned position, owing to want of foundation, I am satisfied that there will not be difficulty in obtaining authority to alter the position to the extent proposed, provided equal advantages in all respects are offered as were arranged in the former position, and as regards exclusive possession to the Navy of the wharf to the extent originally proposed, with the naval store buildings situated in the same relative position in the rear of the wharf.

Owing to increasing requirements, the want of the new naval store and wharf is very much felt, and further increase of the squadron is anticipated. I should be prepared to submit for Admiralty approval any approved change of position from the original plan which would accelerate the building of the new naval dépôt: And should your Excellency's Government think any such change advisable with that view, I will endeavour to fall in with the arrangement and recommend its adoption if I find the plan proposed to be suitable and feasible.

I have, &c.,

H. FAIRFAX,
Rear-Admiral and Commander-in-Chief.

His Excellency the Right Honorable Lord Carrington, G.C.M.G., &c., &c., &c.,
Governor and Commander-in-Chief, New South Wales.

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

(No. 105.)

My Lord,

Downing-street, 18 December, 1888.

With reference to my despatch No. 33 of 22nd March last, respecting the works at Garden Island and Woolloomooloo, I have the honor to transmit to you for communication to your Government a copy of a further letter from the Admiralty on the subject.

I request that you will furnish me with a report on the progress of the works at as early a date as possible.

I have, &c.,

KNUTSFORD.

Colonial Secretary, who will be good enough to cause the report to be furnished as soon as possible.—CARRINGTON, 30/1/89. Refer for report of the Colonial Architect.—C.W., 5/2/89. The Under Secretary for Public Works.—C.W., P.U.S., B.C., 5/2/89. The Col. Architect.—D.C.M.L. (pro U.S.), B.C., 7/2/89. See report herewith.—J.B., 8/3/89.

Minute

Minute by Mr. R. Hickson.

Subject :—Again urging erection of buildings for machinery, Naval Station, Garden Island.

Harbours and Rivers Branch, Sydney, 21 December, 1888.

I would again beg to strongly urge that steps be at once taken to proceed with the erection of the necessary buildings for the reception of the valuable machinery for the Naval Station at Garden Island. I should point out that within a month the machinery will probably be landed, and there is no place available as yet for storing it.

ROB. HICKSON.

B.C., Under Secretary Public Works.

Telegram from The Admiral Commanding the Australian Station to His Excellency the Governor.

Auckland, 28 December, 1888.

Will your Excellency's Government kindly inform me whether any prospect continuation naval works Garden Island and Woolloomooloo.

ADMIRAL FAIRFAX.

The Admiral Commanding Australian Station to His Excellency the Governor.

My Lord,

"Orlando," at Wellington, 22 February, 1889.

I have been repeatedly obliged to write and ask your Excellency's attention to the slow progress of the naval works at Garden Island, and delay in building the proposed depôt at Woolloomooloo Bay, and to make inquiries from your Excellency with the object of replying to letters which I have received from the Lords Commissioners of the Admiralty.

2. In acknowledging them your Excellency has in each case replied that they have been handed to the Colonial Secretary, but no reply on the subject of my letters, giving the information that I sought, has ever reached me.

3. The barracks and sail-loft and boat-house appear to be nearly complete, but neither of these buildings have been yet handed over to the Navy, and no progress has been made with other buildings designed for Garden Island, or with the Naval Store at Woolloomooloo Bay.

4. I had hoped that the barracks would have been available for the crew of the "Dart," about to be thoroughly repaired for recommission on the station, but I have been obliged to withdraw her from Sydney to Auckland, where the crew can be provided for in the Naval Depôt, and necessary work of repairs effected.

5. For efficient performance of work connected with repairs and maintenance of Squadron, Sydney affords no greater facility than can be obtained in other leading Australian ports by employing contract. In other Colonies I have been assured on the best authority that Government would be ready to place such buildings and store-houses at the disposal of the Admiralty as might be required. I and the officers preceding me in command of the Naval Station have been unwilling to suggest any alteration in the arrangements, believing that the Government of New South Wales intended to carry out their agreement entered into with the Admiralty without delay, but now that all works on Garden Island are apparently abandoned, I feel disposed to advise that, in view of the large increase of stores that will be required in anticipation of the Auxiliary Squadron, we should seek buildings where our stores can be conveniently placed, and where they will not deteriorate.

6. Hitherto the performance of necessary work has been confined to Sydney, as the Naval Head Quarters, and the amount of Imperial money passing through the Naval Depôt annually exceeds £80,000.

7. The completion of the agreement made in 1881, and of the buildings, as by plans drawn up in 1883-84, has been always and continuously expected as the means of obviating difficulties with which I have to contend in arranging for the efficient maintenance of the squadron.

8. The letters quoted in margin are those above referred to in paragraphs 1 and 2, to which I would request attention of your Government, with a view to reply.

The Colonial Secretary.—CARRINGTON, 4/3/89.

I have, &c.,

H. FAIRFAX.

Minute by The Colonial Secretary.

Letters from Admiral Fairfax.

5 March, 1889.

REFERRING to the letter of the 22nd February from Admiral Fairfax, received from His Excellency the Governor this morning, I should like the whole of the communications referred to by the Admiral in the margin of the last paragraph of his letter of the above-mentioned date, and I should also like a *précis* of the present position of our agreement with the Imperial Government in regard to the works which the Stuart Government agreed to erect.

If necessary, to finish the works which the Colony is pledged to erect, further provision must be made upon the next Loan Bill.

It is clear that we are not carrying out our agreement with the Imperial Government with such vigour and promptitude as to prove our good faith, and the consequence of our neglect will be the removal of the whole, or at least a large part, of the Imperial fleet to one of the other Colonies, and with such removal this Colony would sustain considerable loss of prestige, besides a large annual expenditure, from which much benefit is now secured to a great number of the trading firms of the city.

GEORGE R. DIBBS,

Colonial Secretary.

Memorandum

22nd Oct., 1887.
87/11816.
24th Oct., 1887.
88/12150.
3rd April, 1888,
with batch.
21st April, 1888.
88/4937.
21st May, 1888.
88/6151.
6th June, 1888.
88/9766.

Memorandum by The Principal Under Secretary.

Works at Garden Island and Storage at Circular Quay.

5 March, 1889.

The whole of the papers connected with the works on Garden Island are with the Department of Works, as will be seen by the memorandum on the next page. There are plenty of funds available to carry out the various buildings, &c., and all that is required now is the approval of the Colonial Secretary, which cannot be given until the papers are returned here. There has been no delay here; if any has occurred it has been in the other Departments.

Perhaps Mr. Dibbs will kindly give his sanction, without waiting for the papers, for the works to be proceeded with at once, and direct that a communication to that effect be made to the Works Department.

CRITCHETT WALKER,
Principal Under Secretary.

Approved.—G.R.D., 5/3/89.

Letters from Admiral Fairfax forwarded to Public Works Department, &c.

- 87-11,816—22nd October, 1887, re works, Garden Island, received 26th October, forwarded to Works 31st October.
87-12,150—24th October, 1887, re works, Garden Island, received 3rd November, to Works Department 10th November.
88-4,225—3rd April, 1888, re works Garden Island, Spectacle Island, &c., received 10th April, forwarded to Works Department 25th April, 1888.
88-4,937—21st April, re storage accommodation for reserve of boats, &c., received 25th April, 1888, forwarded to Works Department 5th May, 1888.*
88-6,151—21st May, 1888, re wharf in front of Naval Depot, Circular Quay, received 25th May, forwarded to Police 4th June, 1888.*
88-6,854—6th June, 1888, re use of stores, office to be occupied by Ordnance Storekeeper, received 12th June, 1888, forwarded to Ordnance Storekeeper 6th August, 1888.*

* Forwarded to Private Secretary for information of Admiral.

Minute by The Colonial Secretary.

Works at Garden Island.

5 March, 1889.

I RECEIVED a communication from the Naval authorities this morning complaining of the delay in carrying out the works on Garden Island, and also of the long neglect in answering various communications from the Admiralty regarding these works.

I shall be glad, as all the papers I understand are with the Minister for Works, if he will kindly cause instructions to be given to have the whole of these works carried out at once, and that the Colonial Architect may be instructed to take the necessary action in the matter.

GEORGE R. DIBBS,
Colonial Secretary.

The Under Secretary for Public Works, B.C.—C.W., P.U.S., 6/3/89.

Instructions to this effect have been given on another paper, P.W., 89/1,269, H. & R., and tenders are now being invited for some of the most important buildings.—J.B., 11/31/89.

The Colonial Architect to The Under Secretary for Public Works.

Sir,

Colonial Architect's Office, Sydney, 8 March, 1889.

In reference to accompanying papers respecting works for Naval Station, returned to me this day, and copy of letter with same, from Lord Knutsford, dated 18th December last, referring to copy of further letter from the Admiralty—not enclosed—asking for report as to progress of works at Garden Island and Woolloomooloo, I do myself the honor to state that the following works, as reported in my letter of 22nd June last, with papers, have been completed at Garden Island, viz:—

	Cost.		
	£	s.	d.
Two Cottages for Caretakers	1,390	10	0
Rigging-house, Sail loft, &c.	16,289	18	11
Barrack for Seamen	8,003	0	0

Those remaining to be carried out at the Island, also reported in my letter referred to, for which estimates were submitted on the dates named in margin, comprise—

	Estimated Cost.			
	£	s.	d.	
Engineer's Shop	17,000	0	0	Plans submitted 8th Sept. & 9th Dec., 1887.
Chain and Anchor Store	4,000	0	0	
Fittings for Seamen's Barrack	1,530	0	0	Submitted 9th May, 1888.
Saw-mill, Spar-shed, Boat-house, Pitch-store, &c.	13,000	0	0	
Prison	4,500	0	0	Submitted 2nd February, 1888. P.W., 88/336.
Latrines, Drainage, &c.	4,000	0	0	
Resident Officer's Quarters, &c.	4,000	0	0	

Having yesterday received your communication conveying full authority for performance of all works connected with the Naval Station, I forwarded forms of notice inviting tenders for the two first-named works, viz:—Engine Shop, Chain and Anchor Store, and now forward notice for the Saw-mill, Spar-shed, &c.; the fittings for the Seamen's Barrack will be proceeded with at once, and the remaining items—Prison, Latrines, &c., Officers' Quarters—will also be dealt with and tenders invited as soon as possible.

In regard to the Naval Store-houses, proposed in the first instance to be erected on the shores of Woolloomooloo Bay, for which sketch plans have been prepared, I would state that on reference to the papers it appears the Commander-in-Chief has suggested, as difficulties were in the way of erecting them on this site, that they should be erected on Garden Island, and a store and office provided for the Paymaster-in-charge, close to Circular Quay, and a portion of the Quay reserved where vessels or lighters might be placed at any time. Under date, 8th November, 1887, on papers respecting change of site, I reported that perhaps the stores and wharf at Circular Quay resumed by the Government from the

A.S.N.

A.S.N. Co. might answer for the Naval requirements. Should it not however be considered desirable to utilize these premises for the purpose, the plans prepared for Woolloomooloo Bay can be altered to suit the site on Garden Island; but as to reserving any portion of the Circular Quay, this is a matter that will, I presume, require to be dealt with specially by the Government.

I have, &c.,
JAMES BARNET,
 Colonial Architect.

Minute by The Secretary for Public Works.

Subject:—Naval Station, Garden Island.

Department of Public Works, Sydney, 11 March, 1889.

All matters appear now to be in a fair way for settlement, with the exception of that relating to the stores which it was proposed to erect on the shore of Woolloomooloo Bay for the use of the Admiralty. The site first proposed was found unsuitable on account of the difficulty in obtaining foundations. A proposition was then made that the stores should be built on a site further to the north, where better foundations could be found, and a suggestion was made that the Admiral should be put in communication with the Engineer-in-Chief for Harbours and Rivers and the Colonial Architect with a view to the settlement of the matter, but this does not seem to have been carried out. Meanwhile the question came before the Public Works Committee in connection with the proposed wharfage improvements at Woolloomooloo Bay; and the Committee, after taking a considerable amount of evidence, amongst which was that of Captain Kane, on behalf of the Admiral, passed the following resolution:—"That the Committee recommend that the Government enter into negotiations with the Imperial Naval authorities with the view of providing the necessary accommodation at Garden Island in lieu of the proposed site for a Naval wharf and store at Woolloomooloo Bay."

I would therefore suggest to my honorable colleague that he act on the suggestion already made, viz., that the Admiral be put in communication with the Engineer-in-Chief for Harbours and Rivers and the Colonial Architect, and I have no doubt that as the outcome a definite course will soon be decided upon.

BRUCE SMITH.

The Principal Under Secretary.—J.B., B.C., 19/3/89.

Memo. for The Principal Under Secretary.

REFERRING to statements made in the newspapers about a fortnight ago, I wish to know how the works at Garden Island are progressing, and the precise grounds of Admiral Fairfax's complaints.—H.P., 14/3/89.

The Colonial Secretary wishes to know how the works at Garden Island are progressing, and the precise grounds of Admiral Fairfax's complaints.—C.W., 14/3/89.

Register and resubmit at once.—J.B., 14/3/89.

The whole of the papers are with the Department of Works, where they have been since June, last year. The works have now all been approved, and I have asked Mr. Barling for a *précis*, which will be furnished to-morrow.—C.W., 14/3/89.

After this *précis* is submitted it will be desirable that the Colonial Architect see me on the subject.—H.P., 14/3/89.

The Colonial Secretary to His Excellency the Governor.

My Lord,

Colonial Secretary's Office, Sydney, 20 April, 1889.

In reference to the provision to be made by this Government for ships of the Royal Navy, I desire to assure your Excellency that there is no disposition to delay unnecessarily the works agreed upon for that purpose, nor do I think any ground exists for doubting that Parliament will be fully prepared to sanction future expenditures which from time to time may be considered expedient for additional accommodation. With respect to the works remaining to be carried out on Garden Island, amounting to an estimated cost of £48,030, I learn from the Architect's department that tenders have now been accepted for the whole of them, and their erection will be steadily proceeded with. They consist of:—Engineer's shop, chain and anchor store, barrack, saw-mill, spar-shed, boat-house, and pitch store, prison, resident officer's quarters, &c., &c., &c.

There has been some difficulty in regard to the proposed Naval Stores at Woolloomooloo Bay, which are estimated to cost £40,000. The site appears to be unsuitable, and one which will be found inconvenient from the first, and increasingly so in the future, while the foundation is admittedly very bad. There is reason to believe that it was selected without sufficient consideration for the main object which should have been kept in view, namely, making adequate provision for the storage of the material of Her Majesty's ships on this station. Moreover, the erection of the stores on this questionable site would, according to the plans, involve an encroachment on the land of the Government Domain, which, I think, would give rise to much public dissatisfaction. It seems to me that it would be well for your Excellency to invite the Admiral's attention to these circumstances before the irrevocable step is taken of erecting the stores on the cramped-up spot at Woolloomooloo Bay.

It may be well to inform your Excellency, though I am of course aware that it is a matter in which the Naval Authorities at present have no concern, that a resolution was adopted by the Legislative Assembly a few years ago to set Garden Island apart for ever as a marine resort for the people of the Colony; and that the agreement made by the late Sir Alexander Stuart with Commodore Erskine was executed either in ignorance or in defiance of this resolution. It is by no means improbable that this violated decision of Parliament may yet be revived in an unpleasant form, and I mention it now in connection with the question of adequate provision for the increasing needs of the Navy in this Port in the not distant future, say, for the next twenty to thirty years. Would it not be advisable and prudent to select some much larger area of land, with deep water frontage on the shores of Port Jackson, as the principal Arsenal.

Arsenal and Dockyard, keeping the portion of Garden Island already occupied as an emergency Naval Depot? I offer this suggestion for the consideration of the Naval Authorities, and at the same time beg to repeat my assurance that the Government of the Colony are desirous of consulting the wishes and meeting the necessary demands of the service on this station.

I have, &c.,
HENRY PARKES.

The Admiral Commanding Australian Station to His Excellency the Governor.

My Lord,

"Orlando," at Sydney, 30 April, 1889.

It affords me great pleasure to transmit to the Lords Commissioners of the Admiralty the letter forwarded to me by your Excellency on the 20th instant, in which your Government state that tenders have now been accepted for the whole of the works for the Navy at Garden Island; and remarks also on the unsuitable site proposed for the Naval Store at Woolloomooloo Bay.

As regards site for Naval store, should your Excellency's Government propose any other available site affording equal facilities, I shall be prepared to depute an officer to visit and report in conjunction with any official your Government may be pleased to name with the view to meet their wishes if practicable—observing that there is urgent necessity for this building, on account of present pressing requirements.

I have, &c.,

H. FAIRFAX,
Rear-Admiral and Commander-in-Chief.

The Colonial Secretary.—CARRINGTON, 30/4/89.

Submitted, 1st May.

The Colonial Secretary to His Excellency the Governor.

My Lord,

Colonial Secretary's Office, Sydney, 8 May, 1889.

In reference to the latter part of the letter from Rear-Admiral Fairfax of the 30th instant, I should be glad to learn whether the erection of the Naval Stores on a portion of Garden Island would meet with approval. It has been mentioned to me, though not with authority, that this would be considered a suitable site. It is not suggested by the Government, the only object now being to elicit information on the subject before any other step is taken.

I have, &c.,

HENRY PARKES.

The Admiral Commanding Australian Station to His Excellency the Governor.

My Lord,

"Orlando," at Sydney, 9 May, 1889.

In reply to Colonial Secretary's letter of yesterday's date, forwarded to me this day by your Excellency, I have the honor to state that should your Government offer to erect the Naval Stores on a portion of Garden Island, I would telegraph to the Admiralty for instructions, provided that the space available proves sufficient, and that a receiving office near the Quay, and sufficient wharfage for naval requirements on the Quay, on the main land, can also be provided and reserved for naval use, in suitable and convenient positions.

I have, &c.,

H. FAIRFAX,
Rear-Admiral and Commander-in-Chief.

The Colonial Secretary.—CARRINGTON, 10/4/89.

Submitted, 13/5/89.

His Excellency the Governor to The Admiral Commanding the Australian Station.

Sir,

Sydney, 17 June, 1889.

I have the honor to inform you that the Colonial Architect has been instructed to put himself at once in communication with any officer you may appoint, so as to obtain the wishes of the Admiralty upon the subject of the erection of Naval Stores on a portion of Garden Island.

If Garden Island is suitable for the erection of these buildings, and approved by the Admiralty, Sir Henry Parkes assures me that the work will be put in hand at once.

I have, &c.,

CARRINGTON.

The Admiral Commanding Australian Station to His Excellency the Governor.

My Lord,

"Orlando," at Sydney, 18 June, 1889.

I have the honor to inform your Excellency that I have nominated Captain T. F. Hammill, H.M.S. "Orlando," to communicate with the Colonial Architect and to confer with him as to the suitability of a position on Garden Island for the Naval Store, with a view to report in accord with your Excellency's letter of yesterday's date.

I have, &c.,

H. FAIRFAX,
Rear-Admiral and Commander-in-Chief.

The Colonial Secretary.—CARRINGTON, 18/6/89.

The Secretary for Public Works.—H.P.,

27/6/89. The Under Secretary for Public Works.—C.W., P.U.S., B.C., 28/6/89.

The Colonial

Architect.—J.B., B.C., 29/6/89.

Captain of H.M. Ship "Orlando" to The Colonial Architect.

Dear Sir,

25 June, 1889.

Here are the notes as to the probable requirements of the Depot, &c., at Garden Island, and the receiving shed, &c., on the mainland.

We leave for a somewhat extended cruise to-morrow afternoon.

Yours, &c.,

T. F. HAMMILL.

[Enclosures.]

NOTES as to the probable requirements for Naval Store on mainland, Sydney, supposing the Depot to be established on Garden Island.

1. A wharf of, say, 75 feet extent by 15 feet wide, with exclusive right to its use. This wharf to be provided with landing steps, and a crane capable of lifting 5 tons.
 2. A receiving shed or store.—Dimensions, say, 50 feet by 40; a well built, well lighted, and secure shed, containing an office in one corner for storeman's use.
 3. Office.—An office contiguous to the receiving-shed will be required. It should consist of—(a) a room for the officer-in-charge, of suitable dimensions, in which he would transact the business of the Depot on the mainland; (b) a similar room for clerk or writer and a lavatory.
- This establishment on the mainland should be, if possible, on Circular Quay, and so in direct contact with the business parts of the city.

Office Accommodation on Garden Island.

The requirements will be:—

- (1.) Office for Naval Victualling and Store Establishment.—One room for Head of Department; one room, First Assistant, Victualling Branch; one room, First Assistant, Naval Store Branch; two rooms, clerks or writers, or one large room for this purpose; one audit and consultation room and stationery room.
 - (2.) Inspector of Machinery.—One room for Head of Department; one room for Assistant and writer; one room for draughtsman.
 - (3.) Staff-Commander or Captain-in-charge.—One room for Staff-Commander or Senior Executive Officer; one room for charts.
 - (4.) One room, carpenter of yard.
 - (5.) One room, boatswain of yard, or one large subdivided room for both of these officers; a general writing-room or hall, lavatory, W.O.'s, &c., and messengers' room.
- Provision should be made on the Island for a place where the officers can take their luncheon, and accommodate them at times when they are off duty. It is proposed that the officers' quarters in the barracks should be utilized for this, or in working out the office building it might be provided for.

General considerations with regard to the construction of the Victualling and Naval Store Building.

The building should be arranged so as to provide accommodation for two distinct varieties of stores, viz.:—(1) Victualling Stores; (2) Naval Stores, the amount of the former being to the latter in the proportion of about two to three there should therefore be a general subdivision for this purpose.

(2.) Each store-room or store-rooms for particular description of stores, should contain an issue office and a "lay apart" room for convenience and regularity of issue. Every facility with regard to tramways, hatchways, &c., should be provided to each store-room.

The amount of total floor space necessary can only be approximately estimated. It should not be less than 7,500 square yards, but the maximum limit of 10,000 square yards should be attained if possible.

The jetty accommodation must be adequate and provided with a crane and other facilities.

The present jetty on Garden Island should be extended at least 100 feet to the southward, and a causer for lighters and yard craft should be constructed at the end of it. Tramways should run from the jetty to the store, and through the store under the hatchways.

Dwellings required on Garden Island in addition to accommodation provided by Barracks.

Staff-Commander or Senior Executive Officer, one dwelling-house; Inspector of machinery, one dwelling-house; carpenter of yard, one house; boatswain of yard, one house (present cottages to be added to); six cottages for permanent staff.

T. F. H.,
28/6/89.

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

(N. S. Wales, No. 39.)

My Lord,

Downing-street, 25 June, 1889.

With reference to my Despatch No. 33 of the 22nd March, 1888, and to previous correspondence, respecting the Naval establishment at Sydney, I have the honor to transmit to you, for communication to your Lordship's Government, copies of two letters from the Admiralty on the subject.

I should be glad to be informed of the views of your Government on the subject.

I regret that a delay has occurred in transmitting these letters.

I have, &c.,
KNUTSFORD.

[Enclosures.]

Sir,

Admiralty, 20 April, 1898.

I am commanded by the Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that in view of the importance of the Naval establishment which will be located at Sydney, when the various buildings to be erected by the Colonial Government have been completed, their Lordships consider that it should be under the charge of an officer of Commander's rank.

I am also to transmit to you the accompanying copy of a letter from Rear-Admiral Sir George Tryon, and an extract from one dated 30th December, 1887, from the present Commander-in-Chief on the station, with reference to the provision of suitable quarters for such an officer, and to request that Lord Knutsford will have the goodness to ascertain the views of the Government of New South Wales on the subject.

I am, &c.,
EVAN MACGREGOR.

The Under Secretary of State, Colonial Office.

Extract for.—C. in C., 30/12/87. G. Tryon.—22/3/88.

Extract from letter of Commander-in-Chief, dated 30th December, 1887.

5. I venture to recommend the appointment of officers for local duty at Sydney. The value of the buildings proposed to be constructed is very great, and an officer who understands the requirements of the yard and of the Navy would then at all times be at hand to advise the Colonial Architect's Department when requested. I notice that the plans of Garden Island do not provide a house suitable for an officer of Commander's rank, who probably would have the charge of such an establishment. The quarters marked "Officer-in-charge and Engineer" would be suitable for the departmental officers.

6. With the growing requirements of the station the officers of the Flagship are severely taxed, and I beg leave to refer to my predecessor's letter of March 18th, 1887, paragraphs 14 and 15, on this point. He there remarked that "very soon such a staff will be imperatively required," and "in fact no inconsiderable part of the squadron is employed maintaining the rest." This is quite the case.

Sir,

Sir,

5, Eaton Place, London, 22 March, 1888.

In reply to your letter of the 17th March, be pleased to inform my Lords that I am strongly of opinion that quarters should be provided on Garden Island for an officer of Commander's rank.

The island when the buildings are completed will become Imperial property, and the value of the plant there will be great, and the only way to secure an effectual and at the same time economical charge and supervision of the whole is by maintaining a limited establishment on it. A residence elsewhere, viz., on the mainland, would entail a very costly annual charge, and would not secure proper supervision by night and day.

It probably would commend itself to my Lords to place the vessels held in reserve under the arrangement recently arrived at with the Australasian Colonies, under this officer, who also might well have the supervision of Spectacle Island, and of the establishment there.

I have, &c.,
G. TRYON.

The Secretary of the Admiralty, Whitehall, London.

(D.W., 4,702.)

Sir,

Admiralty, 13 December, 1888.

I am commanded by the Lords Commissioners of the Admiralty to call the attention of the Secretary of State for the Colonies to their letter of the 20th April, 1888 (D.W., 4,434), respecting the provision in the buildings to be created at Sydney by the Colonial Government of New South Wales of suitable quarters for an officer of Commander's rank in charge of the Naval Establishment, to which no reply has yet been received, and at the same time to point out that it will be necessary also to provide accommodation for the Commander-in-Chief's secretary and his clerks.

With regard to this latter subject, I am to observe that my Lords are aware that for many years past the Government of the Colony have provided a house for the use of the Senior Naval Officer on the station, and that about four years ago a house was purchased and appropriated for the Admiral's use, but no provision has been made for housing the Commander-in-Chief's staff referred to above.

My Lords hesitate to ask the Colonial Government, who have so liberally provided for the Admiral, to provide also for his staff free of cost to the Imperial Government; but it occurs to them that if the Colonial Government would furnish a small house for the secretary, and quarters for two young officers (clerks), the matter might be arranged by the Admiralty paying a rent for the accommodation thus afforded.

I am further to state, that in the opinion of the late and of the present Commander-in-Chief, accommodation will hereafter be required for the Fleet Engineer and Second Engineer, as well as a house for the Captain-Superintendent of the Naval Establishment.

The ever-increasing work at all naval centres, and especially at Sydney, has convinced my Lords that an establishment on similar lines to those provided for Bermuda, the Cape of Good Hope, Malta, Jamaica, &c., is required at the naval centre of the Australian Station.

I am, &c.,
EVAN MACGREGOR.

The Under Secretary of State for the Colonies.

Col. Sec. for the views of the Government.—CARRINGTON.

The Colonial Architect to The Under Secretary for Public Works.

Sir,

Colonial Architect's Office, Sydney, 19 July, 1889.

In reference to the enclosed communication from Rear-Admiral Fairfax, informing His Excellency the Governor that he had nominated Captain Hammill, H.M.S. "Orlando," to confer with the Colonial Architect as to the suitability of a position on Garden Island for the Naval Store, forwarded to me under blank cover on 29th ultimo,—

I do myself the honor to report that, at the verbal request of Sir Henry Parkes, I met Admiral Fairfax and Captain Hammill on Garden Island, with the view of arranging for the store and other accommodation considered necessary for the requirements of the Naval authorities, named in accompanying notes furnished by Captain Hammill. The Island and plans of buildings proposed to be erected thereon were then examined, and the sites for store, offices, residences for senior officer in charge, and inspector of machinery; also cottages for men, as shown on general plan herewith, considered the most suitable. Additions to the present cottages, to adapt them for the requirements of the boatswain and carpenter of the yard, were at same time approved, together with extension of wharf and boat camber, as indicated on plan.

The following are the works specified in the notes referred to, viz.:—

<i>Offices.</i>		Estimated cost.
1. Offices for naval victualling and store department—8 rooms		£1,800
2. Offices for inspector of machinery—3 rooms		900
3. Staff commander or senior officer in charge, and charts—2 rooms		500
4, 5. Boatswain and carpenter in charge of yard—2 rooms		500
General waiting-rooms, lavatory, w.c., messenger's room, &c.		600
		£4,100
<i>Stores.</i>		
1. Victualling store	£20,000	
2. Naval store	30,000	
		50,000
These stores to be in one block, and to have 10,000 square yards of floor-space, instead of 4,800, as in first instance approved by Mr. Fishenden.		
Extension of jetty, with crane and boat camber		5,000
<i>Dwellings.</i>		
Staff commander, or senior executive officer—1 dwelling	£3,500	
Inspector of machinery—1 dwelling	2,000	
Carpenter and boatswain of yard, each 1 dwelling; present cottages to be added to	400	
6 cottages for permanent staff	5,000	
		10,900
		£70,000
<i>Summary of Estimate.</i>		
Office buildings		£4,100
Stores		50,000
Extension of jetty, &c.		5,000
Dwellings		10,900
		£70,000
Total		£70,000

The

The cost of these works will be chargeable to the vote for Naval Station Loans, 1888.

The notes also state that if the depôt is established on Garden Island the following requirements will have to be provided for on the mainland, Circular Quay if possible, viz. :—

1. Wharf, say 75 feet by 15 feet, with exclusive right of use to same, including crane to lift 5 tons.
2. Receiving shed, 50 feet by 40 feet.
3. Offices for officer in charge of shed, and clerk, two rooms.

With respect to these requirements they might perhaps be provided for by utilizing portion of the stores and wharf at Circular Quay resumed by the Government, formerly belonging to the Australian Steam Navigation Company.

I have, &c.,

JAMES BARNET,

Colonial Architect.

Submitted.—J.B., 26/7/89.

Find out what funds are available.—J.B., 23/7/89.

Will the Colonial Architect please say?—

D. C. M'L. (pro U.S.)—B.C., 24/7/89.

£66,255 8s. 6d.—J.B., 25/7/89.

The Colonial Secretary to His Excellency the Governor.

My Lord,

Colonial Secretary's Office, Sydney, 11 September, 1889.

I shall be glad if your Excellency will communicate to Admiral Fairfax to-day, if you can do so conveniently, that the Government, having had under consideration the altered plans for the erection of naval, victualling, and other stores and offices to meet the wants of the naval authorities on this station, have felt some hesitation on account of the largely increased estimate of expenditure.

Referring to the estimate for the proposed works at the time (a few months ago) when it was considered inadvisable to proceed with the proposed buildings on the western side of Woolloomooloo Bay, the new estimate for buildings required on Garden Island shows an excess of £30,000. In addition to this direct increase of expenditure, provision is required for storage and offices at the Circular Quay, which would take up a valuable portion of a property recently purchased by the Government at a cost of £275,000.

Your Excellency will oblige me, however, by informing Admiral Fairfax before he leaves the Colony, that I have authorized the Colonial Architect to proceed with the works as now proposed, and that the Government will ask Parliament to appropriate the additional sum which will be necessary for their completion.

I have, &c.,

HENRY PARKES.

The Admiral Commanding Australian Station to His Excellency The Governor.

My Lord,

"Orlando," at Sydney, 12 September, 1889.

I have the honor to acknowledge the receipt of your Excellency's letter of this date respecting altered plans for the erection of Naval, victualling, and other stores and offices to meet Naval requirements, and to express my thanks to your Excellency's Government for the instructions given for their being proceeded with.

I hope it may be convenient to forward plans at an early date, so that approval of the Admiralty may be obtained.

I have, &c.,

H. FAIRFAX,

Rear-Admiral and Commander-in-Chief.

The Colonial Secretary.—CARRINGTON, 14/9/89.

Submitted, 16/9/89.

The Admiral Commanding Australian Station to His Excellency the Governor.

My Lord,

"Orlando," at Sydney, 12 September, 1889.

The building on Garden Island, containing the rigging-house and sail-loft, is now pronounced complete, and, with the concurrence of Your Excellency's Government, as expressed in minute of 23rd March, 1889, by your Excellency, on Colonial Architect's report of 12th March, I now take over the care and maintenance of the building on the part of the Admiralty.

I have, &c.,

H. FAIRFAX,

Rear-Admiral and Commander-in-Chief.

The Colonial Secretary.—CARRINGTON, 13/9/89.

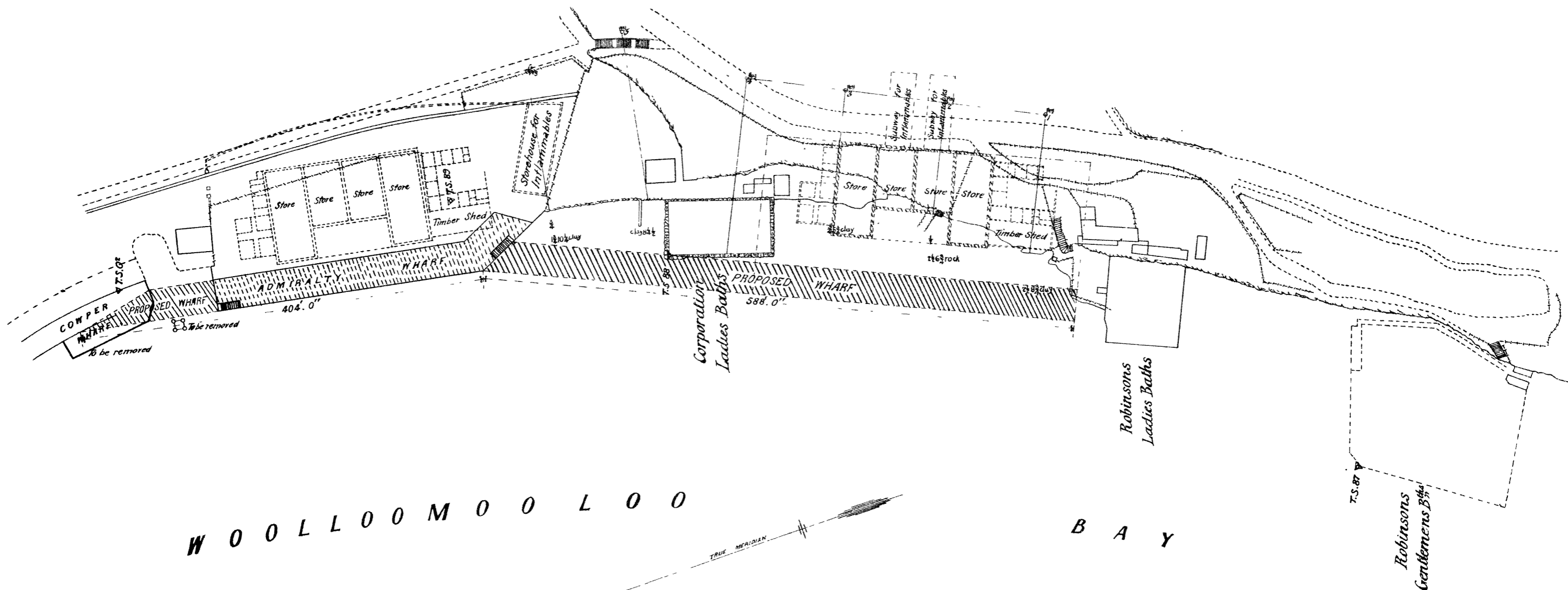
Seen.

[Two Plans.]

PLAN OF PART OF WEST SIDE OF WOOLLOOMOOLOO BAY

— SCALE 66^{ft} TO AN INCH —

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.



(Sig 652-)

NOTE The part colored brown on Original Plan is here shown thus

" " pink " " " " "

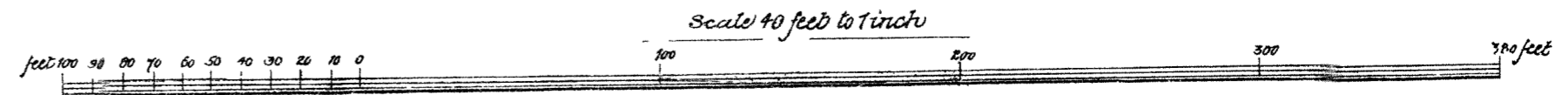
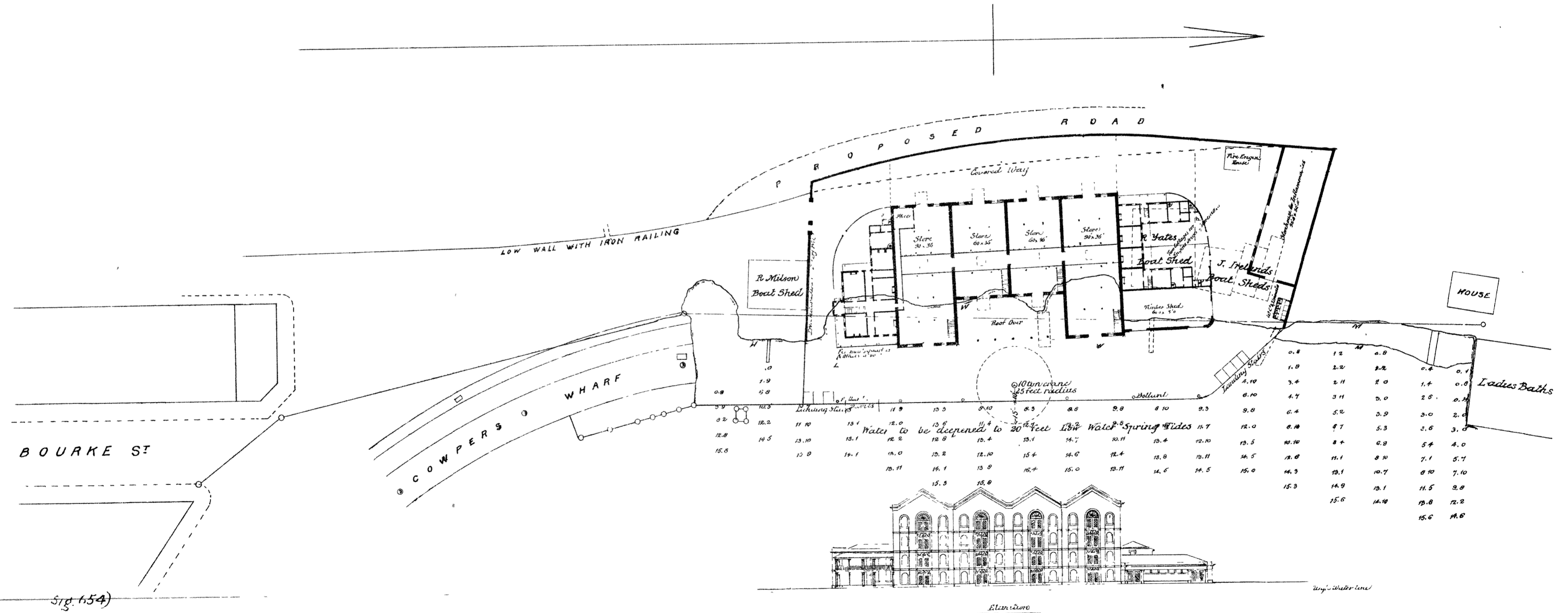


84/254

NAVAL STATION PORT JACKSON

SKETCH PLAN OF PROPOSED BUILDINGS AT WOOLLOOMOOLOO BAY

Note Soundings reduced to I. W. Spring Tides



1889.

NEW SOUTH WALES.

CIVIL SERVICE ACT, 1884.

(REPORT OF BOARD FOR 1888.)

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

REPORT

OF THE

CIVIL SERVICE BOARD OF NEW SOUTH WALES,

For the Year 1888.

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

YOUR LORDSHIP,—

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

2. The vacancy occasioned by the retirement from the Board of A. C. FRASER, Esq., in the order of rotation, on the 31st December, 1887, was filled by the appointment of A. OLIVER, Esq., M.A., Parliamentary Draftsman.

3. At a meeting of the Board, held on 24th January, JOHN WILLIAMS, Esq., was elected Chairman in pursuance of the terms of the 13th section.

4. The business of the Board has necessitated the holding of forty-one meetings during the year.

112—A

[1,053 copies—Approximate Cost of Printing (labour and material), £17]

5.

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

Abolition of offices for purposes of retrenchment and reorganization	15
Deaths	40
Resignations	71
Retirements on superannuation allowance	99
Dismissals	10
Appointments of probationers	5
Appointments under section 7	398
" " 8	188
" " 28	21
Creation of new offices under section 29, in which the appointments were made by the Governor-in-Council without reference to the Board	2
Appointment of temporary officers by Ministerial authority under section 31	257

6. The returns of Teachers in the Department of Public Instruction, show 17 retirements (which are included in the above), and also 261 resignations, 34 dismissals, and 5 deaths.

7. We have dealt with 187 appointments, promotions, and transfers under the provisions of section 27, and have to report that the recommendations made by the heads of Departments have generally been in strict accordance with the provisions of the Act, and have had the full concurrence of the Board. In a few cases we were of opinion that the claims of certain senior and eligible officers had been overlooked, and the matter having been referred back for further consideration, the views of the Board prevailed, and promotion was secured for the officers entitled thereto; but we have further to report that in two cases, full particulars of which will be found in the Appendix, we deemed it necessary to give emphatic expression to our dissent from the recommendations submitted to us, and finally to invite the attention of the Hon. the Colonial Secretary, as the administrator of the Civil Service Act, to what we considered the improper preference shown to ineligible officers.

8. In the one case, the point raised by us, and on which we based our objection to the proposed promotion, was that the officer had, in 1879, been dismissed from the service for serious dereliction of duty, and that such dismissal entirely obliterated and annulled all claim to count his service prior thereto. The dismissal was followed by a long break of service, after which he was appointed to a subordinate and temporary position, not by the Governor-in-Council who had confirmed his dismissal, but by the authority of the Minister only. We held that the claims of officers who had efficiently performed their duties should be considered in the order of their seniority before we could give our assent to the promotion of a person whose misconduct had merited so severe a penalty as dismissal from the service.

9. In the other case it was proposed to promote a young man, whose conduct had previously been reported on more than one occasion to be unsatisfactory, over the head of an officer stated to be efficient, and we, having recapitulated the reports received, requested to be informed why we should be asked to assent to what appeared to be an unwarranted superseding of a competent and senior officer by one who was shown by the reports of his superior officers to be inefficient. We were of opinion that we were entitled to be furnished with clear and definite reasons for the implied disqualification.

disqualification of the senior officer, and such not having been furnished by the head of the Department, we reversed his recommendation and reported the senior officer to the Minister as the most eligible for promotion.

10. It should perhaps here be stated (though the final action has been taken since the close of the year to which the Report relates) that our contention was not upheld by the Minister. In both cases the proposed appointments dissented from by us were made by the Department of Justice.

SUPERANNUATION ACCOUNT.

11. The balance of the Civil Service Superannuation Account, a statement of which is submitted herewith, in accordance with the 62nd section of the Act, was on 31st December, 1887, £235,436 11s. 8d. This was augmented during last year by receipts to the amount of £102,289 18s. 1d., making the total receipts to the end of 1888, £337,726 9s. 9d. The disbursements during the same period were £38,129 7s. 6d., thus leaving a balance to the credit of the Superannuation Account on 31st December, 1888, of £299,597 2s. 3d., showing an increase during the year of £64,160 10s. 7d.

12. The number of officers who have retired on pensions since the Act came into operation on the 1st January, 1885, to 31st December, 1888, is 228, and the amount to which they are entitled is £28,009 15s. 7d. per annum.

13. The gratuities granted during the same period amounted to £36,773 18s. 8d., the recipients numbering 239.

14. Of these, 18 pensions and 79 gratuities have been granted to persons whose services have been dispensed with for purposes of retrenchment or reorganization.

15. Gratuities to the amount of £10,298 3s. 10d. have been paid to eighty-seven widows.

16. Retirements under 60 years of age, consequent on ill-health, were 112 in number; the payments amount to £7,768 11s. 7d. for gratuities, and £8,095 10s. 8d. per annum for pensions.

17. Eleven pensioners have died within the above period, reducing the amount to be paid by £1,025 per annum.

18. The Triennial Investigation into the state and sufficiency of the Superannuation Account is now being made by the Actuary, but as the calculations involved are of a very complicated and voluminous character, and have not yet been completed, it is considered undesirable to delay this Report for receipt of same. A supplementary Report will be issued giving the result of the investigation when the Actuary's Report is received.

19. We think it proper to mention that the delay in furnishing the Actuarial Report has been chiefly created by the death of Mr. H. S. Hawkins, the late Actuary, who was specially charged with this matter.

20. We desire respectfully to invite your Excellency's attention to the Appendices hereto, numbered I to VII, which give full details of the matters under the several headings.

Given under our hands, at Sydney, this 9th day of May, 1889.

JOHN WILLIAMS,
Chairman.

THO. LITTLEJOHN.

CRITCHETT WALKER.

ALEX. OLIVER.

JOHN RAE.

APPENDIX.

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APPENDIX I.

COPY of Correspondence between the Civil Service Board, the Under Secretary for Justice, and the Principal Under Secretary, in reference to the appointment of Mr. F. B. Hales as Police Magistrate, &c., at Port Macquarie.

Department of Justice, Sydney, 4 June, 1888.

Minute Paper.

Subject:—Appointment of F. B. Hales, J.P., as Police Magistrate, Clerk of Petty Sessions, &c., at Port Macquarie, *vice* Reeve, retired.

THE office of Police Magistrate, Clerk of Petty Sessions, &c., at Port Macquarie, having become vacant by the retirement of Mr. Edward Reeve, it is proposed to appoint Mr. Frederick Barnwell Hales, J.P., one of the Emergency Clerks of Petty Sessions, whose present salary is £320 per annum, and who has been for some time performing the duties of Mr. Reeve's office, to be Police Magistrate, Clerk of Petty Sessions, and Registrar of the District Court, &c., at Port Macquarie, with salary at the rate of £390 per annum, from the 13th ultimo.

Mr. Hales has been twenty-one years in the Petty Sessions Branch of this Department, but his service is not continuous. He is an efficient officer and has had considerable magisterial experience, and has been specially recommended by the local Bench of Magistrates for the above position.

There are no applicants for the vacancy, and it is considered that Mr. Hales is fairly entitled to the position under the above circumstances.

ARCH. C. FRASER,
Under Secretary.

The Secretary to the Civil Service Board, B.C., 4th June, 1888.

Appointment of Police Magistrate, Clerk of Petty Sessions, &c., at Port Macquarie, *vice* Reeve.

THE Civil Service Board are unable to concur in the recommendation in favour of Mr. F. B. Hales' appointment as Police Magistrate, &c., at Port Macquarie. They are of opinion that as he was dismissed from the Service in 1879, and was only reappointed to the Permanent Staff on 1st December, 1886, such appointment having been made under section 29 of the "Civil Service Act, 1884," without the concurrence of the Civil Service Board, he cannot be considered senior to officers who have satisfactorily performed their duties continuously during his break of service. The only way in which Mr. Hales' service previous to his dismissal could count would be if the minute of his dismissal for cause shown, had been again brought under the consideration of the Executive Council, and reversed.

The Board are of opinion that as Mr. F. W. Edwards, P.M., and C.P.S. at Coonabarabran is, by virtue of his salary of £350 and length of service, the senior officer entitled to promotion, he should be nominated to the Hon. the Minister as the officer best qualified for appointment as P.M., &c., at Port Macquarie, with salary of £390 per annum.

E.G.W.P.

The Under Secretary, Department of Justice, B.C., 9 July, 1888.

Sir,

Department of Justice, Sydney, 6 August, 1888.

I have the honor to acknowledge receipt of the Minute of the Civil Service Board, dated 9th ultimo, in which the Board state that they are unable to concur in the recommendation of Mr. F. B. Hales for the position of Police Magistrate, &c., at Port Macquarie, and give their opinion that Mr. F. W. Edwards, P.M. and C.P.S. at Coonabarabran, should be nominated as the officer best qualified for the appointment.

By direction of the Minister of Justice, I referred the papers to the Attorney-General, through the Crown Solicitor (see letter herewith), asking for an opinion as to whether in the nomination by the head of this Department of an officer for an appointment under section 27 of the "Civil Service Act, 1884," that section should be interpreted (in accordance with the opinion of the Civil Service Board) as excluding from recognition the eighteen years' service of Mr. Hales, which the Board refuse to recognise. I enclose a copy of the Attorney-General's opinion, in which he says that the question raised as to whether Mr. Hales is entitled to have his service up to the date of his dismissal recognised is not one of law, and that he is not in a position to answer it, and goes on to say that the Board, in their report to the Minister of Justice, do not appear to have complied with the requirements of section 27 of the Act. I am, therefore, to invite the attention of the Civil Service Board to the view taken by the Attorney-General, and to ask them, provided they concur therein, to be good enough to furnish to the Minister of Justice such report as is required under the section referred to, which will enable the Minister to make his recommendation to the Governor and Executive Council in accordance with the provisions of the said section.

I am further to mention that Mr. Edwards was not an applicant for, and in fact has stated that he does not desire, the appointment of Police Magistrate and Clerk of Petty Sessions at Port Macquarie.

I have, &c.,

ARCH. C. FRASER,
Under Secretary.

The Secretary to the Civil Service Board.

Department

* This is a clerical error; it should have been "by" the Minister. The Minister does not appoint, but recommends to the Governor and Executive Council the appointment of officers. [See form of minute by which appointments are submitted to the Executive Council.—J.W.]

Sir,

Department of Justice, Sydney, 17 July, 1888.

In transmitting to you the accompanying recommendation of Mr. F. B. Hales for appointment as Police Magistrate, &c., at Port Macquarie, together with Minute of the Civil Service Board thereon, in which they state their inability to concur in such recommendation. I am directed by the Minister of Justice to invite you to have the goodness to place these papers before the Attorney-General for the favour of his opinion, as to whether in the nomination by the Head of this Department, of an officer for an appointment under section 27 of the "Civil Service Act, 1884," that section should be interpreted (in accordance with the opinion of the Civil Service Board) as excluding from recognition the eighteen years service of Mr. Hales, which the Board refuse to recognize.

Mr. Hales was dismissed from the Civil Service in 1879, and reappointed in 1886, by the Governor and the Executive Council. Under these circumstances the question is raised as to whether Mr. Hales is not entitled to have his service up to the date of his dismissal, counted in the same way as broken periods of service are counted in cases of resignation or otherwise, and further, whether Mr. Hales' reinstatement does not amount to an admission on the part of the Government that he had been sufficiently punished, and so render unnecessary any such Minute of reversal by the Governor and the Executive Council, as is referred to by the Civil Service Board.

I have, &c.,
ARCH. C. FRASER,
Under Secretary.

The Crown Solicitor, Sydney.

Minute Paper.

Subject:—Appointment of Mr. F. B. Hales as Police Magistrate, &c., at Port Macquarie.

Sir,

Crown Solicitor's Office, Sydney, 27 July, 1888.

I have the honor to return herewith the papers relating to the above matter, which were forwarded to me from your Department on the 18th day of July, 1888, and to state that I have submitted them to Mr. Attorney-General Simpson, a copy of whose advising thereon will be found upon the other side of this letter.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

The Under Secretary, Department of Justice.

Copy Opinion.

I AM unable to see how I can advise as a matter of law upon the question submitted to me by direction of my colleague, the Minister for Justice, which is "whether on the nomination by the head of this (the Justice) Department, of an officer for an appointment under section 27 of the 'Civil Service Act,' that section should be interpreted (in accordance with the opinion of the Civil Service Board), as excluding from recognition the eighteen years service of Mr. Hales, which the Board refuse to recognize."

It is stated in the letter of the Under Secretary for Justice, that the question is raised, under the circumstances stated therein, whether Mr. Hales is not entitled to have his services up to the date of his dismissal counted in the same way as broken periods of service are counted in cases of resignation or otherwise, and further, whether Mr. Hales' reinstatement does not amount to an admission on the part of the Government, that he had been sufficiently punished, and so render unnecessary any such minute of reversal by the Governor and Executive Council, as is referred to by the Civil Service Board.

It must be obvious I submit that the question thus raised is not one of law, and I am not in a position to answer it. I am equally unable to give an opinion as a matter of law, upon the question as to whether the section 27 should be interpreted as excluding from recognition the eighteen years service of Mr. Hales, which the Board refuse to recognize. I have read the section very carefully and after consideration I fail to see how it in any way touches the questions submitted to me. I do not see that it points out how length of service is to be computed, or that it deals with the question as to the effect of the previous dismissal and subsequent reinstatement in the service of a dismissed officer. It is very badly drawn and very difficult to construct.

The Superior Officer of a Department, whoever that may mean, in which a vacancy occurs, shall transmit to the Board through the Head of the Department a report in writing, and may recommend, that is, the Superior Officer may recommend, any officer in such Department competent in his opinion to fulfil the duties of the vacant office, and the Head of the Department may in like manner make a report and recommendation, and the Board shall report to the Minister the name of such officer (that is the officer so recommended), and of any other in the same or any other Department * * who, in the opinion of the Board, are qualified to fill such vacancy, and in such report the respective lengths of service, degree of competency, and attainments of such officers shall be specified, and if it be expedient to fill up such vacancy the Governor may, on the recommendation of the Minister, promote the officer thus reported as best qualified to fill the vacancy giving preference to an officer of the same Department if equally fit, &c., &c. The Board shall report to the Minister the name of such officer (so recommended), &c., &c. Instead of doing this, they say that they are unable to concur in the recommendation in favour of Mr. Hales, and that they are of opinion so and so, and that he cannot be considered senior to officers who have, &c., &c., and they go on to say how Mr. Hales' service, previous to his dismissal could (be made to) count, and they express an opinion that as Mr. Edwards is the senior officer is entitled to promotion he should be nominated to the Minister as the officer best qualified for appointment as Police Magistrate at Port Macquarie, with salary of £390 per annum.

The Board do not appear to me to have complied with the requirements or provisions of section 27, unless their report can be considered as such a compliance, and I do not think it can. They should follow the directions of the section, and have no power to go beyond it.

G. B. SIMPSON, A.G., 21/7/88.

Sir,

Civil Service Board, Sydney, 19 September, 1888.

I have the honor to acknowledge receipt of your letter of 6th ultimo, enclosing a copy of the Attorney-General's opinion on a case submitted to him by the Honorable the Minister for Justice, as to whether Mr. Hales is entitled to have his service, up to the date of his dismissal, recognized for the purpose of determining his seniority over officers who were on the staff prior to his re-entry to the Service in 1886.

The Civil Service Board note that the Attorney-General is of opinion that the question is not one of law. The Board concur in this opinion, and hold that it is a matter of administration, which is purely within the functions of the Board, as the Civil Service Act is to be administered by them.

Mr. Hales was not reinstated in the position from which he was dismissed, which would have been a virtual annulling of his dismissal; but he was first employed by the Minister as a temporary officer without the approval of the Governor-in-Council, and then appointed to an entirely new position without any reference to his previous career in the Service; and under a section of the Civil Service Act, which it has been held leaves with the Minister the power of appointing to a new office any person he may see fit to appoint without the matter being submitted for the concurrence of the Civil Service Board.

As a matter of administration the Board consider that Mr. Hales' service can only be counted from the date of his re-entry into the Service.

The Board are therefore of opinion that the officers of the Department eligible for promotion should be informed of the vacancy, and allowed an opportunity of applying for the promotion it would afford.

Mr. Hales not being in the line of succession, his appointment to the position of Police Magistrate at Port Macquarie would not merely affect the rights of the officer who may be eligible and willing to take the position, but it would stop the promotion of all the Clerks of Petty Sessions below such officer.

As regards the latter portion of your letter, the Board consider that they have conformed with the requirements of the 27th section, as in their report they did not fail to mention the name of the officer recommended by the Head of the Department, but nominated Mr. F. W. Edwards as the senior officer entitled to promotion.

As Mr. Edwards declines the position, the officer next in seniority should be asked whether he is desirous of the appointment, and in the event of his declining to go to Port Macquarie, the same opportunity should be afforded to each officer in succession.

I have, &c.,

E. G. W. PALMER,

Secretary, Civil Service Board.

The Under Secretary, Department of Justice.

Sir,

Department of Justice, Sydney, 1 October, 1888.

I am directed by the Minister of Justice to acknowledge receipt of your letter of 19th ultimo in answer to mine of 6th August last, respecting the recommendation of Mr. F. B. Hales, Emergency Clerk of Petty Sessions, for appointment as Police Magistrate and Clerk of Petty Sessions, Port Macquarie, and to reply as follows:—

The Attorney-General, in his opinion dated 21st July last, stated that he did not think the report of the Civil Service Board, dated 9th idem, was a compliance with the provisions of section 27 of the "Civil Service Act, 1884." But as he did not give a positive opinion, and the Board consider that they have conformed with the requirements of the 27th section, which says "the Board shall report to the Minister the name of such officer" (Mr. Hales) "and of any other" (Mr. F. W. Edwards) "who in the opinion of the Board are qualified to fill such vacancy," the Minister, in deference to the Board, is willing to assume that they have in such report complied with the section. The Board having recommended Mr. Edwards, it appears to the Minister that to comply with the section it would appear he must nominate to the Governor and Executive Council one of these officers for the vacancy. If such be the case he can only nominate Mr. Hales, Mr. Edwards not being an applicant.

In the last portion of your letter you say that "As Mr. Edwards declines the position the officer next in seniority should be asked whether he is desirous of the appointment, and, in the event of his declining to go to Port Macquarie, the same opportunity should be afforded to each officer in succession." The Minister is unable to see under what authority the Board lays down this proposition. There appears to be nothing in section 27 which would even imply that such a course should be taken, or to justify the Minister in exceeding the functions assigned to him by that section. On the contrary, to select one officer after another, on account of his "seniority," would appear to be in direct contravention of the section which states that "degree of competency and attainments," as well as "length of service," should be qualifications to be considered.

Under the circumstances, therefore, the Minister regrets he cannot see his way to adopt the course stated by the Board to be the proper one.

The Minister accepts the opinion of the Attorney-General that the question is not one of law "as to whether, in the nomination by the Head of this Department of an officer for an appointment under section 27 of the 'Civil Service Act,' that section should be interpreted (in accordance with the opinion of the Civil Service Board) as excluding from recognition the eighteen years service of Mr. Hales, which the Board refuse to recognize," and therefore, of course, agrees with the Board that, so far as their functions are concerned, they are entitled to treat the question as a matter of administration by them of the Act. At the same time the Minister thinks that, in the exercise of their independent functions under the Act, "the Minister," "the Head of the Department," and "the superior officer of the department in which the vacancy occurs," ought not to be bound by any view the Board for the time being may entertain on this question.

The

The Minister would feel great reluctance in acquiescing in the establishment of a precedent by which so severe a rule would be recognized as would deprive any officer who had been dismissed from, and afterwards reappointed to, the public service of the advantage of the term which he had served previous to such dismissal. In the present instance, having regard to this and other considerations mentioned, the fitness of Mr. Hales for the position, as evidenced by the recommendations of the Bench, and the necessity of at once terminating the long delay in filling up the vacancy and inconvenience caused through deprivation to this Department of the services of an Emergency Clerk of Petty Sessions, the Minister sees no other course left open to him but to recommend to the Governor and Executive Council the appointment of Mr. Hales to the position of Police Magistrate, &c., at Port Macquarie.

With reference to your statement that "Mr. Hales, not being in the line of succession, his appointment to the position of Police Magistrate at Port Macquarie would not merely affect the rights of the officer who may be eligible and willing to take the position, but it would stop the promotion of all the Clerks of Petty Sessions below such officers," I am further directed to add that, as Mr. Hales is a Clerk of Petty Sessions, and his salary as a permanent officer is paid out of the Petty Sessions vote, with great respect to the opinion of the Board, the Minister thinks, so far as he understands the meaning of the term, that Mr. Hales is "in the line of succession," and taking the view which the Minister does as to his seniority, there can be no such injustice done as the Board points out.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

The Secretary to the Civil Service Board.

Sir,

Civil Service Board, Sydney, 5 December, 1888.

I have the honor, by direction of the Civil Service Board, to acknowledge receipt of your letter of 1st October, in which you inform the Board that the Minister had determined "to recommend to the Governor and Executive Council the appointment of Mr. Hales to the position of Police Magistrate, &c., at Port Macquarie."

The Civil Service Board fully recognize the fact that the responsibility of recommending to the Governor the promotion of any officer rests ultimately with the Minister, but they regret that the Minister "sees no other course left open to him," as in their opinion, the course proposed is not in accordance with the spirit and provisions of the Civil Service Act, which was framed with the intention of securing to officers of good character and attainments, a proper recognition of their right to receive promotion in due order of seniority.

An examination of section 27 will fully maintain this contention. Before the Minister is in a position to act, the Board are enjoined to report to the Minister, not alone the name of the officer recommended by the Head of the Department, but of any other officers in the same or any other Department, who, in the opinion of the Board, are qualified to fill the vacancy. It is therefore clear that the Act confers upon the Board a very large power of nominating—from the whole Service, if necessary—persons in their opinion qualified for promotion to the vacancy so reported.

But how are the Board to exercise this power if the Head of the Department declines to furnish to them the names and qualifications of the officers from whom the nomination might be made? It is evident that the duty of furnishing the required information to the Board must rest with the Head of the Department, and if the information be not afforded the Board are thereby precluded from carrying out an express direction of the section.

In your letter you assume that because the Board nominated Mr. Edwards, the question of appointment necessarily rests between Mr. Edwards and Mr. Hales, and you state that you are unable to see under what authority the suggestion is made that the appointment should be offered to the persons qualified to fill the appointment in order of seniority. You also intimate that in the Minister's opinion this course is in direct contravention of the clause of the Act, which states that the degree of competency as well as length of service should be considered. It has never been disputed that competency and attainments must be taken into consideration, but it appears to the Board that the several officers in the Department filling offices similar to that now to be dealt with must be taken to be competent or they would not have been retained in the service; and there is nothing to show that the officers passed over are not in every way as efficient as Mr. Hales.

As the Board's nomination of Mr. Edwards is rendered void by that gentleman's refusal to take the position, the Board should have the opportunity of nominating an officer both eligible and willing to accept the office. The main points at issue in this case, however, are (1) whether dismissal from the service by the Governor-in-Council for serious dereliction of duty does or does not annul all rights acquired by such service; and (2) whether the presumed revival of those rights ought to operate detrimentally to officers who are eligible by seniority, attainments, and good conduct.

The Board desire to place on record their opinion that such dismissal entirely puts an end to any rights acquired by the officer to claim consideration for any services prior thereto, and that such rights will not be revived by his being allowed to enter the service by an appointment at some other position in the Government service, and that therefore Mr. Hales' right to nomination fails on the score of seniority, apart from the circumstances under which he was dismissed from the public service.

The Board, in view of all the facts, respectfully decline to concur with the recommendation in favour of Mr. Hales, because in their opinion there are officers in the Department of Justice, senior to Mr. Hales, who are eligible for promotion by reason of their competency and attainments.

I have, &c.,

JOHN WILLIAMS,

Chairman, Civil Service Board.

The Under Secretary, Department of Justice.

Sir,

Civil Service Board, Sydney, 5 December, 1888.

I have the honor, by direction of the Civil Service Board, to request that you will submit for the consideration of the Honorable the Colonial Secretary, as the Minister charged with the administration of the "Civil Service Act, 1884," the following matter connected with the administration of that Act.

It is with very great reluctance that the Board take the liberty of addressing the Minister on this matter, but they consider the question involved, is one of such importance, as affecting the discipline of the Service, that they would be failing in their duty if they neglected to do so.

The question is, whether a Civil Servant who has been found guilty of gross irregularity, and dismissed the Service by order of the Governor and Executive Council, and whose dismissal has not been set aside or varied by the Governor and Executive Council, and who after years of absence from the Service has been employed as a temporary clerk, and after serving for some time in such capacity has been placed on the staff, is entitled to count his service prior to dismissal on a question as to seniority.

The Board consider that the fact of his having been allowed to join the Service in the same way as a stranger might have done, did not give him a right to have his former service taken into account.

The effect of his dismissal for cause, and of the order for such dismissal still standing unrevoked, the Board think absolutely extinguishes any right to have his services prior to such dismissal counted in his favour, and that the only services he can be credited with, should a question of seniority arise, are those rendered subsequent to his second appointment.

This question has arisen in consequence of a gentleman (who was dismissed for cause, and in respect of whom the order of the Governor and Executive Council for his dismissal still stands unrevoked) being an applicant for appointment to an office to which there are in the Department several gentlemen, filling similar positions, who are, so far as the Board can learn, all competent to fill the vacant office, which would be a promotion to them. It is contended on behalf of the applicant that, by taking into account his services prior to his dismissal, he is senior to the other gentlemen. The Board, however, do not take this view of his position, and consider that the appointment should be offered to the other officers in succession, and only in case of their refusal should it be given to the present applicant.

It is understood however that the Head of the Department supports the claim of the applicant, and that the Minister will be moved to submit his name to the Executive Council for appointment.

The Board admit fully that they have no power to control the action of the Minister, and they respectfully request that their reasons for objecting to the appointment may be considered before it is made.

The proposed appointment is that of Mr. Hales, Emergency Clerk of Petty Sessions at Port Macquarie, to be Police Magistrate at that place.

The Board desire to add that they are not personally acquainted with Mr. Hales, or (so far as they are aware) with any of the persons who they think are entitled, in seniority, to the appointment in preference to Mr. Hales.

I have, &c.,

JOHN WILLIAMS,

Chairman, Civil Service Board.

The Principal Under Secretary, Sydney.

Sir,

Department of Justice, Sydney, 3 January, 1889.

I am directed by the Minister of Justice to acknowledge the receipt of your letter of the 5th ultimo, in reply to mine of 1st October last, respecting the case of Mr. F. B. Hales, and to inform you that after full consideration of the same he is unable to alter his previous decision on the subject.

There appears to be a misapprehension on your part in supposing that this Department has declined to furnish you with the names and qualifications of officers, to enable the Board to make the necessary nominations. Any information which this Department can reasonably be expected to furnish would always be supplied when required by the Board.

Accepting the main point at issue to be Mr. Hales' rights, under the Civil Service Act, to claim service before dismissal, the Minister desires me to say that he has not altered his view of the matter, and that he considers the question is not one upon which it is his duty to give way to the opinion of the Board, as, on the other hand, he freely admits that the Board, so far as the Act empowers them to do so, are entitled to act on their own opinion, irrespective of that held by the Minister.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

The Chairman, Civil Service Board.

Sir,

Civil Service Board, Sydney, 7 February, 1889.

I have honor to inform you that the Civil Service Board are of opinion that as the matter of the vacancy of the Police Magistracy at Port Macquarie is still undecided, the papers in the case should be submitted for the consideration of the Honorable the Colonial Secretary, whose attention may be drawn to the fact that the position which the Board take is that the services of an officer who has been dismissed from the Public Service by the Governor-in-Council, for cause shown, and whose dismissal has not been reversed, cannot be counted, in considering claims to promotion.

Mr. Hales having been dismissed from the Service is, therefore, in their opinion, not entitled to count his service prior to such dismissal.

I have, &c.,

JOHN WILLIAMS,

Chairman, Civil Service Board.

The Principal Under Secretary, Sydney.

APPENDIX II.

COPY of Correspondence *re* filling the vacancy of Seventh Clerkship in the Central Police Office—Qualifications of Messrs. F. W. C. Crane and A. Reeve.

Minute by The Under Secretary of Justice.

Subject :—Appointment of Mr. F. W. C. Crane as Seventh Clerk, Central Police Office.

THE position of seventh clerk in the Central Police Office having become vacant through the appointment of Mr. H. F. Roberts as Deposition Clerk in that office, it is recommended that Mr. Frederick W. C. Crane, at present ninth clerk in the Central Police Office, be appointed to be seventh clerk in that office, with salary at the rate of £144 per annum, from the 1st September next.

Mr. Crane, who has a service of seven years and five months, is recommended by the Stipendiary Magistrates as the officer, in the Central Police Office, best qualified for this position.

The Secretary, Civil Service Board, B.C., 30th August, 1888.

ARCH. C. FRASER,
Under Secretary.

The Civil Service Board are unable to concur in this recommendation, and are of opinion that Mr. Andrewes Reeve, who is senior to Mr. Crane, should be promoted as next in succession, unless cause can be shown for refusing him the promotion.—E.G.W.P. The Under Secretary for Justice, B.C., 5/9/88.

Forwarded to the Stipendiary Magistrates, Central Police Office, with reference to Minute of Civil Service Board, and for favor of report.—A.C.F., B.C., 11 September, 1888.

If promotion is to go by seniority and not by merit, the conclusions of the C. S. Board are correct. If otherwise, the recommendation of those who have a personal knowledge of the applicants should deserve some attention.—T.K.A., S.M., 13/9/88.

Minute by The Under Secretary of Justice.

Subject :—*Re* appointment of Seventh Clerk, Central Police Office, Sydney, *vice* Roberts.

WITH reference to the minute of the Civil Service Board of the 5th instant, regarding my nomination of Mr. F. W. C. Crane, as seventh clerk in the Central Police Office, *vice* Roberts, it will be seen that Mr. T. K. Abbott, Stipendiary Magistrate, Central Police Office, has reported that although Mr. Andrewes Reeve would be entitled by seniority to the position, Mr. Crane is better qualified therefor by merit.

Under these circumstances I think that sufficient cause is shown from Mr. Abbott's report for refusing to recognise Mr. Reeve's claim to the vacant position.

The Secretary to the Civil Service Board, B.C., 17th Sept., 1888.

ARCH. C. FRASER,
Under Secretary.

The Civil Service Board desire to point out that the papers submitted to them do not contain any report on the qualifications or attainments of Mr. Reeve, his name not being mentioned by the Stipendiary Magistrate. As Mr. Reeve is at present senior to Mr. Crane, the Board are of opinion that Mr. Reeve should have the promotion, unless it is shown that he cannot perform the duties of the higher position.—E.G.W.P. The Under Secretary for Justice, B.C., 19/9/88.

Minute by The Under Secretary of Justice.

Subject :—*Re* appointment of Seventh Clerk, Central Police Office, Sydney, *vice* Roberts.

THE Board having pointed out that the papers submitted to them do not contain any report on the qualifications or attainments of Mr. Reeve, I assume they consider it necessary that the papers should contain that information.

With much respect for the opinion of the Board, I fail to see that I have omitted, in any way, to comply with the requirements of the 27th section of the Act.

The superior officer of the Department (Mr. Abbott, Stipendiary Magistrate), in which the vacancy occurs, has transmitted to the Board, through the Head of the Department, a report in writing, recommending an officer (Mr. Crane) in his Department competent in his opinion to fulfil the duties of the vacant office, and the Head of the Department has in a like manner made a report and recommendation in favor of Mr. Crane, and in such reports the length of service, degree of competency, or attainments of that officer have been specified.

Under the section referred to, and in accordance with the opinion of the Attorney-General, concurred in by the Board in their minute of the 19th ultimo, *re* the case of Mr. Hales, Emergency Clerk of Petty Sessions, it now remains for the Board in their discretion to report to the Minister of Justice in addition to the name of Mr. Crane that of any other officer they may think better entitled to the position. It is clearly no part of the duty of the Head of the Department to go beyond the nomination of one officer, and disparage the competency or attainments of other officers, and place such depreciatory remarks on record. In this instance Mr. Crane has a greater length of service than Mr. Reeve—seven years as against five—and receives the same salary, although he is designated as ninth clerk, and Mr. Reeve eighth clerk.

The term "senior" used by the Board apparently means to involve something beyond greater length of service, but the word does not appear to be used in the Act, and I am unable to say what definition the Board attach to it that ought to outweigh in this case the recommendations of the superior officer and the Head of the Department.

The Secretary to the Civil Service Board, B.C., 11th October, 1888.

ARCH. C. FRASER,
Under Secretary.

Vacancy

Vacancy of Seventh Clerkship in the Central Police Office.

THE Civil Service Board, having considered the B.C. minute of the Under Secretary for Justice of 12th October last, are still of opinion that they are entitled to claim from the Heads of all Public Departments the fullest and most complete information as to the length of service, degree of competency, and attainments of all or any of the officers of the Department.

Sections 25, 27, and 62 lay duties on the Board which could not be performed by them unless they were entitled to obtain such information from the Departmental Records, and, indeed, section 25 is very specific in regard to Heads of Departments furnishing returns to the Board, in which they shall report on the "efficiency" and "character" of the officers, for reference in considering claims for promotion. It is just such a claim which the Under Secretary for Justice has submitted to the Civil Service Board in reference to the vacancy of the Seventh Clerkship in the Central Police Office, and the reports as to efficiency and character are absolutely necessary to a proper determination in regard to the claims to promotion of Mr. Reeve and Mr. Crane.

The Under Secretary for Justice contends that "it is clearly no part of the duty of the head of the Department to go beyond the nomination of one officer and disparage the competency or attainments of other officers, and place such depreciatory remarks on record"; but this view of the case scarcely accords with the reports furnished by him in reference to Mr. Crane, in the returns forwarded to the Board, dated 31st January, 1887, in which, against the name of Mr. F. W. C. Crane, is the following remark,— "Has only been at this office a few months, we therefore cannot form an estimate of his efficiency." This return was signed by Messrs. Marsh, S.M., and Addison, S.M. On papers dated 22nd July, 1887, referred to the Board for consideration of promotions in the Water Police Office, the Stipendiary Magistrates reported Mr. Crane as inefficient, and recommended his removal to some other position. Again, so lately as 31st January, 1888, in the Return of Officers employed in the Water Police Office, Messrs. Marsh, Addison, and Fisher, Stipendiary Magistrates, reported as follows on the efficiency and character of Mr. Crane:—"Not an efficient officer, conduct generally unsatisfactory, and, as we previously recommended, we suggest his removal to some other office." No such depreciatory reports have been made against Mr. Andrewes Reeve, who, in the returns of like date, is classed as an "efficient officer," and therefore, on that ground, more eligible for promotion than the other applicant, who is said to be "not an efficient officer." Length of service is an element in a claim to promotion, but the Board are bound to consider various other matters before making a report, and the seniority of an officer must certainly be considered in determining his competency and attainments.

The term "senior," to which the Under Secretary takes exception, has been used by the Board in its commonplace acceptation, as implying the right to precedence or preference, and in tracing the career of the two officers referred to in this minute they find that although Mr. Crane has a longer service than Mr. Reeve, the latter officer has had precedence of Mr. Crane in the matter of salary, and inferentially in his status in the service, Mr. Reeve having been Assistant Clerk of Petty Sessions at Armidale on 1st December, 1884, salary £100 per annum; while Mr. Crane was a pupil-teacher, with salary of £66 per annum. Mr. Reeve received a salary of £120 in 1885 and £140 in 1886; while Mr. Crane does not appear to have reached a salary of £120 till 1st June, 1886, when he was transferred from the Department of Public Instruction (where he was receiving £72 per annum as a pupil-teacher) to the position of Eighth Clerk in the Water Police Office, at £120 per annum, and in which position he was stated by his superior officer to be "not an efficient officer."

The claim of Mr. Reeve to the position of Seventh Clerk would therefore appear to be superior to that of Mr. Crane, by reason of his longer experience in the Department of Justice, and of his having been in receipt of the higher salary for the longer period; and as he has been reported to the Board as "efficient," they now report to the Minister the name of Mr. F. W. C. Crane as that of the officer recommended by the Head of the Department, and the name of Mr. Andrewes Reeve as that of the officer who, in the opinion of the Board, is the most eligible for promotion, by reason of his seniority, competency, and attainments.

E. G. W. PALMER,
Secretary.

The Under Secretary, Department of Justice, B.C., 11th December, 1888.

Minute Paper.

Subject:—Vacancy of Seventh Clerkship in the Central Police Office.

Department of Justice, Sydney.

WITH reference to your minute of 11th ultimo, I beg to inform you that, as stated in my letter of 3rd instant to the Chairman of the Civil Service Board, respecting the case of Mr. F. B. Hales, Emergency Clerk of Petty Sessions, this department has no desire to withhold any information from the Board which might reasonably be required by them; nor is there anything in my previous communications to them upon the matter under consideration that should justify them in drawing such an inference. The contention of this department was that it was not necessary under the Civil Service Act for the Head of the Department to go beyond the nomination of one officer and disparage the competency or attainments of other officers, &c., &c. This view is still adhered to. Nor is there anything inconsistent in this view, as suggested by the Board, with the previous action of the department in reference to certain returns forwarded in January, 1887, in terms of the 25th section of the Civil Service Act. These returns were made out by the Heads of Sub-Departments, and merely forwarded to the Board by this department. Moreover, the references therein to Messrs. Crane and Reeve are of comparatively old date, while the strong recommendations of the Magistrates in favour of Mr. Crane are of recent date, and therefore considered sufficient to override those relied upon by the Board.

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The Board appears to have introduced into the interpretation of the 27th section of the Civil Service Act some question of "seniority," as distinguished from "length of service;" but the Minister of Justice thinks it is safer, and more to the interests of the Public Service (in this instance, at least), to abide by the clear terms of the section itself.

Mr. Crane, therefore, being recommended as the officer best qualified to fill the vacancy, and having longer service than Mr. Reeve, is, in the Minister's opinion, the officer whom he is bound to recommend to the Governor and Executive Council.

ARCH. C. FRASER,
Under Secretary.

The Secretary to the Civil Service Board, B.C., 1/5/89.

Minute Paper.

Department of Justice.

Subject :—Appointment of Seventh Clerk in the Central Police Office.

In pursuance of the terms of Minute of this Department of 7th instant, I beg now to report, for the information of the Civil Service Board, that Mr. Frederick W. C. Crane, 9th Clerk in the Central Police Office, has been recommended to the Governor and Executive Council by the Minister of Justice, for appointment as 7th Clerk in the Central Police Office.

ARCH. C. FRASER,
Under Secretary.

The Secretary to the Civil Service Board, B.C., 28th January, 1889.

APPENDIX III.

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

Name.	Office.	Reasons for Appointment.
Lawlor, James Patrick	Dispenser, Liverpool Asylum for the Infirm and Destitute.	Qualified chemist.
Downing, William Davies	Clerk, Crown Solicitor's Office.	Training in solicitor's office.
Browning, R. J.	Crown Prosecutor	Barrister-at-Law.
Dawson, A. F.	do	do
M'Kinney, Hugh Giffen, M.E.	Engineer in connection with Conservation of Water, Public Watering Places Branch, Department of Mines.	Engineer; special experience.
Ramsay, John Stuart	Chief Clerk do do	Special experience.
Higginbotham, Cyril	Draftsman do do	do do
Maynard, Frank Herbert	Assistant Draftsman do	do do
White, Harold P.	Assistant Assayer, Department of Mines...	Special qualifications as Assayer and Analyst.
Usher, Robert Russell, L.R.C.S.I., L.R.C.P. Edin.	Assistant Medical Officer and Dispenser at the Coast Hospital.	Qualified Medical Practitioner.
Smith, Edwin Augustus Cleeve	Examiner of Titles.....	Solicitor.
Smith, Harold Banks	do	do
Fisher, Arthur Money.....	Stipendiary Magistrate	Special Magisterial experience.
Curtis, Harry Parsons.....	Assistant Common Law Clerk, Crown Solicitor's Office.	Training in a solicitor's office.
Bingle, Harry S.	Assistant Actuary, Office of the Government Statist.	Training in an insurance office.
Campbell, George B.	Inspector of Public Watering Places, Department of Mines.	Special training and experience.
Barnes, Thomas W.....	do do	do do
Mackinson, Philip J.	do do	do do
Brooke, Mrs. A. M.	Matron Superintendent, Macquarie-street Asylum.	do do
Maxted, Sydney	Director of Government Asylums and Boarding-out Officer.	Special experience in similar office
Lyno, Charles	Secretary, Parliamentary Standing Committee on Public Works.	Shorthand-writer and Reporter

APPENDIX IV.
CIVIL SERVICE SUPERANNUATION ACCOUNT.
For the Year ended 31st December, 1888.

Dr					Cr.							
DISBURSEMENTS.	Amount.		Total.		RECEIPTS.	Amount.		Total.				
	£	s.	d.	£	s.	d.	£	s.	d.			
To Pensions under the Constitution Act	2,481	7	10		By Balance, 1st January, 1888.....			335,436	11	8		
„ Superannuation Allowances under the Civil Service Act	22,004	15	0		„ Endowment from Consolidated Revenue Fund	20,000	0	0				
„ Gratuities under the Civil Service Act	10,449	4	3		„ Transfer from Consolidated Revenue Fund, provided by 52nd section of the Imperial Act, 18 and 10 Vic., cap. 54, for Pensions	3,500	0	0				
„ Refund of improper deductions.....				35,935	7	1						
				2,194	0	5		64,317	18	8		
								87,817	18	8		
					„ Transfer from Consolidated Revenue Fund to meet abatement which should have been deducted from pensions paid to officers whose services have been dispensed with	2,446	14	10				
					„ Transfer from Consolidated Revenue Fund to pay Gratuities to Permanent and Temporary Officers not entitled to Pensions, and whose services were dispensed with	786	9	0				
					„ Fines inflicted on Officers	77	16	7				
					„ Gratuity refunded	82	8	7		3,343	9	0
					„ Interest on daily balance from 1st January to 30th June, 1888	5,856	2	0				
					„ Do., from 1st July to 31st December, 1888	5,772	7	11		11,128	10	5
„ Balance on 31st December, 1888				38,129	7	6						
				290,597	2	3						
				£337,726	9	9		£337,726	9	9		
					By Balance on 1st January, 1889			£290,597	2	3		

Treasury, New South Wales,
9th April, 1889.

JAMES PEARSON,
Accountant.

APPENDIX V.

STATEMENT showing Pensions granted under the provisions of the "Civil Service Act, 1884," during the year 1888.

Name of Pensioner	Service for which Pension was granted.	Age.	Reason for Retirement.	Pension
				£ s. d.
Milhan, G. do	Postal Inspector, Post Office	67	Abolition of office	171 4 0
Adams, P. F.	Surveyor-General	59	do	579 15 0
Carter, R. A.	Examiner of Accounts, Treasury	50	Ill-health	212 10 0
Austin, William	Attendant, Hospital for Insane, Parramatta	56	do	40 10 0
Dudding, William	Clerk of Petty Sessions, Singleton	68	Over 60 years of age	170 11 0
Sims, Henry	Stamper and Sorter, General Post Office	70	do do	70 7 0
Lewton, Joseph	Inspector of Permanent-way, Railways	61	do do	153 8 0
Rockliff, Lawrence	Teacher of Public School, New Lambton	61	do do	93 8 0
James, George C.	School Attendance Officer, Public Instruction	37	Abolition of office	58 2 0
Turner, A. A.	Police Magistrate, Wollongong	61	Over 60 years of age	277 2 0
Grobooty, Catherine	Public School Teacher, Clairvaux	60	do do	63 14 3
Duffy, James	Inspector, Railways	58	Ill-health	160 3 0
Doyle, Michael J.	Public School Teacher, Manilla	43	do	56 3 0
Weber, Adalbert	Road Superintendent, Roads and Bridges	64	Over 60 years of age	167 14 0
Thomas, E. R.	Draftsman, Railways	65	do do	93 19 0
Willans, Obudiah	Clerk of Petty Sessions, Queanbeyan	72	do do	88 12 0
Thomson, James	Chief Inspector and Consulting Accountant, Treasury	61	do do	371 8 0
Hare, Reginald	Police Magistrate, Wellington	75	do do	102 12 0
Lumsdaine, Alexander	Clerk of Petty Sessions, Newcastle	66	do do	77 17 0
Glennott, W. P.	Assistant Foreman Bookbinder, Government Printing Office	61	do do	68 5 0
Edwards, George	Teacher, Public School, Oakendale	60	do do	36 10 0
Matthews, William	do do Macquarie-street South	53	Ill-health	174 9 0
Wilson, William	do do Boolong	61	Over 60 years of age	48 15 0
Silva, Emanuel	1st Assistant Lightkeeper, Macquarie Lighthouse	80	do do	46 13 0
Bryant, Thomas	Foreman Blacksmith, Railways	61	do do	129 18 0
Gollier, J. P.	Public School Teacher, Broke	64	do do	78 3 0
Dallas, John	Fettler, Railways	63	do do	36 3 0
Sydenham, William J.	Station-master, Rooty Hill, Railways	52	Ill-health	71 5 0
Buchanan, James	Stipendiary Magistrate	60	Over 60 years of age	413 10 0
Liardet, F. C.	Station-master, Railways	64	do do	59 13 0
Reeve, Edward	Police Magistrate, Port Macquarie	65	do do	126 11 0
D'Arnetta, Walter	Overseer, Government Printing Office	58	Ill-health	226 9 0
M'Donald, John	Chairman, Land Board, Tamworth	60	Over 60 years of age	414 8 0

APPENDIX V—continued.

Name of Pensioner.	Service for which Pension was granted.	Age.	Reason for Retirement.	Pension.
				£ s. d.
Donnellan, John	Attendant, Hospital for Insane, Parramatta	58	Ill-health	43 8 0
MacDermott, Michael	Locker, Customs	59	do	126 11 0
Joyce, Thomas	Warder, Sydney Gaol	61	do	40 4 0
Robinson, William	Chief Clerk, Agent-General's Office	69	Over 60 years of age	131 10 0
Hill, Francis W.	Superintendent and Controller, Money Order Office and Government Savings Bank	66	Ill-health	470 3 0
Hollis, John	Inspector, Railways	66	Over 60 years of age	123 11 0
Chapman, Chas. M.	Public School Teacher, Ludleham	71	do do	75 8 0
Charteris, Frederick M.	Deputy Registrar of Brands, Mines	65	do do	102 7 0
Robinson, G. J.	Clerk, Stock Branch, Mines	54	Ill-health	120 4 0
Taylor, James	Pilot, Marine Board	65	do	118 16 0
Denison, Alfred	Warder, Sydney Gaol	61	Over 60 years of age	44 14 0
Thompson, W. H.	Postmaster, Newcastle	71	do do	230 3 0
Houslar, Robert	Pilot, Marine Board	64	do do	76 10 0
Richards, Evan	Sheriff's Officer and District Court Bailiff	67	do do	101 11 0
Strange, William	Teacher, Public School, Pictou	68	Ill-health	91 1 0
Pownall, Ellen	do do Rouse Hill	62	do	31 10 0
Wood, Jas. H.	1st Class Surveyor, Lands	53	do	271 19 0
Hare, Henry	Chief Draftsman, Lands Office, Cooma	37	Abolition of office	172 14 0
Bicks, Lucy H.	Matron-Superintendent, Newington Asylum	53	do	145 0 0
Davis, John	Police Magistrate, Bega	70	Over 60 years of age	142 18 0
King, Frederic	Manager of Government Asylums for Infirm and Destitute	62	do do	214 0 0
Bolton, Constantine F.	District Surveyor, Lands	48	Abolition of office	302 5 0
Galbraith, Bridget	Mistress, Public School, Waterloo	49	Ill-health	116 4 0
Patterson, David	Teacher, Public School, Grantham	68	Over 60 years of age	46 19 0
Watson, David	Labourer, Ordnance and Barrack Department	46	do do	27 6 0
Bayly, W. H.	School Attendance Officer, Grafton	46	Ill-health	88 6 0
Henderson, M. Honora	Teacher, Public School, Norwood	44	do	41 18 0
Halkett, Alexander	Dredge-Master, Harbours and Rivers	65	Over 60 years of age	75 6 0
Holland, W. T.	Teacher, Public School, Burringong Heights	66	do do	70 4 0
Boone, John	Driver, Railways	60	do do	71 13 0
Blunchard, J. T.	Ordnance Storekeeper and Barrack Master	43	Abolition of office	274 17 0
Delaney, J. W.	Sheriff's Officer, Newcastle	56	Ill-health	113 11 0
Emblin, J. W.	Postmaster, Armidale	63	Over 60 years of age	169 16 0
Bewick, George	District Engineer, Railways	64	do do	219 14 0
Flood, William	Sub-Inspector, Railways	54	Ill-health	75 9 0
Bradford, William	Senior Warder, Tamworth Gaol	60	Over 60 years of age	55 14 0

APPENDIX VI.

STATEMENT showing Gratuities granted to Widows and others under the provisions of the "Civil Service Act, 1884," during the year 1888.

Name of Recipient.	Service for which Gratuity was granted.	Remarks.	Gratuity.
			£ s. d.
Shirtley, Maria	Children of Joseph Blackburn, Shed Inspector, Railways.	Children under 16 years of age	318 15 0
Hedgeland, George	Surveyor, Lands	Abolition of office	465 0 0
Ward, James	Assistant Forest Ranger, Mines	Over 60 years of age	143 6 8
Morrison, John T.	Instrument Fitter, Electric Telegraphs	Ill-health	186 7 0
Goodson, Edwin	Messenger, Lands	Over 60 years of age	132 14 2
Dunlop, David	Warder, Gaol, Hay	Ill-health	25 6 8
Chanter, A. F.	Surveyor, Lands	Abolition of office	243 6 8
Sin, William	Draftsman, Lands	do	223 6 8
Powell, Thomas T.	Public School Teacher, Seal Rocks	Over 60 years of age	45 18 9
Cooper, W. M.	Surveyor, Public Parks	Abolition of office	250 9 2
Gaal, Catherine L.	Widow of Marinus Gaal, Corswain, Marine Board	Widow	425 4 2
French, H. J.	Field Assistant, Survey	Ill-health	27 16 6
Denshire, Clara	Widow of W. O. Denshire, Post and Telegraph Master, Parramatta.	Widow	210 0 0
Prevost, Caroline O.	Widow of Henry Prevost, District Engineer, Railways.	do	165 0 0
Townsend, George	Draftsman, Railways	Abolition of office	62 2 0
Aubin, William J.	Operator, Electric Telegraphs	Ill-health	233 15 0
Walker, J. M.	Clerk, Rabbit Branch, Lands	Abolition of office	67 4 5
Selwyn, F. A.	Clerk, Agent-General's Office	do	178 10 0
Alexander, John	do do	do	255 0 0
Wait, Edward R.	do do	do	63 15 0
Woolgar, Henry W.	do do	do	94 2 2
Bean, Alfred	do do	do	45 6 3
Coote, Janet H.	Widow of T. G. Coote, Secretary, Aborigines Protection Board.	Widow	120 0 0
Carpenter, Rebecca A.	Widow of W. P. Carpenter, Public School Teacher, Warangesda.	do	28 0 0
Gordon, James D.	Public School Teacher, Belltrees, Seone	Ill-health	155 9 2
Stephen, Louisa F.	Post and Telegraph Mistress, Manly	do	207 0 0
Forster, F. M. C.	Forest Ranger, Lands	Abolition of office	155 0 0
Evans, F. M.	do do	do	106 9 2
Shadforth, H. S.	do do	do	81 2 11
Tomlins, W. H.	Clerk, Rabbit Branch, Lands	do	88 6 8
Ireland, Elizabeth	Widow of Thomas Ireland, Clerk, Lands	Widow	150 0 0

APPENDIX VI—continued.

Name of Recipient.	Service for which Gratuity was granted.	Remarks.	Gratuity.		
			£	s.	d.
Usher, Ellen.....	Widow of John Usher, Public School Teacher, Castle Hill.	Widow	126	0	0
Johnson, Emma.....	Widow of John Johnson, Labourer, Government Printing Office.	do	199	11	3
Gardiner, F. H.....	Clerk, Railways	Over 60 years of age	70	16	8
Jackson, Mary A.....	Widow of A. L. Jackson, Foreman, Government Printing Office.	Widow	170	0	0
Hewson, Sansond	Teacher, Crudine Creek, Sofala.....	Over 60 years of age	42	18	4
M'Guinn, Susan.....	Widow of Luke M'Guinn, C.P.S., Dubbo	Widow	195	0	0
Roberts, Julia	do R. Roberts, Clerk, Railways	do	47	10	0
Rae, Jane	do Robert Rae, Warder, Maitland Gaol.....	do	110	0	0
Leavy, Thos.....	Public School Teacher, Hanging Rock.....	Over 60 years of age	176	9	2
Mansell, Richard	Police Magistrate, Port Macquarie	do	443	6	8
Arnold, C. G.....	Clerk, Lands.....	do	192	0	5
Mercer, M. D.....	Clerk, Public Instruction	Ill-health	192	18	4
Williams, Elizabeth	Widow of Henry Williams, Letter-carrier, General Post Office.	Widow	40	0	0
Tallock, Martha	Daughter of late T. Tallock, Pilot, Marine Board.	Daughter under 16 years of age	115	0	0
Kelly, Margery	Widow of D. F. Kelly, Lands Agent, Burrowa	Widow	145	0	0
Falconer, Hannah	Teacher, Public School, Tarradale	Ill-health	100	6	8
Wilson, T. W.....	Forest Ranger, Lands.....	do	201	5	0
Bisset, James	Tag-master, Harbours and Rivers	Over 60 years of age	205	7	0
Robison, Hugh	Inspector of Public Charities.....	Abolition of office	652	6	0
Hall, William.....	Messenger, Office of Public Charities	do	120	6	3
Hall, Caroline	Office-keeper, Office of Public Charities	do	13	17	0
Leggo, Thomas	Inspector of Permanent Way, Railways	do	94	1	3
Bagshawe, F. T.....	Draftsman, Railways	do	32	10	0
Gleeson, Mrs.....	Mother of Peter B. Gleeson, Telegraph Operator and Coaching Assistant, Armidale, Railways.	Special circumstances under sec. 51.	118	0	0
Gray, E. J.....	Widow of R. Gray, Traffic Branch, Railways.....	Widow	54	8	6
Jarris, George	Fettler, Railways.....	Over 60 years of age	72	8	0
M'Gillycuddy, R. E.....	Dredge-master, Harbours and Rivers	Abolition of office	257	12	9
Willoughby, James	Teacher, Public School, Major's Plains	Over 60 years of age	126	0	0
Allen, Mary	Widow of Thos. Allen, Grocer, Yass	Widow	143	0	0
East, A. W.....	Draftsman, Lands	Over 60 years of age	196	3	0
Smith, G. J.....	do do	Abolition of office.....	280	0	0
Hukins, John.....	Messenger, do	Over 60 years of age	153	15	0
Collman, John	Chief Clerk, Board of Health	Abolition of office.....	265	12	6
M'Cabe, Jane K.....	Widow of W. M'Cabe, Postal Assistant, Deniliquin	Widow	85	0	0
Brodie, C. W.....	Clerk, Lands.....	Ill-health	154	10	0
M'Sweeney, H.....	do Railways	Abolition of office	31	3	4
Welsh, Sarah	Widow of C. R. Welsh, Clerk, Treasury	Widow	120	0	0
Whitley, Harriet	do W. J. Whitley, Ledger-keeper, Money Order Office.	do	100	0	0
Santry, Dora	Widow of P. Santry, Labourer, Ordnance and Barrack Department.	do	65	1	0
Munro, Kenneth	Boatman, Harwood Island Distilleries	Ill-health	137	10	0
Ould, H. H.....	Examiner of Titles, Registrar-General's Office	do	697	8	7

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CIVIL SERVICE BOARD.

(ADDITIONAL PAPERS IN CONNECTION WITH REPORT FOR 1889.)

Ordered by the Legislative Assembly to be printed, 30 May, 1889.

The Under Secretary of Justice to The Minister of Justice.

Sir,

Department of Justice, Sydney, 28 May, 1889.

I have the honor to invite your attention to the report of the Civil Service Board for 1888, in which it is stated that the Board considered improper preference had been shown to ineligible officers in two cases of promotion in the Department of Justice.

I may point out that of the numerous appointments made in this Department since the Civil Service Act came into operation (1st January, 1885), the Board have only taken exception to the two cases mentioned. If, as it is contended on behalf of this Department, the charges made against it are unjustifiable, the Board, it would appear, have committed a serious mistake in giving publicity to their unfavourable comments respecting the character and efficiency of the officers referred to.

Under the Civil Service Act, the head of this Department (the Under Secretary) is entrusted with the recommendation in the first instance of officers for promotion, and if blame is attachable to the Department with reference to the promotions made in these two cases, the Under Secretary cannot escape from his share.

Believing, as I do, that I have properly performed the duties imposed upon me by the Act, and also that the action of the Ministers of Justice who dealt with the cases previous to your holding office was thoroughly justified, I take the liberty of explaining to you how those cases stand, and to ask that the same publicity may be given to this explanation which has been given to the charges made by the Civil Service Board.

The first case mentioned by the Board is that of Mr. F. B. Hales. The 8th paragraph of the Report referring to this case states:—"In the one case, the point raised by us, and on which we based our objection to the proposed promotion, was that the officer had in 1879, been dismissed from the Service for serious dereliction of duty, and that such dismissal entirely obliterated and annulled all claim to count his service prior thereto. The dismissal was followed by a long break of service, after which he was appointed to a subordinate and temporary position, not by the Governor-in-Council, who had confirmed his dismissal, but by the authority of the Minister only. We held that the claims of officers who had efficiently performed their duties should be considered in the order of their seniority before we could give our assent to the promotion of a person whose misconduct had merited so severe a penalty as dismissal from the Service."

From the terms in which this paragraph is couched it would appear that Mr. Hales, having been appointed to a subordinate and temporary position by the authority of the Minister only, had from thence been appointed direct to the position of Police Magistrate at Port Macquarie. This is misleading. The facts as disclosed in the papers which were forwarded to the Board and bear the official stamp of their office are as follows:—The temporary appointment alluded to was made by the Honorable H. E. Cohen, then Minister of Justice, in March, 1884, before the Civil Service Act came into force. After Mr. Hales had served a year in such temporary position he was appointed by the *Governor and Executive Council* to act as Clerk of Petty Sessions and Registrar of the District Court at Orange, from 1st May, 1885, at a salary of £800 per annum during the leave of absence granted to the permanent Clerk of Petty Sessions there. He continued to act after the death of the Clerk of Petty Sessions until December, 1886 when the *Governor, with the advice of the Executive Council* appointed him to be an emergency officer in the Department of Justice at a salary of £320 per annum. In the Executive Minute signed by the Honorable James P. Garvan, then Minister of Justice, it is stated in reference to Mr. Hales' services at Orange that "he has performed the duties in a most efficient manner, to the satisfaction of the local Bench, legal profession, and residents of Orange, by whom he has been recommended in the highest terms for permanent appointment." Further.—The Executive Council authorized "that the prescribed examination and probationary service be dispensed with in this special case, in terms of the 28th section of the Civil Service Act, on the grounds that Mr. Hales is an experienced and capable magistrate, and possesses special attainments and aptitude for the duties of a Clerk of Petty Sessions, with which he is thoroughly conversant."

conversant." A copy of this Minute was duly sent to the Civil Service Board. In this position Mr. Hales gave the Department proof of the value of his experience and ability. While serving in such capacity he was further appointed in April, 1888, by the *Governor and Executive Council*, upon the recommendation of the Hon. William Clarke, then Minister of Justice, to be Acting Police Magistrate and Clerk of Petty Sessions at Port Macquarie, during the absence on leave of Mr. Reeve, Police Magistrate at that place. He continued to act until Mr. Reeve's retirement from the Service. No exception was taken by the Board to any of these appointments. It was from the last-named position that Mr. Hales was appointed, without concurrence of the Board, as permanent Police Magistrate and Clerk of Petty Sessions at Port Macquarie.

The circumstances above detailed will, I venture to submit, place a different complexion upon the matter from that which appears to be placed upon it by the Board in their report.

I may further state that on the 1st October last, Mr. Clarke recommended to the Executive Council that Mr. Hales be appointed permanent Police Magistrate, Clerk of Petty Sessions, and Registrar of the District Court at Port Macquarie with salary at the rate of £390 per annum, but in consequence, as I understand, of certain verbal representations made the consideration of the appointment was held over. In the meantime, on the 5th December last, it appears from the correspondence attached to the report that the Chairman of the Civil Service Board wrote to the Principal Under Secretary bringing the matter under the notice of the Hon. the Colonial Secretary. The Board made no intimation to this Department that such a step had been taken, and I was ignorant of the existence of such a letter until I saw it in the appendix to the report of the Civil Service Board.

On the 23rd January last, on the recommendation of the Hon. T. M. Slattery, then Minister of Justice, Mr. Hales was appointed permanently to his present position, all the papers connected with the case having been submitted to the Executive Council.

The Hon. the Attorney-General gave it as his opinion that the question whether Mr. Hales could claim in the computation of his "length of service" the period served by him before his dismissal, was one purely of administration. Under the 27th section of the Act it will be seen that the Board cannot administer the Act as they choose, but that certain powers and duties belong to Ministers and Heads of Departments, with which the Board are not entitled to interfere. The Minister of Justice, in Mr. Hales' case, chose to administer the Act as far as he was entitled so to do, according to his own opinion of what was right, and declined to accept the dictum of the Board. Of this action the Board appear to have no grounds for complaint, and it is difficult to see in what manner they are justified in bringing this matter under public notice as a charge against this Department.

In a leading article which appeared in the *Sydney Morning Herald* of the 27th instant, written before both sides of the question could have been heard, and in fact before the copies of the Civil Service Board Report were distributed, it is stated that it is absurd to pass an Act for the regulation of proceedings of this kind (meaning appointments), and then go outside of it. So far from going outside of the Act, the Minister of Justice, in this case, was acting strictly within the scope of his functions, and if anything is to be complained of it is the proceeding of the Board in assuming a power of dictation to the Minister which it is clear, under the Act, was never intended they should possess. This article written as it has been with only partial knowledge of the circumstances may possibly have prejudiced the public mind, and therefore supplies an additional reason for giving publicity to an explanation of the matter.

The attention of the Minister of Justice is also invited to the opinion of the Hon. the Attorney General, that the Board had not complied with the provisions of section 27. The Board insisted that they had complied with such requirements. The Minister preferred to accept the opinion of the Attorney General; and the default of the Board left no course open to him but to make the recommendation he did, even if he had not held the view which he entertained of the strength of Mr. Hales' claims.

If the Civil Service Act is not to be administered according to its terms, there will arise great difficulties between the parties who have respectively distinct functions under it. In this instance the Board adopted the peculiar course of appealing to the Hon. the Colonial Secretary to delay the appointment for consideration of their objection, thereby clearly endeavouring to neutralize the action which the Minister had taken in the exercise of his undoubted right under the Act.

In looking through the correspondence printed, I observe certain documents have been omitted which ought to have been published, viz.:—Letter of this Department to the Civil Service Board, No. 9,289, notifying Mr. Hales' appointment, and also the case submitted to the Attorney-General by Mr. Williams, in his capacity as Crown Solicitor, in which he enters into arguments in support of the action of his Board as against the Minister.

With reference to the second case of Mr. F. W. C. Crane, who was appointed from the 9th to the 7th Clerkship in the Central Police Court in preference to another officer, I think little requires to be said in support of the action of this Department. These officers received the same amount of salary, but the officer passed over was styled 8th Clerk, and Mr. Crane 9th. In the Report of 1887, furnished to the Board by the Stipendiary Magistrates at the Water Police Court, an unfavourable comment, as shown by the printed correspondence, was made respecting Mr. Crane. After he was transferred to the Central Police Office the Stipendiary Magistrates of that Court made a good report respecting his efficiency.

For the reasons that Mr. Crane had greater length of service within the meaning of the Act than the other officer, and was reported by the Stipendiary Magistrates at the Central Police Court to be more efficient, the Minister in the exercise of his right of nomination elected Mr. Crane. As a singular commentary on the action of the Board in endeavouring to force the officer nominated by them into the vacancy in question, I would quote the character of that gentleman given to the Board in the last return by the Stipendiary Magistrates at the Central Police Court to the effect that "this officer is utterly incompetent."

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

In view of the serious charge made by the Civil Service Board in their Report for the year 1888, virtually amounting to one of maladministration in connection with the appointments of Mr. Hales and Mr. Crane by this Department, I think it is not only fair to the Department, but desirable in the interests of the public that this explanatory letter with the documents referred to by Mr. Fraser should be laid on the Table of the House. Copies will therefore be prepared for that purpose.—A.J.G., 30/5/89.

The Under Secretary of Justice to The Secretary to the Civil Service Board.

Sir,

Department of Justice, Sydney, 9 February, 1889.

I am directed by the Minister of Justice to inform you that His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint Frederick Barnwell Hales, Esquire, Acting Police Magistrate, Port Macquarie, to be Police Magistrate, Clerk of Petty Sessions, and Registrar of the District Court at that place, to take effect from the 1st January last. (*Vide* Government Gazette, 5th February, 1889.)

I have, &c.,

ARCH. C. FRASER,
Under Secretary.

Case for the opinion of the Honorable the Attorney-General, submitted by the
Crown Solicitor.

At the request of the Minister of Justice, I submit for the opinion of the Attorney-General, the papers relating to the appointment of Mr. F. B. Hales as Police Magistrate at Port Macquarie, with which will be found a Minute of the Civil Service Board stating the reasons for dissenting from such appointment.

The question put by the Minister of Justice is whether in the nomination by the Minister of Justice of an officer for an appointment under section 27 of the Civil Service Act of 1884 that section should be interpreted (in accordance with the Civil Service Board) as excluding from recognition the eighteen years service of Mr. Hales, which the Board refuse to recognize.

As stated in the Under Secretary's letter (which is with the papers herewith), Mr. Hales was dismissed from the service in 1879; this, it may be mentioned, was for misconduct, and apparently in the opinion of the Board such dismissal entirely terminated and wiped out all previous service.

It is said he was reappointed in 1886; it is understood, however, that he was not restored by Minute of the Executive to his former position, but was appointed by the Minister to another entirely different appointment (it is understood under section 29 to a new office then recently created), and as such appointment would not in anything interfere with the claims of any other officer it would not be reported to the Board, and could be given to any person outside the Service.

The Board appear to be of opinion that it must be considered Mr. Hales was outside the Service, and that, as his appointment was not a restoration to his former appointment, it did not affect his previous dismissal, which still remains unreversed.

Assuming this to be the case, the Board appears to have considered his present standing in the Service must date from his last appointment, as the Board were of opinion that his dismissal deprived him of all rights to any benefit from his previous service.

If the former finding of the Governor and Executive Council had been reconsidered and Mr. Hales restored to his former office, there could be no doubt that he was entitled to count his previous service; as, however, this was not done, but Mr. Hales was appointed to a place in the Government Service in the same way as any other person outside the Service could have been appointed, he cannot now, with the finding of the Governor and Executive Council still standing against him, claim to derive any benefit from his previous service.

The question now submitted, it will be noticed, does not affect Mr. Hales alone; but, as the report of the Board is to deal with the respective length of service, if the Board are by law bound to take into account the service of Mr. Hales prior to his dismissal, the effect may be to give him priority over officers whose service has been continuous, and who have an unblemished record.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CIVIL SERVICE BOARD.

(FURTHER CORRESPONDENCE RESPECTING THE APPOINTMENTS OF MESSRS. HALES AND CRANE,
REFERRED TO IN REPORT OF, FOR 1888.)

Ordered by the Legislative Assembly to be printed, 23 July, 1889.

The Under Secretary for Justice to The Minister of Justice.

Sir,

Department of Justice, Sydney, 19 July, 1889.

I do myself the honor to bring under your notice a minute of the Civil Service Board, signed by the Chairman (Mr. John Williams), dated 12th June last, and laid upon the Table of the House on 17th instant, respecting the appointments of Messrs. Hales and Crane.

Although unwilling to prolong the controversy on the subject of these appointments, I respectfully submit that it would be manifestly wrong to leave unanswered certain representations made in that minute.

The 9th paragraph commences thus:—"The Under Secretary, in the last paragraph of his letter (dated 28th May, and addressed to the present Minister of Justice), says:—"I would quote the character of that gentleman, given to the Board in the last return to the effect that this officer (Mr. Reeve) is utterly incompetent." But the Under Secretary has disingenuously omitted to state that this 'last return' was not furnished to the Board until forwarded to them under cover of his letter of 2nd March, 1889, long after the appointment of Mr. Crane had been gazetted."

This, if it means anything, must mean that I intentionally endeavoured to keep the Minister of Justice in ignorance of the circumstance that the Board, when dealing with Mr. Crane's case, were not aware that the Stipendiary Magistrates had reported Mr. Reeve's incompetence.

The following explanation will, I think, show how ill-considered is the charge of disingenuousness, and that if there be any disingenuousness at all it is clearly on the part of the Board.

The quotation, as above made, is a mutilation of the original sentence, which I now give:—"As a singular commentary on the action of the Board in endeavouring to force the officer nominated by them into the vacancy in question, I would quote the character of that gentleman given to the Board in the last return by the Stipendiary Magistrates at the Central Police Court to the effect that 'this officer is utterly incompetent.'"

Had this sentence been properly quoted, it would have shown, beyond doubt, that the "last return," reporting the incompetency of the officer recommended by the Board, was referred to by me only as a commentary upon their past action in having pressed the appointment of that officer, and contained no implication that they had seen the return prior to their recommendation in his favour.

Further—the fact that my letter bore date 28th May, and that the last action of the Board, as shown by the printed papers, was taken in December previous, makes it clear that no such implication could have been intended by me.

The minute of the Board brings prominently into notice the fact that the information as to the incompetency of Mr. Reeve was in their possession in March last, more than two months before the date of their annual report. Notwithstanding this knowledge, they made no allusion to it in that report, but complained of the action of the Minister in passing over Mr. Reeve, who was described therein, "Stated to be efficient."

The assertion of the Board that they have pointed out inaccuracies in my letter, and that I have omitted material facts, is erroneous. In reality they have not specified a single inaccuracy nor the omission of one such fact.

It is easy for them to say, in the last paragraph of their minute, that on the whole, "therefore," it would appear the action of the Department has been misleading, &c. A perusal, however, of the minute of the Board will show that there is nothing to justify such a conclusion.

I have not, as stated in the minute, "carefully avoided any reference to the main issue raised by the Board in Mr. Hales' case, viz., whether dismissal for dereliction of duty does or does not cancel previous service." This question has been amply discussed. The Minister taking a large view of the interests of the Public Service, and giving consideration to the circumstances of Mr. Hales' case, thought he was right in dissenting from the severe dictum laid down by the Board, and being (as they admitted) entitled to act upon his own opinion, did so.

The

The Board have not met the charge that their report was misleading in respect to Mr. Hales' case. The terms of their report indicated that Mr. Hales, having been appointed to a subordinate and temporary position by the authority of the Minister only, had from thence been appointed direct to the position of Police Magistrate and Clerk of Petty Sessions, at Port Macquarie; whereas, as I pointed out, he had after his restoration to the Service been successively promoted during a course of years to high positions, under the authority of the Governor and Executive Council, and I carefully specified which of these positions were temporary and which were permanent. This information was given in full by me, not merely to show that the Board had represented the matter in an incorrect manner, but that the fact of Mr. Hales' successive appointments by the Governor and Executive Council supported the opinion of the Minister of Justice, that Mr. Hales' dereliction of duty in 1879 had been condoned by various Governments.

As a further proof of such condonation, I may mention that the Government accepted Mr. Hales' contributions to the Superannuation Fund from the date of his first appointment by the Governor and Executive Council after his reinstatement to the Service, viz., his appointment as Acting Clerk of Petty Sessions at Orange, in May, 1885.

Nor have the Board explained how they came (in their report) to represent that Mr. Crane had been promoted over the head of an officer (Mr. Reeve) "stated to be efficient," meaning, in the ordinary construction of language, efficient in the duties performed by him at the time of the promotion in question; nor how they came to publish in support of their statement the assertion contained in their minute of 11th December, 1888, page 12 of the report, to the effect that in the return of the Stipendiary Magistrates, Central Police Court, dated in January of that year, Mr. Reeve was classed as an "efficient officer," when the absolute fact was that no such character had been given him in that or any other return by the Stipendiary Magistrates.

The question as to whether Mr. Reeve had been reported efficient by the Stipendiary Magistrates is the pith of the whole matter, and I submit that it was clearly the duty of the Board to acknowledge in unequivocal terms the error upon which their charge against the Department of Justice with regard to Mr. Crane's appointment almost entirely rested.

I have, &c.,

ARCH. C. FRASER,

Under Secretary,

P.S.—Since writing the above, the accompanying communication has been received from the Civil Service Board, intimating their concurrence in a further promotion of Mr. Crane.

Minute by The Secretary of the Civil Service Board to The Under Secretary for Justice.

Promotions in the Central Police Office.

Civil Service Board, Sydney, 18 July, 1889.

THE Under Secretary for Justice having reported that a vacancy had occurred by the promotion of Mr. E. M. Cohen, and having nominated Mr. W. J. M. Fincham to succeed Mr. Cohen, the Civil Service Board, in their letter of July 3rd, concurred in the nomination of Mr. Fincham.

In order to determine the respective claims of Messrs. Reeve and Crane to promotion to the position vacated by Mr. Fincham, the Board requested that they might be furnished with all papers and reports relating to those officers, which were forwarded under cover of the Under Secretary's letter of 8th instant.

Among the papers is a letter from G. O'Malley Clarke, Esq., S.M., for the Bench, of date 3rd June ultimo, reporting in strong terms upon Mr. Reeve's unfitness for promotion. In view of this information, and of Mr. Clarke's minute in favour of Mr. Crane of 29th March, 1889, the Board are of opinion that Mr. Crane should be nominated as the officer best qualified for the vacancy.

The Board are further of opinion that as the Stipendiary Magistrates appear to have been fully aware of Mr. Reeve's inefficiency when a former vacancy was under consideration, much trouble would have been saved if they had then afforded the Board the information and assistance now given.

E.G.W.P.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CIVIL SERVICE BOARD.

(FURTHER CORRESPONDENCE RESPECTING APPOINTMENT OF MESSRS. HALES AND CRANE,
REFERRED TO IN REPORT OF, FOR 1888.)*Ordered by the Legislative Assembly to be printed, 17 July, 1889.*

The Chairman of the Civil Service Board to The Principal Under Secretary.

Sir,

Civil Service Board, Sydney, 14 June, 1889.

I have the honor, by direction of the Civil Service Board, to request that you will invite the attention of the Colonial Secretary to the enclosed Minute of the Board, passed at a meeting held on Wednesday, 12th June instant.

I have, &c.,

JOHN WILLIAMS,

Chairman.

[Enclosure.]

MINUTE of the Civil Service Board in reference to the letter of the Under Secretary for Justice, addressed to the Minister for Justice, on the subject of the Board's Report for 1888, for the consideration of the Hon. the Colonial Secretary.

THE Under Secretary for Justice having submitted to the Hon. the Minister a minute, of date 25th May, 1889, to "explain how the cases of Messrs. Hales and Crane stand," in which he animadverts upon the action of the Board and their Report for 1888; and that minute having been laid upon the Table of the Legislative Assembly, the Board feel called upon to point out the inaccuracy of many of its statements, and to request that the Hon. the Colonial Secretary, as the Minister charged with the administration of the Act, will cause this minute to be placed on record.

The Under Secretary has carefully avoided any reference to the main issue raised by the Board, viz.: whether dismissal for dereliction of duty does or does not cancel previous service. He has also omitted material facts, which, if stated, would have supported the action of the Board. The various appointments held by Mr. Hales between March, 1884, and December, 1886, though sanctioned by the Governor and the Executive Council, were all specifically of a temporary character, and the services could not have been performed without such sanction; and, as they did not interfere with the right of any other officer in the Service, the Board were not called upon to express any opinion on the subject. With his employment by the Minister as a temporary officer to December, 1886, under section 31, and his appointment to the new office of extra emergency Clerk of Petty Sessions, under section 29, the Board were not entitled to interfere; but when it was proposed, under section 27, to appoint him to a vacant position on the permanent staff, the Board felt themselves called upon to protect the rights of officers having, as it appeared to them, claims to seniority.

When Mr. Hales' name was submitted to the Board for the position of P.M. and C.P.S. at Port Macquarie, his service was stated by the Under Secretary to be twenty-one years, but this included service prior to 1879 (the year of his dismissal), and had the effect of making him appear the officer with greatest length of service among those having claims to the promotion. The Board considered that his service prior to 1879 had been annulled by his dismissal in that year, and that he was entitled to count only from the date of his re-entry into the Service in 1884.

The Board concur in the Attorney-General's opinion that the question is one purely of administration, and in that light they have acted. They never have claimed, as the Under Secretary suggests, that they "can administer the Act as they choose," and have carefully avoided interfering with any duties or functions of Heads of Departments, or Ministers, with which they are not entitled to meddle; but they hold that they are bound to deal with the appointments reported to them, whether recommended by the Head of the Department or proposed to be made by the Minister, if such appointments appear to them to be prejudicial to the just claims of other officers.

The Under Secretary says "it is difficult to see in what manner they (the Board) are justified in bringing this matter under public notice." The 62nd section provides that they shall annually make a report of their proceedings; and this matter being a part of their proceedings, and as they thought, and still think, one materially affecting the rights of all officers in the Civil Service, it was, it seems to them, peculiarly their duty to embody it in their report.

The Under Secretary asserts that, "The default of the Board left no course open to him (the Minister) but to make the recommendation he did," that Mr. Hales should be appointed. The Board affirm that there was no default on their part; their duty was clearly to report the name of the officer who appeared to them to be entitled to the appointment in place of the officer recommended by the Under Secretary, which they did by recommending Mr. Edwards; and, when informed that he declined to accept the appointment, they stated that, in their opinion, the officer next in seniority was entitled to the promotion.

The Under Secretary complains that "the Board adopted the peculiar course of applying to the Hon. the Colonial Secretary to delay the appointment for consideration of their objection." But the Board have always considered that they are bound to promptly apprise the Minister charged with the administration of the Act of any attempted action appearing to them to be inconsistent with the clear intention of the Legislature, in order that any proposed injustice may be averted by the action of the Governor and Executive Council. With reference to the complaint of the Under Secretary that he was not furnished with a copy of their letter, the Board did not consider it necessary to do so.

In connection with the appointment of Mr. Crane, the Under Secretary accuses the Board of "endeavouring to force the officer nominated by them into the vacancy in question." This statement is absolutely unwarranted. The Board requested information, in reference to Mr. Reeve's character and efficiency in the following terms:—"The Civil Service Board desire to point out that the papers submitted to them do not contain any report on the qualifications or attainments of Mr. Reeve, his name not being mentioned by the Stipendiary Magistrate. As Mr. Reeve is at present senior to Mr. Crane, the Board are of opinion that Mr. Reeve should have the promotion, unless it is shown that he cannot perform the duties of the higher position." The Under Secretary refused to give any information on this head, declaring that,— "It is clearly no part of the duty of the Head of the Department to go beyond the nomination of one officer and disparage the competency or attainments of other officers, and place such depreciatory remarks on record."

The Under Secretary, in the last paragraph of his letter, says:—"I would quote the character of that gentleman, given to the Board in the last return to the effect that this officer (Mr. Reeve) is utterly incompetent." But the Under Secretary has disingenuously omitted to state that this "last return" was not furnished to the Board until forwarded to them under cover of his letter of 2nd March, 1889, long after the appointment of Mr. Crane had been gazetted. Mr. Crane, on the 31st January, 1888, was reported in these terms by the Department of Justice, to which he had been transferred in June, 1886:—"Not an efficient officer, and, as we previously recommended, we suggest his removal to some other office." And it was found that unsatisfactory reports had also been made by the Department of Public Instruction, in which he commenced his career in the Public Service as a pupil-teacher; which service, in the opinion of the Board, did not entitle him to claim seniority over Mr. Reeve, who had been for four years in the Department of Justice, in which Mr. Crane had only had two years and a half of service.

It may be mentioned that in questions of seniority, the Board can obtain all necessary information from records, but in questions as to character the Board have to rely upon such information as Under Secretaries may see fit to furnish.

It is correct, as Mr. G. O'Malley Clarke remarks in his letter of 3rd June, 1889, that no report was made by the Magistrates at the Central Police Office to the Board. He well knows that the only channel through which the Board can ask for information is the Department of Justice, and therefore no inquiry would be made by the Board of the Magistrates. It now appears, by the Under Secretary's own showing, that there would have been no difficulty in obtaining the information asked for, which he declined to furnish.

Mr. O'Malley Clarke states that no report was made as to Mr. Reeve in 1887, but that in the *last report*, of which (singular to say) *the date is not given*, he was characterised as "utterly incompetent." This last report, we find, is the report referred to as having been forwarded under cover of the letter of 2nd March, 1889; the latest recommendation in favour of Mr. Reeve having been made by the Board on the 16th December, 1888, when the latest opinion of the Bench had not been brought before them.

The general position may be summarised as follows:—"That in the one case Mr. Hales was not eligible for appointment, as his service prior to dismissal had been annulled thereby, and in the other case the information supplied to the Board indicated that Mr. Reeve was an efficient officer, with greater length of service in the Department of Justice than Mr. Crane, against whom repeated reports of an unsatisfactory nature had been made, and that, therefore, Mr. Reeve was preferable to Mr. Crane both by efficiency and by seniority.

On the whole, therefore, it would appear that, instead of the Report of the Board being, as alleged by the Under Secretary, "misleading," and requiring the explanation he has given, the only thing misleading about the matter is the action of the Department of Justice, and the proffered "explanation" leaves that action as anomalous as ever.

JOHN WILLIAMS,
Chairman.

The Principal Under Secretary, B.C., 12 June, 1889.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CIVIL SERVICE BOARD.

FURTHER CORRESPONDENCE RESPECTING APPOINTMENT OF MR. F. W. C. CRANE, REFERRED TO IN REPORT OF, FOR 1888.)

Ordered by the Legislative Assembly to be printed, 6 June, 1889.

The Under Secretary of Justice to The Minister of Justice.

Sir,

Department of Justice, Sydney, 6 June, 1889.

I have the honor, in reference to the report of the Civil Service Board for 1888, further to state that it would appear from the 9th paragraph of that report, Mr. F. W. C. Crane was promoted "over the head of an officer (Mr. Reeve) stated to be efficient," *i.e.*, in the ordinary construction of language, efficient in the discharge of the duties performed by him at the time of the promotion in question. This construction is attempted to be borne out by the statement made by the Civil Service Board, in their minute of 11th December, 1888, page 12 of the report, to the effect that in the Return, dated 1st January, 1888, Mr. Reeve is classed as an "efficient officer." Such statement is not correct. Mr. Reeve was at the time referred to in that Return employed in the Central Police Office, and in the Return of that year no such character was given him. It was as far back as 1886, when acting as Assistant Clerk of Petty Sessions at Armidale, that Mr. Reeve was styled "efficient."

I enclose a letter from the Stipendiary Magistrates upon the subject.

As bearing upon the questions to be asked this afternoon in the Assembly by Mr. Traill, it might be advisable to table the enclosed additional papers referring to the opinion expressed by the Stipendiary Magistrates as to Mr. Crane's qualifications for the promotion in question.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

Submitted.—A.C.F., 6/6/89.
House.—A.J.G., 6/6/89.

Copies may be prepared to be laid on the Table of the

[Enclosures.]

(No. 1.)

Gentlemen,

Department of Justice, Sydney, 3 June, 1889.

I desire to call your attention to a statement made in the Minute of the Civil Service Board, dated 11th December, 1888, page 12 of Report of that Board for 1888, enclosed herewith, that Mr. Reeve, who was then in your office, was classed as an efficient officer.

Will you kindly inform me if you have any recollection of such a report having been sent in.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

The Stipendiary Magistrates, Central Police Court.

(No. 2.)

Sir,

Central Police Office, Sydney, 3 June, 1889.

In reply to your letter of the 1st instant, we desire to inform you that no report of Mr. Reeve's efficiency was made to the Civil Service Board by us. It is impossible that such a report could have been sent, as we have all entertained an opinion since he joined this office that he was incompetent.

In the return of 1887, no report of any kind was made respecting him. This was done out of consideration alone for the young man, but in the last report it was not considered advisable to continue the same course, and he was accordingly reported to be utterly incompetent.

We may venture to add that had Mr. Reeve been promoted instead of Mr. Crane, we should have found it necessary to have entered a very strong protest against such action, for we know the former to be not only incompetent but utterly useless for any position whatever in this office.

We have, &c.,

G. O'MALLEY CLARKE,

(For the Bench).

The Under Secretary of Justice.

(No. 3.)

Sir,

Central Police Office, Sydney, 8 August, 1888.

In the event of the position of seventh clerk in this office becoming vacant through the promotion of Mr. Roberts, I do myself the honor of applying for that appointment.

In support of my application, I respectfully beg to state that I have been over seven years in the Service, and my former application for the same position was favourably recommended by the Stipendiary Magistrates at the Water Police Office.

The Under Secretary of Justice.

I have, &c.,

FRED. W. C. CRANE.

I feel pleasure in recommending Mr. Crane's application for favourable consideration, as during the short time he has been in this office he has performed his duties to my entire satisfaction.—
C. DELOBERT, D.S.M., 9/8/88.

(No. 4.)

Sir,

Central Police Office, Sydney, 28 August, 1888.

Referring to your letter of the 22nd instant, informing us of the appointment of Mr. H. F. Roberts as deposition clerk, and Mr. G. G. Brodie as extra clerk in this office, we desire to recommend that Mr. F. W. C. Crane be promoted to the position of seventh clerk, *vice* Roberts, with a salary at the rate of £144 per annum.

I have, &c.,

T. K. ABBOTT, S.M.,

(For the Bench).

The Under Secretary of Justice.

I understand from the officers immediately over him, that Mr. Crane is the best qualified officer for the position.—T.K.A., S.M.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PROTHONOTARY OF THE SUPREME COURT.

(FURTHER CORRESPONDENCE RESPECTING SALARY OF.)

Ordered by the Legislative Assembly to be printed, 24 September, 1889.

No. 1.

The Chief Justice to The Minister of Justice.

Sir,

Chief Justice's Chambers, Supreme Court, Sydney, 10 October, 1887.

I have the honor to call your attention to the amount of salary paid to the Prothonotary of the Supreme Court, which, taking into consideration the responsibility of his office and the great importance of the duties he is called upon to discharge, is, I believe you will be of opinion, inadequate. He has now a salary of £700 a year, and for this he has not only to discharge the duties of the office of Prothonotary, but also the recently imposed duties of Registrar of the Divorce Jurisdiction.

When the Master in Equity was appointed to be also Master in Lunacy, his salary was raised from £1,000 to £1,250 a year, and yet the duties of Master in Equity and Master in Lunacy are in no respect more onerous or more responsible than the duties of Prothonotary of the Supreme Court and Registrar of the Divorce Court. In fact the Master in Equity discharges similar duties in regard to the limited jurisdiction of the Equity Court to those discharged by the Prothonotary in regard to the much more extended jurisdiction of the Common Law Courts.

This matter has, on previous occasions, been brought to the attention of the Minister, and I beg to call your attention to certain papers ordered by the Legislative Assembly to be printed on the 14th of October, 1886. (Copy enclosed.) These show the opinion of my predecessor and the other Judges, expressed in May, 1884.

What I venture to suggest is that a salary be allotted to the at present unpaid office of Registrar of the Divorce Court (say £800 a year), which, added to the salary at present attached to the office of Prothonotary, will make such salary equivalent to £1,000 a year, or £250 less than the Master in Equity is receiving. I may also point out that the vast increase of business of the Courts leads to increased work. The increase of business is shown by the fact that while in 1879 the amount of £3,644 was paid into the Treasury in respect of fees, the amount of fees for this year (1887) is calculated at £7,125, showing an increase since the year 1879 of no less a sum than £3,481.

I have, &c.

FREDK. M. DARLEY, C.J.

Submitted.—A.C.F., 11/10/87. This letter to be acknowledged, and in it stated that I shall give Mr. Chapman's case my best consideration.—W.C., 18/10/87. Chief Justice, 18/10/87. To be examined in preparation of next Estimates. I should like to see Mr. Chapman, and when he calls these papers to be resubmitted.—W.C., 18/10/87. Note to Mr. Chapman to call, 18/10/87.

No. 2.

The Minister of Justice to The Chief Justice.

Sir,

Department of Justice, Sydney, 18 October, 1887.

I do myself the honor to acknowledge the receipt of your letter of the 10th instant, submitting the claims of Mr. F. Chapman, Prothonotary of the Supreme Court, to a higher salary, and to inform you that I shall give Mr. Chapman's case my best consideration.

I have, &c.,

WILLIAM CLARKE.

No. 3.

The Chief Justice to The Minister of Justice.

Sir,

Chief Justice's Chambers, Supreme Court, Sydney, 11 June, 1888.

I venture to call your attention to a letter from me addressed to you, dated the 10th of October last, touching the inadequacy of the present salary of the Prothonotary, and suggesting that a sum of £800 should be placed upon the Estimates as a salary for Registrar of the Divorce Court, another

office held by the Prothonotary, the duties of which have recently been added to his former duties, and which are by no means light. On the 18th of October you were good enough to acknowledge this letter 87-10,754, and informed me you would give Mr. Chapman's case your best consideration.

I have now the honor to ask you whether you can see your way to carry out my suggestion of increasing Mr. Chapman's salary by putting a salary upon the Estimates for that which is an entirely distinct office as was done in the case of the Master in Equity, when he was also appointed Master in Lunacy.

I may mention that my attention has been again called to this matter by His Honor Mr. Justice Stephen, pointing out how inadequate in his opinion the salary is for so valuable and efficient an officer as the Prothonotary, particularly when one takes into consideration the onerous and very responsible nature of his duties judicial and otherwise.

I have, &c.,

FREDE. M. DARLEY, C.J.

Submitted.—A.C.F., 12/6/88. Inform in view of inquiry now going on by Board of Commissioners, I regret I cannot comply with request herein.—W.C., 12/6/88. The Chief Justice, 13/6/88.

No. 4.

The Minister of Justice to The Chief Justice.

Sir,

Department of Justice, Sydney, 13 June, 1888.

Referring to your Honor's letter of the 11th instant, touching the inadequacy of the present salary of the Prothonotary, and suggesting that a sum of £300 should be placed upon the Estimates as a salary for Registrar of the Divorce Court (at present attached to the office of Prothonotary), I have the honor to inform you that in view of the inquiry now being made by the "Public Service Inquiry Commission" as to (*inter alia*) the remuneration received by each officer in the Service, I consider that I should not be justified in dealing with the salary of the Prothonotary, until the Commission has furnished its report, and that I regret I cannot, therefore, at the present time comply with your Honor's request.

I have, &c.,

WILLIAM CLARKE.

No. 5.

The Chief Justice to The Minister of Justice.

Sir,

Chief Justice's Chambers, Supreme Court, Sydney, 15 October, 1888.

I have the honor to enclose a letter from His Honor Mr. Justice Owen concerning a report from the Master in Equity touching the working of his office.

As to this I make no observation, beyond requesting your attention to Mr. Justice Owen's letter.

Some time back you were good enough to say that you would propose that a salary should be placed upon the next Estimates for the Registrar of the Divorce Court, an office now held by the Prothonotary, but without salary, following the precedent afforded when the Master in Equity was appointed Master in Lunacy.

The fees returned from the Prothonotary's Department are, perhaps, three times as large as the returns from the Master's office, and the work correspondingly heavier, and yet the salary of the Prothonotary is but £750, as against £1,250 received by the Master.

I quite agree with Mr. Justice Owen that the duties performed by the Master entitle him to be placed upon the same footing as a District Court Judge, and I may say the same with respect to the Prothonotary.

I desire also to remind you of your promise that you would place the Associates on a more satisfactory basis.

My Associate has but £200 a year, and as I sit almost entirely in Banco, he has no notes to copy, and yet his duties are much more onerous than are those of any of the other Associates.

May I ask you to refer upon this subject to my letter of the 7th May last, in which I gave you information as to the position and salary of Associates in the other Colonies.

Trusting that you will be enabled to place these gentlemen upon a more satisfactory footing.

I have, &c.,

FREDE. M. DARLEY, C.J.

Submitted.—A.C.F., 17/10/88.

Inform the Chief Justice, in reply to this communication, that, in accordance with my promise made on the 9th May, I have submitted, in my Estimates for 1889, increases in the salaries of the Judge's Associates, and will do my best to obtain the sanction of the Cabinet to the same; also, that I am favourable to the appointment of a sub-accountant in the office of the Master in Equity, and will submit a provision for same, but in respect to increasing the salary of the Master in Equity, I am not prepared to recommend it. In regard to salary of Prothonotary, in view of an early inquiry by the Civil Service Board into the salaries and duties of that officer, I think it best to delay action.—W.C., 18/10/88.

The Chief Justice, 22/10/88.

No. 6.

The Minister of Justice to The Chief Justice.

Sir,

Department of Justice, Sydney, 22 October, 1888.

Referring to your letter of the 15th instant, enclosing a communication from His Honor Mr. Justice Owen, with a report from the Master in Equity, respecting the working of his office, and recommending increases in the salaries of the Prothonotary and your Associate, I do myself the honor to inform you that, in accordance with my promise of the 9th May last, I have submitted on my Estimates for

for 1889, increases in the salaries of the Judges' Associates, and will do my best to obtain the sanction of the Cabinet to them. I may also state that I am favourable to the appointment of a sub-accountant in the office of the Master in Equity, and will submit a provision for the same, but I regret that I am not prepared to recommend the increase in the Master's salary proposed.

In regard to the Prothonotary's salary, however desirous I am of meeting your Honor's wishes, it appears to me that, in view of an early inquiry by the Public Service Inquiry Commission being held into the salaries and duties of all officers under this Department, it would be advisable to postpone the consideration of this officer's case for the present.

I have, &c.,

WILLIAM CLARKE.

No. 7.

The President, Incorporated Law Institute, and others, to The Minister of Justice.

To the Honorable Albert J. Gould, Esq.,

Minister of Justice for the Colony of New South Wales,—

Sir,

Sydney, 26 April, 1889.

We, the undersigned practitioners of the Supreme Court of New South Wales, respectfully desire to bring under your notice the amount of salary now paid to the Prothonotary of the Supreme Court, which is, in the written opinions of their Honors the Judges of the Court, inadequate, and incommensurate with the onerous duties and increased responsibilities now imposed on the occupant of that important office, the duties of which, in the language of the late Primary Judge, Sir William Manning, "imperatively demand that such an officer should be a person of high efficiency," and that learned Judge unhesitatingly declared Mr. Chapman to be possessed of the essential qualification.

The Prothonotary was appointed to his present position on the 9th day of April, 1880, at a salary of £700 per annum, and was thereupon required by the Government to procure a fidelity policy from an approved guarantee society in the sum of £2,000 for the due performance of the duties of his office, the premiums on which have to be paid by him, thereby reducing his salary considerably below the stated amount.

At the time the appointment was offered to Mr. Chapman the Minister of Justice intimated to him that the position of Prothonotary was worth £1,000 per annum, and on that assurance the office was accepted, but the representation has not been realized, as Mr. Chapman never received anything whatever by virtue of his office, beyond his salary, which is inferior to that paid to his predecessor, whose duties and responsibilities were very much less.

We may here beg to remind you that since the appointment of Mr. Chapman as Prothonotary the responsible positions of Registrar of the Divorce Court, and of the Vice-Admiralty Court have been added to his other duties, and for which he receives no remuneration whatever; yet, by a singular anomaly, the Clerk of the Divorce Court, who is a subordinate officer to the Registrar, receives a salary of £50 per annum, in consideration of the increased duties of his position.

We also beg to invite your attention, by way of contrast, to the salaries allowed to the Registrar in Bankruptcy, to the Clerks of Petty Sessions of the Metropolitan District, and other officers in the Service, whose duties, we respectfully submit, are not so onerous or responsible as those performed by the Prothonotary in his various jurisdictions; and His Honor the Chief Justice, in writing to a former Minister of Justice on the subject, stated that the position occupied by Mr. Chapman entitles him to be placed upon the same footing as a District Court Judge, yet, notwithstanding this, the salary allowed the Prothonotary is much less than the amount paid to the Stipendiary Magistrates, not one of whom is a professional man. Again, the Master in Equity receives a salary of £1,000 per annum, for the performance of his Equity duties, and £250 per annum as Master in Lunacy,—the Government in that case having recognized the fact that increased jurisdiction deserved increased remuneration; yet the Prothonotary on whom devolves the work of four separate Departments has received no additional recompense whatever.

We deem it unnecessary to dilate on the vast increase in the business of the Supreme Court in all its branches since the time of Mr. Chapman's appointment, as the details thereof, together with the increased revenues derived therefrom have been fully shown in a return laid before Parliament, and dated the 23rd September, 1886, and although marvellous as that increase certainly is, it would be difficult to realize, were it not the fact the Prothonotary's salary is now actually less than that paid to the occupant of that office over twenty years ago; thus, while in all other Departments of the State increased business, and, consequently larger revenues, combined with multiplicity of duties, were accompanied with a higher scale of remuneration to the officers so circumstanced, the salary of the Prothonotary remains unaffected by the unquestionable developments which have arisen in his Department.

It may not be out of place to state that the gentleman now holding the position of Chief Clerk under the Judicature Act in the neighbouring Colony of Victoria, and whose duties are analagous to those of the Prothonotary here, is in receipt of a salary of £1,200 per annum.

We, therefore, have the honor to request that you will take into your favourable consideration, as Minister of Justice, the case of Mr. Chapman, who has for so many years efficiently and faithfully devoted himself to the laborious and important work of his several offices in the interests both of the Government and the public, and who has in the discharge of his varied and responsible functions earned for himself not only the confidence and esteem of their Honors the Judges and the profession generally, but the public at large, and that you will be pleased to represent this request to your Government, so that ample justice may be awarded to this really deserving officer, by an increase being added to his salary, which he so well deserves, and has so justly earned.

We have, &c.,

[Signed in pursuance of a resolution of the Council of the Incorporated Law Institute of New South Wales, passed at a meeting of the said Council held on the 10th May, 1889.]

JOHN WILLIAMS,

President.

J. MURRAY-WHITE, Honorary Secretary.

[Here follow 49 signatures.]

No. 8.

The Hon. Secretary, Incorporated Law Institute, to The Under Secretary of Justice.

Sir, Supreme Court, Chancery Square, Sydney, 11 June, 1889.

I have the honor, by desire of my Council, to inform you that they are desirous to wait upon the Honorable the Minister of Justice for the purpose of presenting to him a petition, signed by many members of the legal profession, praying for an increase of the salary of Mr. Fred. Chapman, Prothonotary of the Supreme Court. May I beg, therefore, that you will inform me if, and when the Minister will receive a deputation to present the petition referred to.

I have, &c.,

J. MURRAY-WHITE.

Honorary Secretary.

Submitted.—A.C.E., 12/6/89. Will receive deputation on Thursday, 20/6/89, at 10-30 a.m.—
A.J.G., 13/6/89. Secretary Incorporated Law Institute, 14/6/89.

No. 9.

The Under Secretary of Justice to The Secretary to the Incorporated Law Institute.

Sir, Department of Justice, Sydney, 14 June, 1889.

Referring to your letter of the 11th instant, I have the honor to inform you that the Minister of Justice will be happy to receive a deputation from the Incorporated Law Institute of New South Wales, for the purpose of presenting a petition, signed by certain members of the legal profession, praying for an increase of the salary of Mr. F. Chapman, Prothonotary of the Supreme Court, on Thursday next, the 20th instant, at 10-30 a.m.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

No. 10.

Deputation *re* Prothonotary's Salary.

Department of Justice, Sydney, Thursday, 20 June, 1889.

THE following gentlemen waited upon the Minister of Justice as a deputation this day, viz.:—Messrs. John Williams (Crown Solicitor, and President of the Incorporated Law Institute of New South Wales), J. W. Piggott (Vice-President of the Law Institute), J. Williamson, A'Beckett, Holdsworth, and J. Murray-White (Secretary, Law Institute).

Mr. Williams introduced the deputation, stating that they represented the Incorporated Law Institute of New South Wales, and had waited on the Minister of Justice with respect to an increase of salary to the Prothonotary. They had omitted to forward a copy of the petition they were about to present which set forth the grounds on which they based their representations, but their intention was simply to bring under the notice of the Minister the fact that in their opinion the present salary paid to the Prothonotary was very inadequate, considering the responsible duties he had to perform, and they were supported in this belief by a great many members of the profession outside the Institute they represented, who had also signed the petition. With the Minister's permission, he would read the petition, which more clearly defined their views. [The petition, which is attached, was then read.] There was one feature which he thought should not be lost sight of in Mr. Chapman's case, and that was that his duties were not only arduous, but very troublesome, having to tax the costs of the members of the profession. This certainly was not a very pleasant duty to perform, but Mr. Chapman had displayed such tact and discretion that his decisions invariably gave satisfaction. This was saying a great deal for him. He (Mr. Chapman) never allowed any personal feelings to operate in the discharge of his duties, and he had thus won the esteem of the Judges, legal profession, and, he thought, the public generally. For these reasons they would respectfully request that, seeing Mr. Chapman was such a deserving officer, the Minister would be pleased to recommend, when the next Estimates were being dealt with, a substantial increase to his salary. We might also read the following letter from the Chief Justice on the subject. (Letter attached was read). This letter fully bore out what they submitted in the petition. The Master in Lunacy, who was also the Master in Equity, received a salary of £1,250 per annum, while the Prothonotary was in receipt of £750, and his duties were more responsible than the former's. Sir Frederick Darley was of opinion that the Prothonotary should be placed on the same footing as a District Court Judge. The inference that could be drawn from this was that the salary should approach, if it were not the same, as that received by the District Court Judges. It was scarcely possible to form an idea of the responsibilities of the Prothonotary's position, especially as regarded the taxation of costs, having to mete out justice as between the plaintiff, the defendant, and the public. This, as the Minister was aware, was no easy matter, and the few appeals against Mr. Chapman's decisions were sufficient proof that in the discharge of his arduous duties, he gave every satisfaction. These were the opinions held by the members of the Institute they represented, and also by those professional gentlemen, not connected with them, who had signed the petition. He did not think there was anything else he could represent on Mr. Chapman's behalf. They desired to bear testimony as to the satisfactory and just manner in which he upheld the dignity of his office, and they did so by waiting on the Minister, and asking that the request contained in the petition should be complied with. They were honored by a member of their profession being Minister of Justice, and he was sure that he (the Minister) knew as well as he did the duties that attached to the office of Prothonotary.

Mr. Gould, in reply, said, that when dealing with the Estimates for the coming year, the forthcoming Estimates, he would bear in mind the representations the deputation had made, with any other representations made to the Department, and with his own knowledge of the duties performed by Mr. Chapman,

Chapman,

Chapman, he would endeavour to fix the salary in order that it might be a fair remuneration for the duties performed. He did not believe in any man being underpaid. Every man should be fairly and liberally dealt with, in accordance with the duties to be performed. They could very confidently leave the matter as they had represented it.

Mr. Williams, on behalf of the deputation, thanked the Minister, and retired.

No. 11.

The Chief Justice to The Minister of Justice.

Sir,

Chief Justice's Chambers, Supreme Court, Sydney, 19 June, 1889.

I bear that the Estimates of your Department are now under consideration. May I ask you to read my letters of the 10th October, 1887, and the 11th June, 1888, in which I point out how entirely inadequate is the provision made for that very important officer, the Prothonotary of the Court.

May I also, at the same time, ask you to read my letters of the 7th May, 1888, and the 15th October, 1888, in reference to the position of the Judges' Associates, whose salaries have lately been reduced. My Associate, who has most important duties to discharge, and a very large correspondence to conduct, has been reduced from £275 to £200 a year. In no other Colony does the Associate of the Chief Justice receive less than £300 a year.

I have, &c.,

FREDK. M. DARLEY, C.J.

Submitted. (See report of proceedings at deputation herewith).—A.C.F., 21/6/89. May be resubmitted when dealing with next year's Estimates.—A.J.G., 24/6/89. The Chief Justice, 26/6/89.

No. 12.

The Minister of Justice to The Chief Justice.

Sir,

I do myself the honor to acknowledge the receipt of your Honor's letter of the 19th instant, referring to previous correspondence upon the subject of the salaries paid to the Prothonotary and the Judges' Associates, and to inform you that the matter of the salaries in question will be considered when the Estimates for the next year are being dealt with.

I have, &c.,

ALBERT J. GOULD.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

RAILWAYS.

(RETURN SHOWING INCREASES OF PAY TO CLERICAL STAFF IN LOCOMOTIVE DEPARTMENT DURING MR. SHERIDAN'S TERM OF OFFICE AS CHIEF CLERK.)

Ordered by the Legislative Assembly to be printed, 17 July, 1889.

[Laid upon the Table of the House in accordance with promise made by the Honorable the Colonial Treasurer in answer to sections Nos. 4 and 5 of Question No. 1 on Votes and Proceedings of 19th June, 1889.]

RETURN showing increases granted to the Clerical Staff in the Locomotive Department during the time Mr. Sheridan occupied the position of Chief Clerk.

So far as can be traced no direct recommendation was made by Mr. Sheridan while acting as Chief Clerk, Locomotive Branch, to increase the salary of officers, but the following is a return giving particulars of the increases of pay to the Clerical Staff in the Locomotive Department during the time Mr. Sheridan occupied the position of Chief Clerk, viz., from April, 1882, to 8th June, 1887. The increases were recommended by the Locomotive Engineer.

Name.	Salary in receipt of in April, 1882.	Commencing salary of those appointed during the period.	Salary at the termination of office, 1887.	Amount of increase granted during the period.	Remarks.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Neale Chas. A.	300 0 0		335 0 0	35 0 0	
Falconer M.V.	175 0 0		200 0 0	25 0 0	
Maconn Geo.	182 0 0		200 0 0	18 0 0	
Brodie R. J.	182 0 0		200 0 0	18 0 0	Deceased, 21/10/83.
Stephenson Geo.	150 0 0		220 0 0	70 0 0	
Palmer T. F.	156 0 0		220 0 0	64 0 0	
Mackellar R. W.	180 0 0		150 0 0	20 0 0	Resigned, 13/10/83.
Husk A. J.	140 0 0		175 0 0	35 0 0	
Logan A. J. C.	116 0 0		165 0 0	49 0 0	Resigned, 25/1/83.
Gardiner B.	150 0 0		245 0 0	95 0 0	
Horton J. R.	165 0 0		220 0 0	55 0 0	
Finegan P. T.		150 0 0	220 0 0	65 0 0	
Senge T. W.		124 0 0	150 0 0	26 0 0	
Creemen J. B.		50 0 0	105 0 0	55 0 0	
Thrum F.		50 0 0	105 0 0	55 0 0	
Regan J.		50 0 0	105 0 0	55 0 0	
Conroy J. A.		50 0 0	105 0 0	55 0 0	
Duffy P.		109 0 0	185 0 0	76 0 0	
Newman W. L.	250 0 0		290 0 0	40 0 0	
Mingsayer W. J.	95 0 0		170 0 0	75 0 0	
Doyle Jas.	200 0 0		250 0 0	50 0 0	
Payton A.	80 0 0		155 0 0	75 0 0	
Candrick E.		52 0 0	120 0 0	68 0 0	
Perry Chas.		120 0 0	150 0 0	30 0 0	
Nichols F.	210 0 0		250 0 0	40 0 0	
Canuter R.	165 0 0		200 0 0	35 0 0	
Conroy Thos.	150 0 0		200 0 0	50 0 0	
Cope Arthur.	120 0 0		185 0 0	65 0 0	Dismissed, 1/1/85.
Coombe Joseph		50 0 0	120 0 0	70 0 0	
Clarke Chas.	156 0 0		156 0 0		Dismissed, 3/4/84.
Heron John	52 0 0		110 0 0	58 0 0	
Davison M.		135 0 0	195 0 0	60 0 0	
Geekie J. B.	120 0 0		180 0 0	60 0 0	
Powell S.		109 0 0	165 0 0	56 0 0	
Pendergast N.	120 0 0		150 0 0	30 0 0	Dismissed.
M'Alister C.		50 0 0	95 0 0	45 0 0	
M'Donald C.		124 0 0	160 0 0	36 0 0	Transferred to Tramways.

Name.	Salary in receipt of in April, 1882.	Commencing salary of those appointed during the period.	Salary at the termination of office, 1887.	Amount of increase granted during the period.	Remarks.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Kelly Jas.....		50 0 0	95 0 0	45 0 0	
Laing S. L.	200 0 0		200 0 0	60 0 0	
Woods Alfred		52 0 0	150 0 0	98 0 0	
Fawcett A.		150 0 0	165 0 0	15 0 0	Resigned, 1/3/86.
Jenkins E. J.	150 0 0		150 0 0		Resigned.
Wallace J. E.	78 0 0		150 0 0	72 0 0	
Muddle J. W.		220 0 0	250 0 0	30 0 0	Transferred to Head Office, 21/2/87.
Read F. J.		70 0 0	120 0 0	50 0 0	
Kavanagh J. J.		40 0 0	150 0 0	110 0 0	
Pitt F. M.		40 0 0	30 0 0	50 0 0	
Berner J. G.		130 0 0	170 0 0	40 0 0	
Regan Geo.	267 0 0		305 0 0	38 0 0	
Brown W.		52 0 0	65 0 0	13 0 0	Dismissed, 1885.
Hoaydon A.		50 0 0	165 0 0	115 0 0	
Monds A.		109 0 0	125 0 0	16 0 0	
Bensfield G. A.		75 0 0	150 0 0	75 0 0	
Dempster R.		83 0 0	140 0 0	57 0 0	
Alcorn A.		50 0 0	50 0 0	30 0 0	
Smith F. G. D.		205 0 0	220 0 0	15 0 0	
Marsh M.		109 0 0	150 0 0	41 0 0	
M'Leod J.		109 0 0	135 0 0	36 0 0	
Townley J. W.		109 0 0	150 0 0	41 0 0	
Gifford W.		109 0 0	150 0 0	41 0 0	
Tewks A.		120 0 0	135 0 0	15 0 0	
Eckford J.		120 0 0	135 0 0	15 0 0	
Wood W.		150 0 0	150 0 0		
Roberts Geo.		50 0 0	80 0 0	30 0 0	
Stoddart Jas.		150 0 0	165 0 0	15 0 0	
Gadden H. R.		180 0 0	195 0 0	15 0 0	
Doyle P.		25 10 0	50 0 0	24 10 0	
Fulton E.		25 10 0	50 0 0	24 10 0	
Phillips R.		109 0 0	150 0 0	41 0 0	
West C.		50 0 0	50 0 0		
Toohar G.		155 0 0	170 0 0	15 0 0	
Read W.		110 0 0	125 0 0	15 0 0	
Taylor R. J.		50 0 0	50 0 0		
Ewen J.		105 0 0	105 0 0		
Byrnes L.		109 0 0	150 0 0	41 0 0	
Duncan W.		50 0 0	50 0 0		

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DISMISSAL OF THOMAS BUCKLEY FROM THE ROADS
DEPARTMENT.

(RETURN RESPECTING.)

Ordered by the Legislative Assembly to be printed, 17 April, 1889.

[Return prepared in fulfilment of a promise made by the Secretary for Public Works, on the 9th April 1889, in reply to a question by Mr. Fletcher, M.P.]

Question.

- (7.) Dismissal of Thomas Buckley from Roads Branch, Public Works Department:—*Mr. O'Sullivan*, for *Mr. Fletcher*, asked the SECRETARY for PUBLIC WORKS.—Will he lay all papers and other documents connected with the dismissal of Thomas Buckley from the Roads Branch of the Works Department upon the Table of the House?
Mr. Bruce Smith answered,—I shall have no objection to comply with the request of the Honorable Member. I shall lay them upon the Table next week.

Mr. T. Buckley to The Commissioner for Roads.

Sir, Belmore-street, Balmain, 16 January, 1880.
I would like to know if you had any work at present as I am idle about three months. I would be very thankful for any work at present.

THOMAS BUCKLEY.

This man might do for Middle Harbour punt, 6s. a day, maintenance man. I do not think he has a boy old enough, otherwise he would be eligible.—W.C.B., 19/1/80. *Mr. Symonds*. I have engaged Buckley as maintenance man on South Head Roads at 6s. 6d. per day, in place of T. Shead, discharged.—J.S., 2/2/80. To Commissioner for Roads.

Mr. T. Buckley to Mr. Assistant-Engineer Wells.

Sir, 2 Renwick-street, Leichhardt, 16 November, 1888.
In reply to your letter of the 15th, I write the following:—On Saturday, November 3rd, I called to Mr. Dyson, as is usual every morning. Mr. Dyson made a list of men's time for the month of October; he asked me to sign it; I told him I knew nothing about it; I would not sign it until I asked the men myself. Mr. Dyson said if it pleases me it should please you; but I would not sign it, and Mr. Dyson said I will ease you of the responsibility. Alfred, you keep the time in future, as Buckley will not sign this paper. If he had the time so correct, why did Alfred go on the 8th to get the time. If Mr. Dyson made out this at random, why should I sign it, and if any person gave it to him, why not they sign it? Mr. Dyson has made out a similar one for the month of September; I did sign it, but after I had done so he altered it before my face. I have not witnessed any vouchers or other papers lately as I used to. I wish to know if I am to resume my duties as before or not? There are other things I will not mention pending decision of the above.

THOS. BUCKLEY.

Mr. Dyson.—F.W., 17/11/88.

In reply to this insinuating and mischievous letter on the 1st instant, I said to Messrs. Benson and Buckley that in future it would be advisable to have a time-sheet prepared for each month, and although I could prove it to be of great benefit to the Service to lend a man occasionally to contractors for certain works, I would, for other reasons, do so no more. I told Buckley to bring me in

writing any particulars of the time by the 3rd inst. He came on Saturday morning with no writing, verbally giving number of days that some of the men were absent, and said for all he knew the rest had full time. I reminded him of my request on the 1st. Knowing he was no penman, I wrote the time of each man from my own knowledge. I in reality trust no one in this matter. Buckley generally approving as I called each name. I said "You can sign this if you like." He did not refuse as he states, but said he had not seen Thomas and Melrose. I took the opportunity of telling him that in future Mr. Benson would keep the time, and that he remain on the roads. Having for some time past suspected his want of truthfulness, attention to his duties, and his tendency to mischief, I thought it advisable to bring his foremanship to an end, and now think that he should be dismissed, as I am getting too old to have my life worried by having to refute petty charges made by wicked ignorant men. Buckley is an old hand at this work, dealing out treachery to his superior officers.—E.D.D., 19/11/88.

I know Buckley to be a troublesome man, and I objected to Mr. Dyson employing him at all, and certainly not in any position over a laborer. Mr. Dyson,—see me on Thursday.—W.C.B., 21/11/88.

Mr. A. E. Benson to Mr. Assistant-Engineer Wells.

Report on Buckley's letter.

Dear Sir,

Roseville, 220, Victoria-street, Darlinghurst, 21 November, 1888.

I herewith forward for your perusal a statement of what came under my own observation with reference to the timekeeping. On the 1st instant, Mr. Dyson returning from the office met Buckley and myself. Mr. Dyson said from that date he would have a proper time-sheet drawn up for each month, pointing out to Buckley that in justification of his receiving 1s. a day more than the other men he should prepare this. He being unable to write very well, Mr. Dyson said he or I would make one out, and Buckley could sign it. On the morning of the 3rd instant Buckley came to Mr. Dyson's office, and in his usual style commenced to verbally give the time of the men. Mr. Dyson asked him if he had forgotten the order he gave him on the 1st instant; at the same time taking a sheet of paper he jotted down the names, calling them out to Buckley as he did so; on concluding the list he passed it over to Buckley, saying, "You can sign this if you like." Buckley made an evasive answer, and said he had not seen Thomas or Melrose. Mr. Dyson said he knew the time of all the men, or words to that effect, and his (Buckley) signing it was of no account. Mr. Dyson then handed the paper to me, and told me to keep the time in future, quietly informing Buckley he could go back to his work, and he would relieve him of the timekeeping. I was further instructed to make any inquiries I might think necessary as to each man's time for the month, to be careful, and always have everything correct.

I would add the following remarks concerning what I observed myself: Buckley has exhibited a vast amount of conceit, being continually boasting of his vast influence and personal acquaintance with the Commissioner, to the men and others that he meets with; this has grown to be a mania with this man. This holds him to a certain amount of ridicule among the men, which causes him to have no influence as a foreman.

I remain, &c.,
ALFRED E. BENSON.

This has been addressed to me; I refer it back to Mr. Dyson. I think Buckley should be relegated to his old pay like any other maintenance man. He is not satisfactory in his conduct or manner.—F.W., 22/11/88. I never authorised any of these arrangements. Discharge Buckley; I know him to be a troublesome man, continually in rows, and I cautioned Mr. Dyson against employing him at all.—W.C.B., 22/11/88. As instructed, I have discharged Buckley, but am allowing him to remain at work till end of present month.—E.D.D., 26/11/88.

Mr. T. Buckley to Mr. Resident Assistant-Engineer Wells.

Sir,

Leichhardt, 8 December, 1888.

Referring to my dismissal from the service of the Roads Department, and feeling an unmerited injustice has been done me, I have the honor to request inquiry into the following matters:—

1. Whether the petition which I was requested to sign, together with other employees, for supply of blue metal spalls, was *bona fide*?
2. Does Mr. Dyson employ Government men in the yard of his premises, and take rent from others for occupation?
3. Is Mr. Dyson supplied by Government with coachman and groom?
4. Has it ever occurred that money was included in cheques paid to men as wages for which claimants could not be found, and was such money returned to Mr. Dyson?
5. Did Mr. Dyson furnish to Parbury at punt a draft statement of complaint against M'Lannan to cause his removal?
6. Has Mr. Dyson accounted for time expended by men paid by the department, also carts so employed, at Mr. Dyson's houses in Cleveland-street?
7. Whether vouchers agree with the time checked by me at Camperdown Bridge?

I am, &c.,
THOMAS BUCKLEY.

The department cannot be disturbed and a large amount of work undertaken on vague inquiries asked for by a discharged day-labourer. Buckley was told that if he preferred definite charges against Mr. Dyson they would be inquired into. If such charges were proved Mr. Dyson would suffer the due consequences; if, on the other hand, the charges were frivolous, Mr. Dyson would be allowed to pursue his remedy at law, civilly or criminally.—F.W., 12/12/88.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

CASE OF MISS BRENNING;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDICES.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
23 July, 1889.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1889.

1889.

**EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.**

VOTES No. 52.—WEDNESDAY, 3 JULY, 1889.

13. CASE OF MISS BRENNING :—Mr. O'Sullivan moved, pursuant to Notice,—
- (1.) That a Select Committee be appointed, with power to send for persons and papers, to inquire into and report upon the claims (if any) of Miss Brenning for compensation for wrongful dismissal as a school teacher.
- (2.) That such Committee consist of Mr. Cruickshank, Mr. Ewing, Mr. Willis, Mr. Lees, Mr. Tonkin, Mr. Fuller, Mr. Perry, Mr. Croer, and the Mover.
- Question put and passed.
-

VOTES No. 63.—TUESDAY, 23 JULY, 1889.

5. CASE OF MISS BRENNING :—Mr. O'Sullivan, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this subject was referred on 3rd July, 1889, together with Appendices.
- Ordered to be printed.
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1889.

CASE OF MISS BRENNING.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly appointed on the 3rd July, 1889, "*with power to send for persons and papers to inquire into and report upon the claims (if any) of Miss Brenning for compensation for wrongful dismissal as a School Teacher,*" have agreed to the following Report:—

Your Committee having examined the witnesses whose evidence will be found appended hereto, find as follows:—

That in May, 1881, Miss Charlotte Brenning received an appointment as teacher to the Tongarra School, from which post she was compelled by ill-health to resign.

That Miss Brenning afterwards re-entered the Service, and was appointed to the Public School at Nangar, near Orange, from which she was transferred to the Portland Head (or Ebcnezer) School, in the Windsor district.

That Miss Brenning, feeling herself unfitted for rough bush life, and again falling into ill-health, applied to be transferred to a school in or near Sydney.

That Dr. Fiaschi supplied a certificate, stating that the solitude of the Portland Head School, and the insanitary arrangements connected with it, contributed to the ill-health and nervous troubles of Miss Brenning.

That the Education Department refused the application for transfer to a Sydney school on the ground of want of proper classification, and construing a hasty expression of Miss Brenning's into the act of resignation, accepted it as such.

That Miss Brenning wrote to the Education Department, denying that she intended to resign, yet, nevertheless, she was removed from the Service and compelled to pay back a portion of the travelling expenses allowed her.

Your Committee are therefore of opinion that the Education Department showed a want of discrimination in sending Miss Brenning to schools in unsuitable localities, and acted hastily in construing her letter into an act of resignation, and your Committee recommend her case to the favourable consideration of your honorable House.

E. W. O'SULLIVAN,
Chairman.

No. 3 Committee Room,
Sydney, 23 July, 1889.

Paragraph 1 *read and agreed to.*
 Sub-paragraphs (1) to (4) *read and agreed to.*
 Sub-paragraph (5) *read.*
 Amendment proposed (*Mr. Lees*) to *insert* after "school" the words, "on the ground of want of proper classification," and *agreed to.*
 Sub-paragraph, as amended, *agreed to.*
 Sub-paragraph (6) *read and agreed to.*
 Paragraph 2 *read.*
 Amendments proposed (*Mr. Lees*) to *omit* the word "unsuitable," and to *insert* after "schools" the words, "in unsuitable localities," and *agreed to.*
 Paragraph, as amended *agreed to.*
 Draft Report, as amended *agreed to.*
 Chairman to report to the House.

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1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

CASE OF MISS BRENNING.

WEDNESDAY, 10 JULY, 1889.

Present:—

MR. O'SULLIVAN, | MR. PERRY,
MR. LEES.

EDWARD WILLIAM O'SULLIVAN, ESQ., IN THE CHAIR.

Charlotte Brenning called in, sworn, and examined:—

1. *Chairman.*] What are you now? I teach music.
2. You were formerly a teacher in the Public Instruction Department? Yes.
3. Will you make a statement as to your complaint against the Department in your own way? On the 1st December, 1880, I made my first application to the Department of Public Instruction for employment as teacher in the Service. On the 13th of the same month, I saw Mr. Gardiner, the Chief Examiner; and afterwards I communicated with the District Inspector, Mr. M'Credie. I was then called upon to attend an examination, which occupied two days—the 10th and 11th January, 1881; and then I attended the Sussex-street Public School for one month, and obtained a certificate from the Head Master, Mr. Lobban, to that effect. That certificate was dated 11th February, 1881. On the 18th of the same month I received a letter from Inspector Jones, requesting my attendance for examination on the 21st. The examination lasted from Monday to Friday. On the Friday morning I attended the Sussex-street School, and gave a lesson in the Head Mistress' Department, before Mr. Inspector Jones, by his request. On the 13th May following I received my appointment to the Tongarra School. There was no school at the place at the time; there was no accommodation for a teacher. During part of the time of my stay there I had to walk 4 miles every day over rough, bushy country, and live on bush diet. I worked up that school to be an eighth-class Public School, and remained there for twelve months. My health failed, and, finding that I was unable to continue the long walk, I removed to a distance of 5 miles from the school, and had to ride that distance daily through every kind of weather. Finding that I was unable to obtain a removal from there, I was compelled to resign. After I had left the school I applied for classification from the results of the examination held in February, but for a long time that examination was denied; but, on my bringing proofs that the examination took place, it was acknowledged that the examination did take place, but it was said that it was not for classification. There were two teachers examined with me—Mr. Deasy and Miss O'Reilly. I could not obtain any result from that examination. I was afterwards appointed as teacher to the Public School at Nangar, a place situate between Orange and Forbes, about 49 miles inland from Orange. On my arriving at my destination, I had to leave my luggage under a tree whilst I went in search of some human habitation. The school-house was then closed the master having left. I got the driver of the coach to point out the school-house, and I was obliged to keep that in view whilst looking about. I was totally unacquainted with the bush, and if I had lost sight of the school-house probably I should not have found it again. At last I found a building where some people were living on the opposite side of the creek, and I had to stand at the creek and cooey and wave my handkerchief to attract the attention of some children on the other side. I then got the key of the school building and left my luggage there, and went to a place 2 miles distant for accommodation. This was at the end of November, 1882. I remained there till the next June, when I came down to Sydney, and explained to the Department that I was unable to return to that place on account of its isolation.

Miss
C. Brenning.
10 July, 1889.

Miss
C. Brenning.
10 July, 1889.

isolation affecting my health. I was directed by the District Inspector, Mr. Long, to attend an examination at Bathurst which I did. I was then appointed to the school at Portland Head. The place is called Ebenezer. The school there was held in a church building, and the residence was situated in the graveyard. I was there quite alone, I tried to obtain a removal from there, but was unable to do so. That school had been in the hands of an old gentleman for nineteen years. He was quite incompetent through age to maintain discipline. I found the school in a very great disorganization, and had very hard work for a long time to bring the children into fair order, particularly as two thirds of them consisted of big rough bush boys. I had been there about three months and a fortnight when Inspector Murray visited the school officially, and sent in an unfavourable and incorrect report. I had to answer that report, and on my sending in an application for removal from that school my application was taken as a resignation, and on leaving there I was unable to do anything at all with the Department. For a long time after leaving the school it was made to appear that I should obtain another appointment, but I could not get one. On the 30th September, 1884, Mr. Withers presented a petition to Parliament, but the case was not attended to. On the 12th October, 1885, I was directed again by the Department to send in an application for reappointment, but Mr. Johnson, the Under Secretary, who at that time was Chief Inspector, now makes it appear that I did not receive the appointment because I asked to be appointed to the charge of a large school at Sydney. That is utterly false. Mr. Johnson has also made the statement that I am incompetent as a teacher, and that has injured me very greatly. From that time I have tried different Members of Parliament, trying to get the case taken up, but have not been able to do anything in the matter. Last November twelve-month, 1887, Mr. Fletcher presented a petition to Parliament, and kept the case in hand for a long time, but nothing was done. I relieved him from the responsibility, and Mr. O'Sullivan then took up the matter. Mr. Johnson is the chief obstacle in my way. On my applying to him for classification from the result of the examination in February, 1881, he behaved most strangely, which has done me very great injury. On my begging of him to grant me the proper results from the examination he was rather forward, and on my resenting it, he took up a book, placed it before his face, and made big eyes behind it. Since that, on my seeing Mr. Maynard, the Chief Inspector, he made the remark—I had not the slightest idea what he meant—"We shall fix you this time, then blab that in your face. You think it can be done in a few months, but it takes years." On my leaving the Department, the money that had been advanced for my travelling expenses was deducted from my salary, and the salary being small at that school, I was left entirely without money, a fact of which the Department are fully aware. My health was very greatly destroyed by the hardships which I had endured. On Dr. Renwick succeeding to the position of Minister he took up the case and conducted it for a while. I was then sent to Dr. McKenzie, Departmental Medical Officer, and he sent in an unfavourable report in regard to my health. I was told by the Department that as soon as my health improved my case would again be considered. I have had to walk about Sydney trying to obtain music pupils with the influence of the Department against me, and reduced physically through the treatment I had received from the Department. That influence has been continued ever since I left the school five years ago. I have only been able to obtain a very precarious living. As soon as it was known that I had obtained a fresh music pupil some excuse was made for removing her. I received this certificate from Dr. Fiaschi:—

39, Phillip-street, 30 January, 1889.

I HEREBY certify that Miss Charlotte Brenning, during the period of time running between July, 1883, and April, 1884, resided as teacher in Ebenezer, Hawkesbury River. That during that time she suffered from general weakness and various nerve troubles. That the solitude of the place, the unsanitary arrangements of it, contributed to cause that state of ill-health, and that she was justified in applying for a removal.

THOMAS FIASCHI, M.D.

THURSDAY, 11 JULY, 1889.

Present:—

Mr. O'SULLIVAN,

Mr. PERRY.

Mr. EWING,

EDWARD WILLIAM O'SULLIVAN, ESQ., IN THE CHAIR.

Edwin Johnson called in, sworn, and examined:—

E. Johnson,
Esq.
11 July, 1889.

4. *Chairman.*] What are you? Under Secretary for Public Instruction.
5. Do you recollect the case of Miss Brenning? Yes; perfectly.
6. Has her petition ever come under your notice? I could not say that that particular petition has; but I think a similar petition came under my notice in 1885.
7. Will you kindly state the case of the Department with regard to Miss Brenning. We have heard her case, and would like you to make out the case of the Department against her? Miss Brenning called upon me some time in 1880, and desired employment as a teacher. I made some inquiries into her case, and discovered that she had received no training, so I explained to her that she was only eligible for appointment to a small school. I told her the nature of such a position, and explained its difficulties and discomforts. She appeared to me to be of a somewhat delicate constitution, and I thought, after the explanation I had given her, that she would not feel disposed to accept the employment. But she said she had had a great deal of experience, I think in charge of emigrants, and also in charge of a school in New Zealand, and she thought she would be very well able to cope with the difficulties surrounding the position. I referred her to an inspector in Sydney, who subjected her to the usual preliminary examination. Here I should explain that the Department take no responsibility in connection with applicants for small schools; it is simply left to the inspector. An inspector examined Miss Brenning and found that her attainments were insufficient for the position, but, I suppose because he was impressed with her appearance, for she has a very happy way of stating her case and impressing one favourably, he said she might attend the school at Sussex-street and that he would examine her at the end of the term; that was within a month. She attended the school, and came up again for examination in February. The first examination was made in January. Her examination on the second time was fairly satisfactory, and she was placed on his list as an eligible candidate for a small school. Of course we did not undertake to find her with employment immediately. The matter was left entirely in the hands of the inspector, and

and he was not able to find her a school until July of the same year. She visited him repeatedly, pressing her claims, and stating her embarrassed circumstances, so he asked her if she would accept a school at Tongarra. He explained to her that the school was a small one, and that the living was pretty rough, but she would take any school. She was appointed to that school, and she remained there until April, 1882, from June or July, 1881.

E. Johnson,
Esq.

11 July, 1889.

8. *Mr. Ewing.*] About nine months? Yes. I cannot vouch for the accuracy of every detail as regards dates, but I shall go as near as I can. She resigned the position. She was then out of the Service, I think, till about November of the same year. She complained that she was not accustomed to that kind of isolation—it would not suit her—and she wanted a big school in the city. Under the rules, of course, she could not get such a school. She was then appointed to a school at Nangar, a little distance from Eugowra—a new school, with a residence of three rooms. I think she was there about two months or less when she applied to the Inspector for her removal. The Inspector (Mr. Long) visited her school, and suggested to her, as she said she was very lonely and isolated, that it would be well for her to take a servant or a companion, but she did not receive that suggestion favourably. He then told her that he had a very nice school at a place called Budgerbung, and he invited her to go and see that school, but she would not take it. He asked her if she would go to Cudal, but she would not, and declined to take any school at all in the Forbes district. The papers will show that. She came down to Sydney in 1883, and interviewed the Minister—I think it was Mr. Reid—who said that he had seen the lady, and thought that she ought to have another country school. She had no classification, and was ineligible for appointment to a Public School in town. She was only eligible for appointment to a small school; and the small schools are necessarily in isolated places—they cannot be in the midst of a large population. I then got hold of a list of schools, and thought I would select a school for her which I was personally acquainted with. I selected a school at Ebenezer, close to Windsor. She was appointed, and I think she was not in the school more than a month or two before she applied for her removal. The Inspector (Mr. Murray) visited the school, and furnished a report on her work. The report was a very unsatisfactory one. He stated that she was very weak as a disciplinarian, that the school was not at all efficiently conducted, and that she had been guilty of gross irregularities in the keeping of the school records. She was cautioned. She applied for her removal again, and she followed that up by coming to Sydney. I think that would be about December, 1883. She called upon me, explained her position, and said that she would like to get into a big school. I said, "You cannot get into a big school because you hold no classification. I will tell you what we will do: I will recommend that you be sent to Balmain for six months as a probationer, and you will be paid at the rate of £7 a month, on the understanding that at the end of that period you will sit for examination in order to get a classification; then we can appoint you to a big school." She declined that; she would not take the position; she went back to Ebenezer. Mr. J. P. Abbott then came into office—this being April, 1884. She wrote a letter to the Minister and a similar letter to me, and in that letter she complained of her school as not being in the city, and she said, "I desire to state respectfully and decidedly that unless the Department is prepared to appoint me to a school not in the bush I shall seek employment elsewhere." That was taken to be her resignation. We could not, under the regulations, give her what she required, so we decided to take her letter as a resignation. She was told that her resignation was accepted. She made repeated applications for reappointment, without success, to all the Ministers who have had charge of the Department ever since. She has interviewed every Minister, and each Minister has gone through her papers carefully. Mr. Young, Dr. Renwick, Mr. Trickett, Mr. Inglis, and the present Minister have all considered her case.

9. *Chairman.*] She says that she applied to the Department on the 7th March, 1884, and that she sent a medical certificate to show that she was in failing health; did she do that? Yes; she supplied her own medical certificate.

10. From Dr. Fiaschi? I believe it was.

11. She states that she applied to the Department to be removed in consequence of failing health, and that in reply she received a letter saying that her resignation had been accepted? I deny that.

12. Can you tell us the date when you did send a reply intimating that her resignation was accepted. You say that it was in reply to a letter in which she most respectfully, but decidedly told you that unless she was appointed to a Sydney school she would retire from the Service? This is the letter which the Department received from Miss Brenning. [*See Appendix A1.*]

13. In response to that letter dated March 7th, 1884, you gave her to understand that her resignation was accepted? Yes.

14. What led you to accept that as a resignation? Because she said she could not accept employment in the country.

15. But does she not say distinctly that it is owing to her inability to contend with bush life. That would not mean that she would accept no employment except in Sydney or the suburbs? She states that distinctly in her correspondence, but not in that letter.

16. She might have been willing to accept employment in a large country town, according to this letter? Yes, that single letter would bear that interpretation.

17. *Mr. Ewing.*] You said it was impossible for the Department to put her in a large Public School? Yes, because she had no classification.

18. *Chairman.*] Was it out of your power to grant her request? It was.

19. And that being out of your power, did you naturally look upon it then as the termination of her connection with the Department? That, taken in conjunction with the amount of trouble which she had caused the Department extending over years. It was found impracticable to give this lady what she required under the rules of the Department.

20. *Mr. Ewing.*] You offered her a position at Balmain? Yes, but she declined that.

21. Was any reason given? Only that she would not go as a probationer.

22. Was it reasonable to expect that she should go there? At present we put young ladies in similar positions who have served four or five years as pupil-teachers and studied two years in the training college. We pay them £6 a month, but we offered Miss Brenning £7 a month, and she would not take it. Here is the letter from the Department, and her reply. [*See Appendix A2.*]

23. *Chairman.*] Are you aware that when she went to Tongarra she found there was no residence? I do not think there was any residence—it was a provisional school.

- E. Johnson,
Esq.
11 July, 1889.
24. Are you aware that when she arrived she had to put her box down beside a tree and go through the bush to seek a human habitation? On the contrary, she got lodgings with a respectable farmer.
25. Latterly? Immediately, pretty well.
26. She says that on the day of her arrival her box was taken off the coach and put at the foot of a tree, and she had to seek a human habitation in which to reside? I never heard of that before.
27. Did you hear that at another place she had to reside near a graveyard? That was at Ebenezer. She was not required to reside there. She could have resided with the old teacher, Mr. MacPetridge. She lived with the ex-teacher for some time, but could not agree with the family. Then she went to live with Mrs. Brown, close to the school. I ought to say that, whilst a probationer, she was paid at the rate of £156 a year. If she went to a similar school now she would be getting from £60 to £90 a year. When the Inspector saw her at Ebenezer, she complained of not getting suitable food, and he said "Mrs. Brown, can you not provide delicacies for this lady?" and Mrs. Brown said that she would gladly do so if Miss Brenning would pay for them, but she did not care to pay for delicacies.
28. Miss Brenning said you requested that she should refund all the money that had been allowed to her for travelling expenses? Yes; that is the rule of the Department, if they resign or quit the Service within three years.
29. Mr. Ewing.] Do they understand that when they join? They sign a declaration that they will refund it.
30. Did she refund that money? Part of it. We did not press the matter.
31. Chairman.] Did she ever notify to you that she would not resign? She replied to the letter from the Department, saying that she did not intend her letter to be a resignation.
32. Ought not you to have given her a chance to remain where she was? I submitted the matter to the Minister of the day, and he thought that she was not a deserving person, and that it would not be wise to take her into the Service again. She had been such a source of trouble, and we could not give her the employment that she required.
33. Mr. Ewing.] Do you not think it possible that she was placed in a position in which no lady is usually expected to live? I am not prepared to say that, because at the first school to which she went at Tongarra there was a lady in charge previously, and since she left we have had only lady teachers there. I may mention this fact: that immediately Miss Brenning resigned, a Miss McLean, a classified teacher, wrote to me, asking to be appointed to the school. I sent for her, and told her to go and examine the school, and to come and tell me whether she would like it. I thought that if she saw it, after the descriptions we had received of it, she would not care to take the position; but she went and saw the school, took it, and remained there for three years. That was the school at Tongarra.
34. Chairman.] With regard to Ebenezer School, is it a fact that it was in a very rough condition when she went, and that there had been a laxity of discipline before she arrived? Not according to the Inspector's report. He reported that the school was well conducted under Mr. MacPetridge, but that she had shown a want of ability to manage the children.
35. Why have the Department not given Miss Brenning something like a fair discharge from the Service? She has got her resignation accepted; is not that a fair discharge?
36. Is it not usual to give anything else? She never asked for anything else.
37. She complains that, owing to the action of the Department in not giving her some recognition of the fact that she had left the Service with a clean record, she was unable to get employment elsewhere as a teacher? She never informed the Department that she was under any disability of that sort.
38. She feels that the action of the Department was a virtual dismissal? She may feel so, but she never stated it in those words to the Department.
39. Has she not stated it to any succeeding Minister? She never said it to me.
40. Mr. Ewing.] Do you think her conduct was such that her dismissal was justified? I think her history would justify it. Her record was unsatisfactory. She was retained by successive Ministers out of pure charity.
41. It appears that her view of the matter is this—that she wrote a letter—possibly a hasty letter—considering that she was suffering some injustice; that letter was taken advantage of by the Department to get rid of her. It was virtually a dismissal, was it not? That may be her view.
42. Mr. Perry.] Is she justified in taking that view? I do not know that she is. The Department have found it impossible to find suitable employment for her. We have tried her in three schools, not one of which suited her; and she wants a school that she is not entitled to, and not fit to manage—a school in a big city.
43. Are there lady teachers in the schools which she had? Yes.
44. Have they complained of loneliness? No.
45. Chairman.] Is it not usual when a teacher complains of sickness, and produces a medical certificate, to allow her to be removed? Yes; if her illness is the result of the climate, we endeavour to remove her to a more suitable place.
46. She states that, owing to the unfavourable situation of the place which she was in her health failed, and she supplied you with a medical certificate to that effect, and then received a letter stating that you accepted her resignation; was she not there showing that she could not carry on the school owing to the unfavourable situation of the place, and the loneliness from which she suffered,—was she not merely notifying that a change was required? Yes; she sent a medical certificate to show that she needed a change.
47. And were there no other schools to which you could have removed her? No school that she would take. She distinctly stated that she would not go into the bush, and she would not take an appointment in a country town.

John Charles Maynard called in, sworn, and examined:—

- J. C.
Maynard, Esq.
11 July, 1889.
48. Chairman.] Can you tell us anything about Miss Brenning's case? All I can tell you is what I have learnt from the papers. She had left the Service before I was appointed Chief Inspector. My personal knowledge of the case is nil. I was Deputy Chief Inspector for two years whilst she was in the Service. I was appointed Chief Inspector on the 1st December, 1884, and she left the Service in the beginning of 1884.
49. She says that she applied to the Department on the 7th day of March, 1884, setting forth her urgent need

J. C. Maynard, Esq.
11 July, 1889.

- need for removal from the Portland Head school, of which she had then the charge, in consequence of failing health, owing to the unfavorable situation of the place, and received a reply, dated the 29th day of the same month, from the Department, to the effect that her resignation as teacher of the school had been accepted, to take effect from the 31st day of that month, and requesting that all the money which had been advanced for travelling expenses should be refunded, thereby implying that she had tendered her resignation. Do you consider that a fair statement of her case? I should say an exaggerated statement.
50. Was it possible to have given Miss Brenning better consideration than she appears to have received, according to her statement? I do not think so. In reading through the papers what impressed me most was the evident trouble taken by every Inspector to do the very best thing possible for Miss Brenning. She was removed more frequently than other teachers were removed. What she wanted was something which the Department could not give her—an appointment in Sydney. When she was dissatisfied with the school at Nangar the Inspector offered to take her round in a buggy to the vacant schools so that she might choose one. Mr. McCredie, the District Inspector, pointed out all the difficulties with regard to Tongarra, expressing the opinion that it would not suit a person who had been brought up in Sydney to live in the bush, but in spite of that she took the place, and I believe that the school is a miserable building.
51. Did you ever hear that when she arrived her box had to be placed beside a tree whilst she went to seek a human habitation? No.
52. Are you aware that she had to reside in a house that was surrounded by a graveyard at Ebenezer? No.
53. She said that she wrote to the Department stating that she was in bad health, and enclosing a certificate from a doctor, and that in return she received a reply stating that her resignation was accepted? That is not exactly the history of the case. It is not a fair statement.
54. Do you consider that she did virtually resign when she intimated respectfully but decidedly that she would not continue in a bush school? I do not think that you would look at it as anything else, because she distinctly said that she would not stop there, and that she would not accept a bush school.
55. Did she not write immediately afterwards and say that she did not intend to resign? Yes.
56. Admitting that she was equal to the post which she held, don't you think that some consideration ought to have been given to her? She tried to force the Department. It was a kind of threat, and she was taken at her word.
57. *Mr. Ewing.*] Might it not have been a better way of dealing with it if there had been a letter between when she wrote threatening to resign—instead of accepting the resignation right off;—was it not rather sharp work? Knowing the antecedents of Miss Brenning, I should not call it sharp work.
58. *Chairman.*] I suppose that the Department were not very anxious to retain her in the Service? I don't think that they had any feeling about it, but I don't think that they looked upon Miss Brenning as being of any special value. She had had three schools, of which she left the first and second before they were examined. The next school that she had was examined, and the Inspector's report was very unfavourable indeed.
59. How long had she been appointed when that school was examined? Not very long.
60. She had been two months, is that a fair time? The Inspector did not report about the teaching, but about the discipline and the records. One month would be enough for that.
61. If the school was in a bad state of discipline could she show discipline in two months? Yes, and the records should have been kept properly from the outset, because according to the report she found them correct.
62. *Mr. Perry.*] What was the state of the discipline when she took the school? I could not tell unless I saw the report. If even it was very bad an average teacher would soon rectify that.
63. *Chairman.*] You consider that Miss Brenning did virtually resign her position? Yes, that was the view taken by the Minister. I think it was Mr. Trickett or Mr. Abbott, and all the subsequent Ministers agreed that it was right.
64. Are you aware that she said that she did not resign, but was dismissed? I know she says that, but I do not attach importance to such a statement.
65. If so, would it not be a bar to her employment elsewhere? Not unless it was for misconduct. She could not be dismissed except for misconduct.
66. Are you aware that the action of the Department has been a bar to her employment elsewhere? No.
67. Has the Department ever interfered with her in any way since she severed her connection with it? Not to my knowledge.
68. Miss Brenning complains that she had no certificate or proper discharge from the Department? Did she ever apply for one?
69. *Mr. Perry.*] She says she was examined but never got a certificate? No, she never passed.
70. *Chairman.*] Do you say that she never passed? She passed no Certificate Examination. She sat once and failed.
71. She said she passed with Miss O'Reilly? That was only as a candidate for a small school. It was not an examination for classification. That examination was to admit her into the Service as a teacher of Provisional Schools, and it was the only examination that she ever passed.
72. *Mr. Ewing.*] Do you give a certificate for that? No. She is simply entered on the records as eligible for employment in a small school.

TUESDAY 16 JULY, 1889.

Present:—

Mr. O'SULLIVAN,	|	Mr. PERRY,
Mr. EWING,	|	Mr. LIPSON.
	Mr. FULLER.	

EDWARD WILLIAM O'SULLIVAN, ESQ., IN THE CHAIR.

Charlotte Brenning, called in and farther examined:—

73. *Chairman.*] I wish to ask you some questions in reference to the evidence given by Mr. Johnson and Mr. Maynard. Mr. Johnson says that prior to sending you to Tongarra he explained that the school was a small one, and that living in that locality was pretty rough—did he do so? He did not. I remember making the remark, that in going to these country places teachers generally had a difficulty in obtaining accommodation, but Mr. Johnson said that there would be no difficulty on that head.

Miss C. Brenning.
16 July, 1889.
7d.

Miss
C. Brenning.
16 July, 1889.

74. Mr. Johnson then said that you resigned the position, and that you were out of the Service until November in the same year? I remained there twelve months, and during that time tried very hard to obtain a removal, at the same time I used every effort to bear up against hardships, thinking that I should merit approval, and I worked up the school, when I left it was an eighth-class Public School.

75. Did you ask for a big school in the city when you resigned? I did not. The application I sent in must be in the Department, I certainly did not ask for a big school in the city.

76. When you desired to re-enter the Service did Inspector Long tell you that he had a nice school at Budgerbong which you might have, and did you refuse to take it? Yes; I had a letter from him giving me a chance to take the school. It was 24 miles inland from Forbes. I pointed out that there were no conveyances, but he said that if I would take the school he would see that a conveyance was provided.

77. Did you refuse to take a school at Cudal? I never had the chance.

78. Mr. Johnson said that you were asked to go to Cudal, but you refused to take one in the Forbes District? I did not.

79. Mr. Johnson says that the Inspector, Mr. Murray, visited the School at Ebenezer, and sent in a very unsatisfactory report. That the Inspector stated that you were very weak as a disciplinarian—that the school was not at all efficiently conducted, and that the school records were not properly kept, is that true? It is not true. I have had great experience in teaching in Public Schools. I have been teaching for twenty years. I have never done anything else, and I have always been considered a good disciplinarian. The school at Portland Head had been in the hands of an old gentleman for nineteen years, and he was incapable through age of maintaining discipline. I found the school in great disorder, particularly as two-thirds of the pupils consisted of big rough bush boys.

80. Mr. Johnson also said that he wished to send you to Balmain on probation for six months, at a salary of £7 a month, but he says that you declined? That is true.

81. Why did you decline that? Because I had been in the Service two years and a half, and I wrote to say that as I had been that length of time in the Service, I must decline to accept employment as a probationer.

82. Did you write to the Minister and say, "I desire to state respectfully and decidedly, that unless the Department is prepared to appoint me to a school, not in the bush, I shall seek employment elsewhere?" Yes, I wrote that.

83. What is the meaning that you intended to convey by that? I meant to give them to understand that I was suffering very great discomfort there. I had been under very great hardships, and my nervous system was worked up until I could not bear it any longer. I wrote thinking that I might work on the sympathies of the Department.

84. Then you wrote under a feeling of despair? More than anything else. I wrote the following letter to the Department on the 3rd April, explaining what I meant:—

Sir, Provisional School, Portland Head, 3 April, 1884.
I have the honor to acknowledge the receipt of your letter of 27th ult., in which you state that my resignation as teacher of the above school has been accepted by the Minister of Public Instruction. I beg to state with reference to my letters of 7th and 15th ult. to the Chief Inspector:

The first was sent through Mr. Inspector Murray, but on hearing afterwards that that gentleman had left Parramatta, and not knowing to what part he had removed, I thought that the letter might be a long time delayed, or perhaps mislaid altogether, and sent another direct to the Chief Inspector, Mr. E. Johnson. I did not mean it as tendering my resignation. On reviewing the matter, I can see that I was perhaps unwise in speaking as forcibly as I did, by saying that I must at once seek other employment. I am extremely sorry for it. I meant to convey the idea of my great discomfort here, in the hope of prevailing upon the Department to be pleased to take the matter favourably into their consideration. The fact also of having to remain here another winter in this intensely cold building, with only bush surroundings, prompted me to be more earnest than I otherwise should have been. I trust, Sir, the Department will not require me to act upon the purport of your letter; and also desire to state that I am continuing the duties of the school here, and hope to be permitted to remain until the Department are able to grant me another appointment.

I have, &c.,

CHARLOTTE BRENNING.

To G. Miller, Esq., Acting Under Secretary,
Department of Public Instruction, Sydney.

85. That letter was written in answer to the letter of the Department saying that they accepted your resignation? Yes.

86. Were you astonished to find that they took it as a resignation? I was.

87. And you at once forwarded this letter to remove the impression that you had resigned? Yes.

88. How long was it after you had received the letter from the Department? The letter which I received stating that they had accepted my resignation was written on the 26th March. I was told that my employment was to cease on the 31st. That gave me about five days from the day that it was written.

89. *Mr. Lees.*] You replied then within five days in order that the Department might get rid of their wrong impression? About eight days after the letter of the Department was written. I left the Service about the 26th April.

90. *Chairman.*] What letter did you receive after that? I received another letter saying that the Minister adhered to his decision.

91. And at the time you wrote this letter under a feeling of despair, were you in ill-health? I was very weak—not in good health.

92. Had you produced a medical certificate to show that? I sent one in before I left the school, from Dr. Newmarsh, of Windsor—that was before I was offered the Balmain school.

93. *Mr. Ewing.*] You said that you had been teaching for twenty years? Yes, about that length of time.

94. In Public Schools? Yes.

95. It appears that you have no classification yet? I had from New Zealand. I have my testimonials and written appointments.

96. Why did you leave New Zealand? I went back to Queensland to meet a relative.

97. You left for purely personal reasons? Yes.

98. Mr. Johnson says in his evidence that other ladies have kept the same school that you left, and that they have done so without any trouble to the Department. Would you be surprised to hear that? Yes.

99. You would not be surprised that other ladies had stopped at the school since you left? There was no school at Tongarra. There was one for a time some years ago.

100. But after you left? The lady teacher sent after I left, did not commence duty there. She looked round at the place and left immediately.

101. Did any ladies stay there? A lady, a native of Moruya, was sent and asked to send word down to the Department whether she would remain, and she did. At that time the school was an eighth-class Public School, and from what I have heard she was a very strong sort of bush lady accustomed to bush habits.
102. When you endeavoured to obtain compensation from the Department, was it your idea to return to the Department? It was at the time.
103. You desired to return at the time? Yes.
104. Do you desire to return now? I do not. I would rather obtain compensation. The treatment which I have received has been very bad. It was continued through the last five years up to the present hour. Their influence has been very much against my welfare during that time.
105. And you have no idea of going back to the Department? I have not.
106. *Mr. Lees.*] You say that the old man who had charge of the Ebenezer School had not sufficient capacity to bring about proper discipline? He was very old.
107. And you found the school in a very bad state? Yes.
108. How long were you in it? I went in July, 1883, and remained there until April, 1884.
109. Did you get the school into a state of discipline in that time? To a certain extent it has very much improved. I am considered a good disciplinarian.
110. If the Inspector reported that you did not keep good discipline and that the records were badly kept would that be true? It would not. I found the school in a bad state and I could not get it right in three months.
111. Did you know all this time you were agitating for an appointment at some big school that you were not qualified according to the Rules of the Department? I was not seeking that position.
112. Were you not seeking a position in some city? I was not asking for a large school in a city at all.
113. What certificate have you? Third-class certificate.
114. You said in your evidence on the first day of this inquiry that a certain amount of influence was being used against you, and that when you got a music pupil some excuse was made for that pupil's removal—what did that mean? That people of the city are influenced against me.
115. By what? By the influence of the Department. It has been said, and Mr. Johnston stated it in particular, that I was incompetent as a teacher.
116. Do you know of any pupil having been taken from you through any direct influence of the Department? I am not sure that I can prove it, but I am sure of it from what has been said. Nothing quite direct has been said, but it has been done in a way that has given me fully to understand it—hinting at what Mr. Johnson had said—not directly, but saying that Mr. Johnson had stated that I was not competent as a teacher. Mr. Johnson has said it to me and others. He has said it to Mr. Carruthers in my presence only a few weeks ago.
117. Said what? That I was not competent. He also repeated that I had asked to be reappointed to the charge of a large school in Sydney. I contradicted that statement before Mr. Carruthers.
118. *Chairman.*] Mr. Maynard says that the Inspector did not report about the teaching of the Ebenezer school, but about the discipline, and the records, and he said that the school was in a bad state of discipline, and that the records were not properly kept from the outset—are those statements true? They are not. Mr. Murray sent in word that he found the children dirty, but that was not correct. Mr. Murray said that I did not keep the records correctly, that on a wet day when there were few children there I entered on the roll that there was no attendance, but that is incorrect.
119. The Department deny that they have interfered with your business as a teacher, or in any way persecuted you. Can you give facts to support your statements that they have done so? Mr. Murray tried to influence people at Ebenezer against me. He wanted me to promise to remain there a year and a half, and I said "No, Mr. Murray, I should be in one of those graves before that time," and he said "I dare say it would affect your health."
120. When was that? It was on the 13th or 14th November, 1883—before my resignation was sent in.
121. Mr. Maynard said that you had an examination so that you might pass for a small school but not for a classification? I attended four examinations—two before I entered the Service. On my way from Nangar to Sydney I attended a teachers' examination at Bathurst on the suggestion of Mr. Long, the inspector. I got no classification from that, but from what was said I am quite sure that I was intended to attend the examination in Sydney in June following my removal from Portland Head. I was afterwards told by Mr. McCredie that, on account of my then being out of the Service, my attendance at that examination was not recognized, and that he would take steps to have the papers destroyed.
122. Do you contend that you did attend the examination for classification? Yes.
123. *Mr. Lees.*] Did you pass the examination? I am sure I did. I know so well what I can do.
124. *Chairman.*] You say that you passed the examination, but you did not get any certificate? Yes. I think those papers ought to be investigated so as to ascertain whether I passed.
125. Could you give the date? Yes. The first examination was on the 10th and 11th of June, 1881. The second commenced on the 21st of February in the following year, and lasted until the 25th February. The next examination took place on the 18th June, 1883, and the next in June, 1884.
126. *Chairman.*] Mr. Maynard says, speaking of yourself, "She passed no certificate examination; she sat once and failed"—is that true? It is not true. I attended those four examinations, and Mr. Bridges, now in the Department in Sydney, was a District Inspector of Bathurst, and he conducted the examination, so that he knows perfectly well that I was at that examination. I went to obtain classification.
127. Was that at the time when Miss O'Reilly passed with you? No, that was in February.
128. What were you trying for? Classification.
129. That was for third class? Yes.
130. Referring to the examination when Miss O'Reilly was examined, he says that that was only for a small school, not for a classification? It was for classification.
131. Mr. Maynard says, speaking about that examination, "That was only as a candidate for a small school. It was not an examination for classification, and it was the only examination that she ever passed?" Totally false.
132. What other examination did you pass? On the 18th June, 1883, at Bathurst; and the next was after I had left the Service, and from what was said by the Department, I am quite sure that I was intended to attend that one. That was in June, 1884.

Miss
C. Brenning.
16 July, 1880.

Miss
C. Brenning.
16 July, 1889.

133. *Mr. Lees.*] Was that for a small school or for classification? All those examinations were for classification except the first, which was a preliminary one. The one at Bathurst I attended through the suggestion of Mr. Long, the local Inspector.

134. *Mr. Fuller.*] Did you decline to sit to be examined for your classification? No.

135. *Chairman.*] Have you any other letters which you wish to bring before the Committee? Yes. I wish the Committee to read the following letter from Mr. Horace Rogers, of the *Sydney Morning Herald*:—

Sir,—

Herald Office, 27 October, 1882.

Miss Brenning, who will deliver this to you, is a teacher in the Council of Education, and has, I am sorry to say, suffered a considerable amount of injustice at the hands of several officers of the Department. Some months ago she was appointed to a wretched school in the Illawarra district, but the exposure so affected her health that she was compelled to resign. Mr. Suttor has admitted to me, and Mr. Wilkins to Miss Brenning herself, that she ought not to have been sent to such a school. It is, therefore, admitted that she had some justification for resigning, and yet ever since then certain officers of the Department seem to be placing every obstacle in the way towards her getting a fresh appointment.

Mr. Suttor has been applied to, and he has called for the papers, but they are not yet forthcoming. I have done what I can privately in the matter, and I hope you may be able to influence Mr. Suttor in the matter, so that he will insist upon his subordinates clearing up the affair at once, and not allow them to shield themselves at the expense of a lady, who, I fear, is not in a position to stand such expensive and harassing delay.

I am, &c.,

HORACE ROGERS.

To J. Davies, Esq., C.M.G., M.L.A.

136. *Mr. Fuller.*] Where is Tongarra? It is in the Illawarra District.

137. It is near Mr. Mole's place? His residence is near the school.

138. And that is the place that you complain of as being unfit to live in? Except for such as Mr. Mole, who has a good residence.

139. *Chairman.*] Have you any other letters that you would like to lay before the Committee? Yes, the following letter addressed to Mr. Abigail.

Sir,

27, Botany-street, Surry Hills, 1 April, 1886.

I thank you most sincerely for the prompt manner in which you replied to my note requesting an interview for Miss Brenning, which she has now the honor to obtain. I thank you sincerely on her behalf for your kindness in granting her that interview, when I know that all your spare moments are so anxiously inquired after by many an unfortunate, upon whom justice or fortune has ceased to smile. She will explain her case in her own manner, and will give you any letters or papers which you may deem essential. I sincerely regret my own inability to be with her; but I will be happy to be of any service to you, as I can see you at Parliament House any night, and can convey to or from Miss Brenning what may be wanted by you. I may promise, for your information, that I have seen the Minister upon the subject privately at his own residence, when he promised to see that Miss Brenning received justice, but he has decided as you will see (doubtless upon the advice of some underlings) to screen the injustice of the past two years (the sole cause of Miss Brenning's ill-health) under the plausible pretext of physical unfitness.

Forgive me for trespassing so far on your valuable time, and believe me to be in full recognition of your kindness.

I have, &c.,

GEORGE T. LYETT.

To Frank Abigail, Esq., M.L.A.

I wish also to lay before the Committee a description of the Tongarra Provisional School taken from an Illawarra Newspaper.

TONGARRA PROVISIONAL SCHOOL.

(From the *Illawarra Mercury*, dated March 24th, 1882.)

THE buildings in which several Half-time and Provisional Schools in this Colony are held are, in many instances, the reverse of commodious. A very remarkable specimen in this respect may be seen by any person who visits the Provisional School at Tongarra, at the head of the Macquarrie River. This school, which, we understand, is attended by about thirty children, is conducted in a building not much larger than an ordinary sentry box, and not nearly so sightly as regards architectural appearance. And in addition to the smallness of the structure its floor is of "Mother Earth," which, during the present dry weather, has worked into dust, which, to speak modestly, is ankle deep. And the furniture and fittings of the so-called school house are on a par with the other characteristics of the premises. Altogether this shanty is one of the most wretched apologies for a school-house that could be imagined. The school mistress (Miss Brenning) is a very worthy and efficient person, but if under such adverse circumstances she can succeed in "teaching the young idea how to shoot," her proficiency must rival the very art of the Arabian box mystery. We understand that steps have been taken to have a Public School erected and established at the place mentioned, and not before it is required.

140. Do you produce testimonials of your competence? Yes. [See Appendix B 1.]

TUESDAY, 23 JULY, 1889.

Present:

MR. O'SULLIVAN,

MR. PERRY,

MR. LEES.

EDWARD WILLIAM O'SULLIVAN, Esq., IN THE CHAIR.

Charlotte Brenning called in and further examined:—

141. *Chairman.*] Since you were last before the Committee have you been up to Ebenezer School? Yes, I went on Saturday last.

142. What was the object of your visit? I went thinking that I should obtain the records, but the schoolmaster would not let me have them because I had not any order.

143. Did you get any document at all from there? Not from the school; I got from Mrs. Brown, with whom I lived, the following letter, which I wish to lay before the Committee:—

Ebenezer, 22 July, 1889.

In re Miss Brenning's removal from the office of teacher of the Ebenezer School in 1884, I beg to state in first place, as regards the previous order maintained in the above school, that it was by no means up to the proper standard, as I had opportunity of knowing, having had children attending the school before Miss Brenning took charge of it. My children, as far as I can judge, made better progress under the above-named teacher than under her predecessor. I am also in a position to state that owing to Miss Brenning's injured health, she had a difficult task to get the school into proper working order; also that I have every confidence in her ability as a school teacher, both as regards the discipline and progress of her scholars. While in this district Miss Brenning was always respected by every class with whom she came in contact. In conclusion, I may say that I consider the above-named lady to be quite capable of managing a similar school to that at Ebenezer, of which she was teacher for about eight or nine months, during which time she discharged her duties in a satisfactory manner to the parents of the children attending the above school.

MRS. JOHN BROWN.

144. Have you anything further to say? Not as regards the school; I am too late now to obtain the records. I could no doubt have got other letters from residents in the district, but it was raining very heavily during the whole of the time I was there.

CASE OF MISS BRENNING.

APPENDIX.

[To Evidence of Edwin Johnson.]

A 1.

Sir, Provisional School, Portland Head, 7 March, 1884.
I have the honor, with reference to my letter of 8th ultimo asking for removal from the above school to a Public School situated in a more favourable locality, to request that you will be pleased kindly to cause me to be informed at your earliest convenience if I may hope to have my application granted.

I have on various occasions stated my inability to contend with the difficulties of a bush life; I desire now most respectfully and decidedly to state that if the Department are not willing to grant me the charge of a Public School, not in the bush, I must at once seek other employment, as I cannot risk the further loss of my health and strength by remaining in my present position any longer. There is no accommodation here suitable for a teacher. Trusting the Department will be pleased to consider the matter favourably,
I have, &c.,

CHARLOTTE BRENNING,
Teacher.

E. Johnson, Esq., Chief Inspector of Schools,
Department of Public Instruction, Sydney.

[To Evidence of Edwin Johnson.]

A 2.

Madam, Department of Public Instruction, Sydney, 12 January, 1884.
I am directed to acquaint you that your temporary attendance at the Infants' Department of the Public School at Bahmain has been authorized.

2. While attending that school you will receive an allowance of £7 a month from 1st January, provided you commence attendance as soon as possible.

3. Your attendance has been authorized on the distinct understanding that you will be employed as on probation for six months, at the end of which time you will be expected to gain a certificate of classification by examination.

I have, &c.,

E. JOHNSON,
Chief Inspector.

Miss Charlotte Brenning, Provisional School,
Portland Head.

Sir,

Provisional School, Portland Head, 22 January, 1884.
I have the honor to acknowledge the receipt of your letter of 12th instant, and in reply to state that as it is more than two years and a half since I entered the service of the Department, I must respectfully decline to accept of employment as on probation.

I have, &c.,

CHARLOTTE BRENNING,
Teacher.

E. Johnson, Esq., Chief Inspector of Schools,
Department of Public Instruction, Sydney.

[To Evidence of Miss Charlotte Brenning.]

B1.

MEMO. Education Office, Brisbane, 8 May, 1868.
Miss Charlotte Brenning has served the Board of Education in the capacity of work mistress for more than six years, in a manner which has won for her the esteem both of her pupils and her superiors. She now leaves the Board's employment of her own free will to return to England.

(Signed)

R. MAUDONNELL,
General Inspector.

Madam,

Canterbury Immigration Office, 16, Charing Cross, 24 July, 1870.
You are hereby appointed to be matron of the ship "Merope," conveying immigrants to Canterbury, New Zealand, under contract with the provincial Government. I beg to hand you a copy of the Queen's "Order in Council," which will fully explain to you the duties expected of you during the voyage.

A strict inquiry into the state of the ship and the treatment and behaviour of the emigrants during the voyage will be held immediately on your arrival in Lyttleton.

I am, Madam,

Your obedient servant,

(Signed) ALBERT O. OTTYWELL.

Emigration Agent for the Province of Canterbury, N.Z.

To Miss C. Brenning.

Kilmore-street West, 25 January, 1871.

HAVING had opportunity of becoming acquainted with Miss Brenning, who officiated as my matron on passage from London to Port Lyttleton, on board the ship "Merope," it affords me great pleasure in bearing testimony on her behalf. She was well liked by the emigrants on board, to whom she was uniformly kind and considerate.

I have had sufficient opportunity of forming a high opinion of her. There are none I could more confidently recommend as likely to fill a place of trust, feeling sure if you should honor this lady with an appointment her unremitting exertions will be used in so able and judicious a manner as to merit and retain your approval.

(Signed)

EDWARD HUSBAND,
L.R.Q.C.P.I. & M.R.C.S.L.

Madam,

Board of Education, Christchurch, 10 March, 1871.
I have the honor to inform you that your attendance will be required at my house, St. Asaph's-street West, on Thursday next, the 23rd instant, at 10 a.m.

I have the honor to be,

Madam,

(Signed) Your obedient servant,

T. P. RESTALL,
Inspector of Schools.

To Miss Brenning.

Madam,— Board of Education, Christchurch, N.Z., 7 August, 1872.
I have the honor to inform you that in the classification of teachers approved by the Board, you are ranked in the second division of the 3rd class.

I have the honor to be, Madam,
Your obedient servant,

(Signed)

FREDERIC MAINWARING,
Secretary.

To Miss Brenning, Mistress of the Addington Girls' School

Madam,— Waimate, 4 October, 1873.
I have to inform you that the Waimate School Committee have appointed you Schoolmistress to the Waimate District School, subject to the sanction of the Board of Education. I will inform you of the Board's sanction to your appointment in due course.

I am, Madam,

Yours respectfully,

(Signed)

FREDERICK HUGHES,
Chairman Waimate School Committee.

To Miss Charlotte Brenning, Addington, Christchurch.

Madam,— Board of Education, Christchurch, N.Z., 1 November, 1873.
I have the honor, by direction, to inform you that the Board sanctions your appointment as Mistress of the lowest half of the Waimate School, on Mistress' salary and lodging money.

I have the honor to be, Madam,

Your obedient servant,

(Signed)

FREDERIC MAINWARING,
Secretary.

To Miss Brenning, Addington, Christchurch.

Madam,— Main School, Palmerston, 9 March, 1875.
I have much pleasure in informing you that you are duly elected Schoolmistress at the Palmerston School. I need hardly tell you that we are very desirous for you to enter upon your duties with as little delay as possible, the Girls' School having been closed since December 20th, 1874.

I am, Madam,

Yours very truly,

(Signed)

WM. COBDEN,
Secretary, School Committee.

To Miss C. Brenning, Waimate School, Waimate.

Madam,— Palmerston, N.Z., 6 October, 1877.
In acknowledging the receipt of your letter, containing your resignation from your present post as Mistress of the Palmerston School, I beg to inform you of my having laid the same before the Committee, and that the same has been accepted, and, as required, to close your engagement at the end of the month current.

I am, Madam,

Yours very truly,

(Signed)

WM. COBDEN,
Secretary School Committee.

Miss Brenning.

Madam,— Board of Education, District of Canterbury, Christchurch, N.Z., 15 November, 1877.
I have the honour, by direction of the Board, and in reply to your letter of 29th ult., to put into your hands this testimony, that you were for some time a third-class teacher in schools under the control of this Board, and that you were so recognised up to the time of your leaving this provincial district this November.

I have the honor to be, Madam,

Your obedient servant,

(Signed)

W. J. HABENS,
Secretary.

To Miss Brenning.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CIVIL SERVICE.

(RETURN SHOWING NAMES, &c., OF POLICE MAGISTRATES CALLED UPON TO RETIRE FROM.)

Ordered by the Legislative Assembly to be printed, 14 August, 1889.

[Laid upon the Table in accordance with promise made in answer to Question No. 1, Votes No. 74,
14th August, 1889.]

Questions and Answers.

1. Mr. Wall asked The Minister of Justice,—

(1.) What are the names of the Police Magistrates who were called on to retire during his predecessor's term of office?

(2.) What were their respective salaries and the retiring allowances paid to them?

(3.) Did any officers decline to retire, and were they retained in the Service; if so, what were the names of such officers?

Mr. Gould answered,—I will lay the desired information upon the Table of the House in the shape of a Return.

RETURN showing (1) the names of Police Magistrates who were called on to retire; (2) their respective salaries and the retiring allowances paid to them; (3) the names of officers who declined to retire and were retained in the Service.

Name.	District.	Salary.	Retiring Allowance.			Remarks.
			£	s.	d.	
Browne T. A. ...	Albury ...	450	£			Still in Service.
Rowling E. L. ...	Balranald ...	440				do.
Lee Benjamin ...	Bathurst ...	550				do.
Davis John ...	Bega ...	440		142	18 0	Retired.
King C. M'Arthur ...	Bourke ...	550				Still in Service.
Aldcorn J. ...	Braidwood ...	415				do.
Caswell W. S. ...	Dubbo ...	550				do.
Smith C. G. ...	Dungog ...	340				do.
Keon G. P. ...	Eden ...	440		378	0 0	Retired.
Alexander C. S. ...	Goulburn ...	550				Still in Service.
M'Dougall A. L. ...	Grafton ...	550				do.
Gordon H. ...	Gosford ...	450				do.
Brougham P. ...	Gunnedah ...	440				do.
Pearce J. E. ...	Hay ...	500				do.
Steel W. A. ...	Hill End ...	490				do.
De Boos C. ...	Milparinka ...	550				Retired. Paid by Mines.
Mearns W. D. ...	Mudgee ...	550		Not computed		Retired.
Lane J. T. ...	Orange ...	490				Still in Service.
Middleton C. R. ...	Raymond Terrace ...	340				do.
Fawcett C. H. ...	Stroud ...	290				do.
Irving D. W. ...	Tamworth ...	550				do.
Baker J. ...	Temora ...	490				do.
Baylis Henry ...	Wagga Wagga ...	550				do.
Perrott R. I. ...	Waratah ...	490				Declined to retire—still in Service.
Marsh J. M. ...	Water Police Office ...	800		Not computed.		On leave prior to retiring.
Thomas W. H. ...	Wollongong ...	450				Still in Service.
Robinson S. ...	Young ...	550				do.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RELATIVES OF MR. B. R. WISE.

(RETURN SHOWING AMOUNT OF PUBLIC MONEY PAID TO.)

Ordered by the Legislative Assembly to be printed, 15 August, 1889.

RETURN to an *Order* made on the 4th July, showing the amount of public money paid to the late Judge Wise; the same with regard to Sir William Manning, relative of Mr. B. R. Wise; the same with regard to Mr. J. M. Marsh, Stipendiary Magistrate, relative of Mr. B. R. Wise; the same with regard to Mr. G. F. Wise, Immigration Agent, uncle of Mr. B. R. Wise; and the same with regard to Mr. B. R. Wise himself, as Attorney-General and Crown Prosecutor; also explanatory letter from Mr. Wise.

(Mr. O'Sullivan.)

STATEMENT of amount of Public Money paid to the relatives of B. R. Wise, Esq.

Name.	Period.		Amount.		
	From	To	£	s.	d.
Mr. E. Wise, Judge	26 May, 1857...	28 Sept., 1865..	11,980	1	3
Sir W. M. Manning	1 Oct., 1837...	30 June, 1889..	65,159	19	4
Mr. J. M. Marsh, S.M.	13 July, 1800..	50 June, 1889..	17,097	1	1
Mr. G. F. Wise	8 Feb., 1851..	30 June, 1889..	12,223	8	7
Mr. B. R. Wise	1888	1889	1,574	17	7
Total...	.....	.....	£ 108,035	2	10

502—

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

STATEMENT of Services and Annual amount of Salary received by Mr. E. Wise.

Date of Appointment and Promotion.	Rate of Pay.	Annual amount received.			Date of Appointment and Promotion.	Rate of Pay.	Annual amount received.		
		Year.	Amount to 31st December.	Percentage, at per cent.			Year.	Amount to 31st December.	Percentage, at per cent.
26 May	£ 1,000	1857	282 15 11	Solicitor-General to 6th September, 1857.	15 Feb.	£ 2,000	1863	2,000 0 0	} Puisne Judge.
27 Oct.	1,500	1859	270 3 3		Attorney-General.	2,000	1864	2,000 0 0	
15 Feb.	2,000	1860	1,938 4 4	} Puisne Judge.		2,000	*1865	1,488 17 9	
	2,000	1861	2,000 0 0						
	2,000	1862	2,000 0 0					£11,980 1 3	

* To 28th September, 1865. Deceased.

STATEMENT of Services and Annual amount of Salary received by Sir W. M. Manning.

1 Oct.	800	1837	200 0 0	} Chairman Quarter Sessions.	17 Mar.	800	1864	800 0 0	} Pension as Solicitor-General.	
	800	1838	800 0 0			800	1865	782 4 6		
	500	1839	800 0 0			800	1866	800 0 0		
	800	1840	800 0 0			800	1867	800 0 0	} Attorney-General.	
	800	1841	800 0 0			31 Oct.	1,500	1868		918 11 0
	800	1842	800 0 0			1,500	1869	1,500 0 0		
	800	1843	800 0 0			16 Dec.	800	1870	1,463 17 10	} Pension as Solicitor-General.
	800	1844	800 0 0			800	1871	784 8 8		
	800	1845	800 0 0		} Solicitor General, from 1 September, 1844.	800	1872	771 2 2		
	800	1846	800 0 0				800	1873	800 0 0	
	800	1847	800 0 0		800	1874	788 14 10			
12 Jan.	1,500	1848	1,479 5 11	} Puisne Judge.	800	1875	762 11 8			
19 Nov.	800	1849	1,418 6 8			28 April	2,000	1876	1,610 0 0	
	800	1850	800 0 0		2,000	1877	2,000 0 0	} Puisne Judge.		
	800	1851	800 0 0		2,000	1878	2,000 0 0			
	800	1852	800 0 0	} Solicitor-General.	2,000	1879	2,000 0 0			
1 Jan.	1,000	1853	1,000 0 0			2,000	1880		2,000 0 0	
	1,000	1854	1,000 0 0		2,000	1881	2,000 0 0			
	1,000	1855	1,000 0 0	} Attorney-General.	2,000	1882	2,000 0 0			
6 June	1,500	1856	1,211 6 7			1 Jan.	2,000		1883	2,600 0 0
26 May	800	1857	1,081 4 6	} Pension as Solicitor-General.	2,600	1884	2,600 0 0			
	800	1858	800 0 0			2,600	1885		2,600 0 0	
	800	1859	800 0 0	} Attorney-General.	2,600	1886	2,600 0 0			
21 Feb.	1,500	1860	848 3 3			18 Oct.	2,620	1887	3,004 1 6	
17 March	800	1860	848 3 3	} Pension as Solicitor-General.	2,620	1888	2,620 0 0			
	800	1861	800 0 0			2,620	1889	1,310 0 0		
	800	1862	800 0 0			Total	£65,159 19 4			
	800	1863	800 0 0							
	800	1863	800 0 0							

STATEMENT of Services and Annual amount of Salary received by Mr. J. M. Marsh, S.M.

13 July	400	1860	187 1 11	} P.M., Dubbo.	12 Aug.	600	1877	600 0 0	} P.M., Water Police Court.	
	400	1861	400 0 0			600	1878	600 0 0		
	400	1862	400 0 0			600	1879	600 0 0		
1 Jan.	450	1863	450 0 0	} P.M., Wellington.	600	1880	600 0 0	} Stipendiary Magistrate.		
	450	1864	450 0 0			600	1881		600 0 0	
	450	1865	450 0 0			1 Jan.	800		1882	800 0 0
	450	1866	450 0 0			800	1883		800 0 0	
	450	1867	450 0 0			800	1884		800 0 0	
	450	1868	450 0 0			830	1885		830 0 0	
1 June	500	1869	479 3 4	} P.M., Bathurst.	860	1886	860 0 0	} Stipendiary Magistrate to 30 June, 1889.		
	500	1870	500 0 0			860	1887		860 0 0	
1 Feb.	475	1871	477 1 8			860	1888		860 0 0	
	475	1872	475 0 0	} P.M., Water Police Court.	860	1889	430 0 0			
1 Jan.	500	1873	500 0 0			Total	£ 17,097 1 1			
12 Aug.	600	1874	538 14 2							
	600	1875	600 0 0							
	600	1876	600 0 0							

STATEMENT of Services and Annual amount of Salary received by Mr. G. F. Wise.

8 Feb.	150	1851	92 14 2	} Agent for Immigration and Compiler of Census to 28 Feb.	1 Jan.	400	1874	400 0 0
1 Nov.	400	1862	66 13 4			400	1875	400 0 0
	400	1863	400 0 0			400	1876	400 0 0
	400	1864	400 0 0			400	1877	400 0 0
	400	1865	400 0 0		} Agent for Immigration.	400	1878	400 0 0
	400	1866	400 0 0				500	1879	500 0 0
	400	1867	400 0 0			500	1880	500 0 0
	400	1868	400 0 0			500	1881	500 0 0
19 March	100 & 200	1869	285 6 11		} Agent for Immigration and Acting Sheriff.	500	1882	500 0 0
1 June	300 & 300	1870				525	1883	525 0 0
21 "	400	1870	402 12 6	} Agent for Immigration and Acting Sheriff to 31 May.	550	1886	550 0 0	
1 Jan.	300 & 400	1871	572 10 0			550	1887	550 0 0
1 Feb.	150 & 350	1872	570 0 0	} Agent for Immigration and Compiler of Census.	550	1888	550 0 0	
1 Jan.	100 & 350	1873	383 0 8			550	1889	275 0 0
1 Jan.	200 & 400	1873	383 0 8	} Agent for Immigration and Compiler of Census to 28 Feb.	Total	£ 12,223 3 7		

STATEMENT of Services and Annual amount of Salary received by Mr. B. R. Wise.

27 May	1,500	1887	895 9 2	} Attorney-General.	Fees as Crown Prosecutor		
	1,500	1888	163 15 11		To 9th February, 1888.	from 1883 to 1889	515 18 0
					Total	£ 1,574 17 7	

To the Honorable Sir Henry Parkes, G.C.M.G., Colonial Secretary,
Colonial Secretary's Office, Macquarie-street.

My Dear Sir Henry Parkes,

31, Wentworth Court, 5 July, 1889.

Permit me to call your attention to the terms of a resolution carried by Mr. O'Sullivan, M.P., last night, asking for a Return of the salaries paid to certain eminent public servants in the positions which they have respectively filled from time to time at the invitation of various Governments, and who, in the resolution, are described as my relatives.

Mr. Marsh, Stipendiary Magistrate, is one of those who is so described. I desire to inform you that I have not the honor of being related to that gentleman in any way. As to Sir William Manning, who is another of those mentioned in the resolution, he (as I believe you know) more than forty years ago was for a short time connected with my late father by marriage.

In justice to these gentlemen, I would ask that this letter be attached to the Return to be laid before the House.

I have, &c.,

B. R. WISE.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GOVERNMENT PRINTING OFFICE.

(RETURN RESPECTING OFFICERS' SONS EMPLOYED IN.)

Ordered by the Legislative Assembly to be printed, 30 May, 1889.

[Laid upon the Table of this House in answer to Question No. 9 of Wednesday, 29 May, 1889.]

Questions.

9. MR. WALL asked THE COLONIAL TREASURER,—

- (1.) What are the names of the Officers in the Government Printing Office who have sons employed in that Department?
- (2.) The date of entry of these Officers' sons into the Department, their salary, and subsequent increase of salary?
- (3.) Is it a fact that such persons have received promotions and increases over the heads of employees on the same Staff who have been much longer in the Department?
- (4.) If so, will he have an inquiry made into the cause of such promotions and increases?

Answers.

Question No. 1.			Question No. 2.		
Names of Officers.	Position.	Names of Sons.	Date of entry of Son.	Salary.	Subsequent increases.
Charles Potter	Government Printer	Alfred Potter	14 Jan., 1864	£192 per annum	3/- per diem, 1884; £20 per annum, 1885.*
Charles W. Bloomfield...	Accountant	William C. S. Bloomfield	1 June, 1879	£190 per annum	2/- per diem, 1880; 6d. per diem, 1881; 1/- per diem, 1882; 2/- per diem, 1883; 1/- per diem, 1884; £24 16/- per annum, 1885; £20 per annum, 1885; * £20 per annum, 1886.*
Charles Griffiths	Overseer, Composing Room	David T. Bloomfield	10 Jan., 1887	2/6 per diem	6d. per diem, 1888.
		Robert Griffiths	23 Dec., 1881	£150 per annum	6d. per diem, 1883; 1/- per diem, 1884; 1/- per diem, 1886.
Charles S. Ormiston	Sales Clerk	Charles Ormiston	16 April, 1885	4/- per diem	6d. per diem, 1886; 1/- per diem, 1887; 1/- per diem, 1888.
James Ball	Foreman, Ticket Printing Branch	Sydney H. Ball	1 Oct., 1875	£165 per annum	2/6 per diem, 1876; £4 4s. 6d. per annum, 1877; £41 per annum, 1879; £10 per annum, 1880; £10 per annum, 1881; £10 per annum, 1882; £10 per annum, 1883; £10 per annum, 1884; £10 per annum, 1885; £5 per annum, 1887.
Frederick Ironside	Reader	Edgar Ironside	3 Mar., 1879	1/1 per 1,000 cns, and 1/4 per hour.	6d. per diem, 1880; 6d. per diem, 1881; 6d. per diem, 1882; 1/- per diem, 1883; 2/- per diem, 1884; 1/- per diem, 1885. Transferred to Piece Staff in 1886.
James Steward	Assistant Sub-overseer, Composing Room	James Steward	20 July, 1886	1/1 per 1,000 cns, and 1/4 per hour.	Nil.
Henry Martyn	Principal Warehouseman	William W. Martyn	24 Jan., 1887	8/- per diem	1/ per diem, 1888.
Abraham Chapman	Foreman, Postage Stamp Branch	Samuel J. Chapman	27 Aug., 1866	£180 per annum	1/- per diem, 1868; 1/- per diem, 1869; 6d. per diem, 1870; 1/- per diem, 1871; 6d. per diem, 1872; 2/6 per diem, 1873; 1/ per diem, 1876; £9 3/- per annum, 1878; £10 per annum, 1879; £15 per annum, 1883; £5 per annum, 1885.

Government Printing Office,
Sydney, 29th May, 1889.

* Increases under the Civil Service Act of 1884.

CHARLES POTTER,
Government Printer.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(POLICE MAGISTRATE, NOWRA—CLERK OF PETTY SESSIONS, MOLONG).

Ordered by the Legislative Assembly to be printed, 15 May, 1889.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 13th December, 1888, That there be laid upon the Table of this House,—

- “ 1. Copies of all letters, papers, reports, minutes, and other documents relating to the appointment of John Hyde Nisbett to the office of Police Magistrate at Molong.
- “ 2. Also, copies of all letters, papers, reports, minutes, &c., relating to the removal of Mr. Nisbett from Molong, and his subsequent appointment to the position of Police Magistrate at Nowra.
- “ 3. Also, copies of all applications, letters, papers, reports, minutes, &c., relating to the removal of Mr. Chippendall from Newcastle district, and his subsequent appointment to the office of Clerk of Petty Sessions and Land Agent at Molong, in room of Mr. Nisbett, removed to Nowra.”

(Dr. Ross).

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ADMINISTRATION OF JUSTICE.

No. 1.

Dr. A. Ross, M.P., to The Under Secretary of Justice.

Dear Sir,

Sydney, 14 July, 1887.

In disposing of cases at the Police Office at Molong, I desire to draw your attention to the objectionable system of making summonses returnable once a month, in place of on Tuesday of each week, which has been the custom at the Police Office since its origin. The delay is one fraught with much public injury and inconvenience, and therefore I have to request that steps may be taken to have all summonses issued for weekly sittings, in place of, as now, monthly ones, and that a roster of the Bench (if desirable) may be formed to carry out a long-recognized principle in the due administration of justice, so that there shall be no delay in bringing all cases before the Police Court, as has hitherto been the practice.

Yours, &c.,

Dr. A. ROSS, M.L.A.

No. 2.

Mr. W. M. Ross to The Minister of Justice.

Sir,

Molong, 14 July, 1887.

I beg to draw your attention to a much-felt want we have been subjected to here for years, viz., a weekly Court day.

From the great number of magistrates we have for this district, and all within reasonable distance of the Court-house here, I feel sure that if there was a weekly roster made out by our C.P.S., and published monthly (at least), for certain magistrates to attend the day in which their names are set down for, it would not only be a great convenience to the public, but to suitors who have cases to be dealt with.

For instance myself, allow I am Commons Ranger, and those in charge of travelling stock commit a breach of the Travelling Stocks Act, and that act is committed the day on which this monthly Court is held, does it not become a hard and expensive case on the drover to be brought back here, after travelling about one month at the rate of 8 to 10 miles per day, after the summons is issued to him. Even breaches of municipal by-laws, when infringed within the municipality, can only be dealt with once per month; whereas, if there was a weekly Court as above stated, such breaches, &c., would at once be stamped out. I laid this matter per letter a few days ago before our M.P., but as he has not gone to Sydney this week, I now lay it before yourself. Trusting you will give it your best and earliest attention.

I am, &c.,

W. M. ROSS.

Department of Justice, Sydney.

THE designation of the C.P.S., Mr. Nisbett, has been altered on the Estimates of present year to that of Police Magistrate and C.P.S., without additional salary. By Mr. Nisbett's appointment as P.M., the difficulty called attention to by Mr. Ross would be removed, and the P.M., Orange, might be relieved of the duty of visiting Molong, by which some saving would be effected. Will minute-paper be prepared to carry out proposed alteration of designation.

Submitted.—A.C.F., 18/7/87. Yes.—W.C., 18/7/87. Minute herewith, and Commission, 19/7/87. Letter to Colonial Secretary *re* appointment to Commission of the Peace, 19/7/87.

No. 3.

Minute by The Acting Under Secretary of Justice to The Secretary of the Civil Service Board.

Subject :—Appointment of Clerk of Petty Sessions, Molong, as Police Magistrate.

THE designation of the Clerk of Petty Sessions at Molong, having been altered on the Estimates of the present year to that of Police Magistrate and Clerk of Petty Sessions, it is recommended that Mr. John Hyde Nisbett, the present Clerk of Petty Sessions at Molong, be appointed also Police Magistrate at that place, but without addition to his salary. This appointment would prove a public convenience and enable the Police Magistrate at Orange to be relieved of the duty of visiting Molong, whereby a saving in travelling expenses will be effected.

ARCH. C. FRASER,

The Secretary to the Civil Service Board, B.C., 22 July, 1887.

Acting Under Secretary.

The Civil Service Board concur.—E.G.W.P. The Under Secretary of Justice, B.C., 25/7/87.

No. 4.

Minute Paper for the Executive Council.

Subject :—Appointment of Mr. John Hyde Nisbett as Police Magistrate and Clerk of Petty Sessions, at Molong.

Department of Justice, Sydney, 19 July, 1887.

I RECOMMEND that Mr. John Hyde Nisbett, Clerk of Petty Sessions at Molong, be appointed Police Magistrate and Clerk of Petty Sessions at that place, without addition to his present salary. To take effect from the 1st August next.

WILLIAM CLARKE.

His Excellency the Governor and the Executive Council.

Approved.—CARRINGTON, 26/7/87. The Executive Council advise that the appointment herein recommended be approved.—ALEX. C. BUDGE, Clerk of the Council. Minute 87-44, 26/7/87. Confirmed, 2/8/87. Copy minute to Civil Service Board, Auditor-General, Treasury.—*Gazette*, 9/8/87.

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No. 5.

The Police Magistrate, Molong, to The Acting Under Secretary of Justice.

Sir,

Court-house, Molong, 22 August, 1887.

I do myself the honor to acknowledge the receipt of your letter of the 16th instant, No. 87-7,861, together with my Commission appointing me Police Magistrate for the town and district of Molong.

I have, &c.,

J. H. NISBETT.

May be filed.—A.C.F., 25 August, 1887.

No. 6.

The Police Magistrate, Molong, to The Under Secretary of Justice.

Sir,

Court-house, Molong, 13 August, 1888.

I do myself the honor to state my health for some time past having been very bad, caused by the heavy Land Office work performed between 1876 and 1882 from which I have never thoroughly recovered. I have been advised by my medical adviser to reside in a warmer climate by the sea side for the benefit of my health. Under the circumstances, I have the honor, respectfully, to request that I may be removed when a vacancy occurs to some office on the sea coast, and in the event of a vacancy occurring at Gosford or Port Macquarie, that you will kindly take into consideration my past services with a view of appointing me there. I may state I am reluctantly compelled to apply for this change, it being against my interest, as it will be a great loss to me leaving Molong, having made my home here. I may also add I have been Clerk of Petty Sessions at Molong for thirteen years, and Police Magistrate for the last twelve months.

I have, &c.,

J. H. NISBETT,

Police Magistrate and Clerk of Petty Sessions.

Submitted.—A.C.F., 14/8/88. This application might be noted for consideration in event of any vacancy occurring to which Mr. Nisbett could be transferred as desired for the benefit of his health. Mr. Nisbett might be offered Nowra at £320, and Mr. Chippendall to go to Molong at £300 per annum.—W.C., 15/8/88. Telegrams to Mr. Nisbett and Mr. Chippendall, 16/8/88.

No. 7.

Telegram from The Under Secretary of Justice to The Police Magistrate, Molong.

16 August, 1888.

SHALL I submit your name as applicant for position of Police Magistrate and Clerk of Petty Sessions at Nowra, with Crown Lands Agency combined, and other affiliated minor offices; salary, £320 per annum?

Reply by wire.

ARCH. C. FRASER,

Under Secretary of Justice.

No. 8.

Telegram from The Under Secretary of Justice to The Clerk of Petty Sessions, Waratah.

16 August, 1888.

SHALL I submit your name as applicant for position of Clerk of Petty Sessions and Crown Lands Agent at Molong; salary, £300 per annum, as other arrangements are contemplated in regard to Nowra?

Reply by wire.

ARCH. C. FRASER,

Under Secretary of Justice.

No. 9.

Telegram from The Clerk of Petty Sessions, Waratah, to The Under Secretary of Justice.

17 August, 1888.

PLEASE submit my name as applicant for office of Clerk Petty Sessions and Land Agent at Molong.

Submitted for Minister's information. Waiting reply from Mr. Nisbett as to Nowra.—A.C.F., 18/8/88. Seen.—W.C., 18/8/88.

No. 10.

Memo. by The Under Secretary of Justice.

For Minister's information.

MR. CHIPPENDALL has been asked if he would wish to be an applicant for C.P.S., Molong, at £300 per annum, with Land Agency combined.

Reply received, stating his willingness.

Mr. Nisbett has been asked in like terms re position of P.M. and C.P.S. at Nowra, with Land Agency and other minor offices (exclusive of Mining Wardenship); salary, £320.

No reply received. Mr. Nisbett's present salary as P.M. and C.P.S., Molong, is £340 per annum.

A.C.F.

On receipt of Mr. Nisbett's reply re submit.—W.C., 18/8/88.

No. 11.

No. 11.

Telegram from The Police Magistrate, Molong, to The Under Secretary of Justice.

Sydney, 18 August, 1888.

AM very grateful for kind offer of proposing to submit my name as P.M. and C.P.S. for Nowra. On making inquiries I regret to learn that the place would not suit me. Would prefer continuing here until a more suitable vacancy would occur.

Resubmitted, 20/8/88.

Inform Mr. Nisbett that the Minister of Justice desires his acceptance of this position for Departmental reasons, and that his acceptance will not debar him from further removal should he desire it, and that the Department of Lands will be advised to make him an allowance for clerical assistance.—W.C., 20/8/88.

No. 12.

Telegram from The Under Secretary of Justice to The Police Magistrate, Molong.

20 August, 1888.

WITH reference to your telegram of 18th instant, stating that you would prefer to remain at Molong until a more suitable vacancy than Nowra occurs, Minister of Justice requests me inform you that he desires your acceptance of the position offered for Departmental reasons, and that your acceptance of same will not debar you from further removal should you desire it, and that the Department of Lands will be advised to make you an allowance for clerical assistance.

ARCH. C. FRASER,
Under Secretary of Justice.

No. 13.

Telegram from The Police Magistrate, Molong, to The Under Secretary of Justice.

21 August, 1888.

REFERRING to your telegram, 18th instant, stating that the Honorable Minister of Justice desires my acceptance of the appointment at Nowra, and that my acceptance will not debar my further removal to a more suitable place should I desire it, I respectfully beg to place my services at the disposal of the Minister and accept the condition so kindly offered. I would have accepted offer before, but was afraid from information received the work was too heavy for my present state of health.

Submitted for information. Mr. Nisbett has been recommended to Civil Service Board for Nowra.—A.C.F., 22/8/88. Approved.—W.C., 22/8/88.

No. 14.

Minute by The Under Secretary of Justice to The Secretary of the Civil Service Board.

Subject:—Appointment of Mr. J. H. Nisbett, P.M. and C.P.S., Molong, as P.M. and C.P.S., Nowra; and of Mr. H. H. Chippendall, C.P.S., Waratah, as C.P.S., Molong.

As the office of Clerk of Petty Sessions at Nowra will become vacant on the 1st proximo by the transfer of Mr. L. W. A. Macarthur to a similar position at Milton, it is recommended that Mr. John Hyde Nisbett, Police Magistrate and Clerk of Petty Sessions at Molong (salary £340 per annum), be appointed Police Magistrate and Clerk of Petty Sessions, &c., at Nowra, with salary at the rate of £320 per annum; and that Mr. Henry H. S. Chippendall, Clerk of Petty Sessions at Waratah (salary £240 per annum), who has a service of ten years and eight months, be appointed Clerk of Petty Sessions and Registrar of the District Court at Molong, *vice* Nisbett, with salary at the rate of £300 per annum, such appointment to take effect from the 1st proximo.

Mr. Nisbett has a continuous service of thirteen years, and has intimated his willingness to accept the position at Nowra.

ARCH. C. FRASER,
Under Secretary.

The Secretary Civil Service Board, B.C., 22 August, 1888.

The Civil Service Board concur.—E.G.W.P. The Under Secretary of Justice, B.C., 27/8/88.

No. 15.

Minute Paper for the Executive Council.

Subject:—Appointment of Mr. J. H. Nisbett, P.M., &c., at Molong, as Police Magistrate and Clerk of Petty Sessions at Nowra.

Department of Justice, Sydney, 27 August, 1888.

As the office of Clerk of Petty Sessions at Nowra will become vacant on the 1st proximo by the appointment of Mr. L. W. A. Macarthur to a similar position at Milton, I recommend—with the concurrence of the Civil Service Board—that Mr. John Hyde Nisbett, Police Magistrate, &c., at Molong, be appointed Police Magistrate, Clerk of Petty Sessions, and Registrar of the District Court at Nowra, with salary at the rate of £320 per annum, to take effect from the 1st proximo.

His Excellency the Governor and the Executive Council.

WILLIAM CLARKE.

The

The Executive Council advise that the appointment herein recommended be approved.—ALEX. C. BUDGE, Clerk of the Council. Minute 88-39, 28/8/88. Confirmed, 4/9/88. Approved.—CARRINGTON, 28/8/88. *Gazette*, 7/9/88. Bench, Treasury, Auditor-General, Registrar-General, Curator, Judge McFarland, Clerk of Peace, Civil Service Board, Mines.—MR. NISBETT, 6/9/88. Accountant to note.—T.E.M.N., 6/9/88. Noted.—J.W.B. (*pro* ACCOUNTANT), 13/9/88.

Has the Lands Department been informed in terms of Minister's minute on 88-9,511, when advising of Mr. Nisbett's appointment. If not, this action should be now taken in reference to our letter of 6/9/88.—T.E.M.N., 18/9/88.

Under Secretary, Lands, 19/9/88.

No. 16.

Minute Paper for the Executive Council.

Subject :—Appointment of Mr. H. H. Chippendall, C.P.S. at Waratah, as C.P.S., &c., at Molong.

Department of Justice, Sydney, 27 August, 1888.

I RECOMMEND, with the concurrence of the Civil Service Board, that Mr. Henry H. Chippendall, Clerk of Petty Sessions at Waratah, be appointed Clerk of Petty Sessions and Registrar of the District Court at Molong, *vice* Mr. J. H. Nisbett, P.M., transferred with salary at the rate of £300 per annum, such appointment to take effect from the 1st proximo.

WILLIAM CLARKE.

Approved.—CARRINGTON, 28/8/88. The Executive Council advise that the appointment herein recommended be approved.—ALEX. C. BUDGE, Clerk of the Council. Minute, 88-39, 28/8/88. Confirmed, 4/9/88. *Gazette*, 7/9/88. Bench, Treasury, Auditor-General, Registrar-General, Curator, Judge Docker, C. S. Board, Lands, Mr. Chippendall, 6/9/88. Accountant to note.—T.E.M.N., 6/9/88. Noted.—J.W.B. (*pro* ACCOUNTANT), 13/9/88.

No. 17.

The Under Secretary for Lands to The Under Secretary of Justice.

Sir,

Department of Lands, Sydney, 3 September, 1888.

With reference to your letter of the 24th ultimo, stating that it has been decided to appoint Mr. J. H. Nisbett, Police Magistrate and Clerk of Petty Sessions at Molong, to a similar position at Nowra in the place of Mr. Macarthur, and your blank cover communication of the 1st instant intimating that Mr. H. H. Chippendall will succeed Mr. Nisbett at Molong, I have the honor to inform you that Mr. G. H. Gibson (Emergency Land Agent) has been instructed to proceed to Nowra, and can act until Mr. Nisbett arrives, and to ask that the latter gentleman may remain at Molong a sufficient time to initiate Mr. Chippendall into the Land Agency duties there.

I have, &c.,

STEPHEN FREEMAN,

Under Secretary.

Submitted for approval.—A.C.F., 5/9/88. Approved.—W.C., 6/9/88. Under Secretary for Lands.—MR. NISBETT, 6/9/88.

Inform Mr. W. Fraser Martin, M.P., of the appointment of Mr. J. H. Nisbett as P.M. and C.P.S. at Nowra, and that that officer will be relieved of the duties of Mining Warden, instead of Mr. Macarthur, transferred to Milton.—W.C., 4/9/88.

No. 18.

The Under Secretary of Justice to W. Fraser Martin, Esq., M.P.

Sir,

Department of Justice, Sydney, 4 September, 1888.

I am directed by the Minister of Justice to inform you that the necessary steps have been taken for the appointment of Mr. J. H. Nisbett, Police Magistrate and Clerk of Petty Sessions at Molong, as Police Magistrate and Clerk of Petty Sessions at Nowra, and that he will be relieved of the duties of Mining Warden heretofore performed by Mr. L. W. A. Macarthur, who is to be transferred to Milton.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

No. 19.

The Under Secretary of Justice to The Under Secretary for Lands.

Sir,

Department of Justice, Sydney, 19 September, 1888.

Referring to my letter of 6th instant, notifying the appointment of Mr. J. H. Nisbett as Police Magistrate and Clerk of Petty Sessions at Nowra, I am directed by the Minister of Justice to suggest for the consideration of the Secretary for Lands, that Mr. Nisbett should be granted an allowance for clerical assistance by your Department in respect to his position as Crown Lands Agent.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

No. 20.

The Clerk of Petty Sessions, Molong, to The Under Secretary of Justice.

Sir,

Court-house, Molong, 19 September, 1888.

I have the honor to report for your information, that I officially commenced my duties as Clerk of Petty Sessions and Land Agent at Molong on the 17th instant.

I have, &c.,

H. H. CHIPPENDALL,
Clerk of Petty Sessions.

Secn.—A.C.F., 24/9/88.

No. 21.

Telegram from The Police Magistrate, Molong, to The Under Secretary of Justice.

19 September, 1888.

With reference to your telegram of 18th instant, Mr. Chippendall entered upon his official duties on 17th instant; it will be impossible to initiate him in Land Office work properly, in a large office like Molong, under three or four weeks.

This telegram might be forwarded for the information of the Under Secretary for Lands. The period named by Mr. Nisbett as necessary to initiate Mr. Chippendall in the duties of the Lands Office, at Molong, is inconveniently long, as it is desirable that Mr. Nisbett should commence duty at Nowra as soon as possible, as his appointment at that place took effect from 1st instant. Submitted.—A.C.F., 21/9/88.

Under Secretary for Lands.—It is urgently necessary for Mr. Nisbett to proceed at an early date to Nowra. It is suggested that an officer from Orange could visit Molong and instruct Mr. Chippendall in land business.—W.C., 22/9/88.

A.C.F., B.C. Mr. E. H. Stobo, Clerk in charge, is the Land Agent at Orange.—B.J.A., 26/9/88. Mr. Inspector Curray. Submitted. It would not be practicable for the Land Agent, Orange, to do this, as he is Clerk in charge of the Land Board Office.—H.C., 26/9/88. The Under Secretary of Justice.—C.O., B.C., 26/9/88.

Submitted. Mr. Nisbett might be asked whether Mr. Chippendall could not become sufficiently conversant with Land Office routine in a less period than that named by him (three or four weeks), as it is very desirable that Mr. Nisbett should proceed to Nowra as early as practicable.—A.C.F., 27/9/88.

Mr. Nisbett must proceed to Nowra next week at latest, and Mr. Chippendall can consult at all times with Land Office at Orange.—W.C., 28/9/88.

No. 22.

Telegram from The Under Secretary of Justice to The Police Magistrate, Molong.

28 September, 1888.

Re your telegram of 19th inst. Minister of Justice directs you must proceed to Nowra next week at latest, and that Mr. Chippendall can consult at all times with Land Office at Orange if required.

ARCH. C. FRASER,

Under Secretary of Justice.

No. 23.

The Under Secretary of Justice to The Under Secretary for Lands.

Sir,

Department of Justice, Sydney, 28 September, 1888.

Referring to your communication of the 26th instant, in which you intimate that it would not be practicable for the land agent at Orange to proceed to Molong to instruct Mr. Chippendall in his duties as Crown Lands Agent at the latter place, I am directed by the Minister of Justice to inform you that it has been intimated to Mr. J. H. Nisbett that he must proceed to Nowra next week at the latest, and that Mr. Chippendall can consult at all times with the Lands Office at Orange if he requires to do so.

I have, &c.,

ARCH. C. FRASER,
Under Secretary.

No. 24.

Memo. by The Chief Clerk, Department of Justice, re Appointment of C.P.S. and Crown Lands Agent, Nowra.

LETTER to be written to Lands Department with reference to appointment of Mr. Nisbett as P.M., C.P.S., &c., at Nowra (Shoalhaven), stating that it is proposed to relieve Mr. Nisbett of C.P.S. and Land Agency, and that this Department is willing to contribute the sum of £150 to the salary of any officer who may be appointed to combined offices.

The concurrence of Lands to proposal to be invited.—T.E.M'N., 6/10/88.

Under Secretary, Lands, 9/10/88.

No. 25.

No. 25.

The Under Secretary of Justice to The Under Secretary for Lands.

Sir, Department of Justice, Sydney, 9 October, 1888.
 Referring to my letter of the 19th ultimo, suggesting that Mr. J. H. Nisbett, Police Magistrate, Nowra, should be granted an allowance for clerical assistance in respect of his office as Crown Lands Agent at that place, I am now directed to inform you that the Minister of Justice is desirous that Mr. Nisbett may be relieved of the duties of Clerk of Petty Sessions and Crown Lands Agent, and to state that this Department is willing to contribute the sum of £150 per annum to the salary of any officer who may be appointed to the combined offices.

I am also desired to ask that you will invite the Secretary for Lands to concur in the arrangement proposed.

I have, &c.,
 ARCH. C. FRASER,
 Under Secretary.

No. 26.

The Under Secretary for Lands to The Under Secretary of Justice.

Sir, Department of Lands, Sydney, 17 October, 1888.
 With reference to your letter of the 28th ultimo (88-10,744) respecting Mr. Chippendall being initiated in the Crown Land Agency duties at Molong, I have the honor to inform you that the Secretary for Lands has approved of one of the Emergency Land Agents being instructed to proceed to Molong at an early date, for the purpose of properly installing Mr. Chippendall.

I have, &c.,
 STEPHEN FREEMAN,
 (For the Under Secretary).

Submitted for Minister's information.—A.C.F., 18/10/88. Seen.—W.C., 19/10/88.

No. 27.

The Under Secretary for Lands to The Under Secretary of Justice.

Sir, Department of Lands, Sydney, 29 November, 1888.
 Referring to your letter of the 6th September last (88-9,739), I have the honor to inform you that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of Mr. Henry Harold Septimus Chippendall, Clerk of Petty Sessions, &c., Molong, being appointed Crown Land Agent for the Land District of Molong, *vice* Mr. Nisbett, transferred, such appointment to take effect from the 19th September last.

I have, &c.,
 T. H. WILSON,
 (For the Under Secretary).

Seen.—W.C., 3/12/88.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(SHERIFF'S BAILIFF AND COURT-KEEPER AT WOLLONGONG.)

Ordered by the Legislative Assembly to be printed, 15 May, 1889.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 4th April, 1889, That there be laid upon the Table of this House,—

“Copies of all correspondence, petitions, papers, documents, and minutes relating to the appointment of the Sheriff's Bailiff and Court-keeper at Wollongong, and the discontinuance of the services of the late Bailiff of the District Court at that place.”

(*Mr. Woodward.*)

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ADMINISTRATION OF JUSTICE.

No. 1.

Telegram from the Police Magistrate, Wollongong, to The Under Secretary of Justice.

14 November, 1885.

I RECOMMEND Mr. and Mrs. Boys as Court-house keepers. Their names are Edward Hatton Boys and Elizabeth Boys. They have no family.

A. A. TURNER, P.M.

Mr. Cowper informed me he concurs in this recommendation, and the appointment may therefore be approved, and allowance fixed at £52 per annum, as agreed for.—T.E.M.N., 16/11/85. Approved.—T.M.S., 16/11/85. Inform P.M. and Sheriff of approval; to take effect from date of commencing duty.—T.E.M.N., 16/11/85. Done, 19/11/85.

No. 2.

The Under Secretary of Justice to The Police Magistrate, Wollongong.

Sir,

Department of Justice, Sydney, 19 November, 1885.

Referring to your telegram of the 14th instant, I am directed to inform you that the Minister of Justice has approved of Edward Hatton Boys and Elizabeth Boys being appointed (on trial for the present) Court-house keepers at Wollongong, with allowance at the rate of £52 per annum; to take effect from the date of commencing duty. You will please to inform Mr. and Mrs. Boys that the appointment is made on the distinct understanding that if it is found they are unable to perform efficiently the duties of the position their services will be dispensed with.

I have, &c.,

THOS. E. MACNEVIN,

For Under Secretary.

No. 3.

The Under Secretary of Justice to The Sheriff.

Sir,

Department of Justice, Sydney, 19 November, 1885.

Referring to previous correspondence respecting the appointment of a Court-house keeper at Wollongong, I am directed to state, for your information, that the Minister of Justice has approved of Edward Hatton Boys and Elizabeth Boys being appointed Court-house keepers at that place (on trial for the present), with allowance at the rate of £52 per annum; to take effect from the date of commencing duty.

I am to add that the Police Magistrate at Wollongong has been apprised that the appointment is made on the distinct understanding that if it is found that Mr. and Mrs. Boys are unable to perform efficiently the duties of the position their services will be dispensed with.

I have, &c.,

THOS. E. MACNEVIN,

For Under Secretary.

No. 4.

The Sheriff to The Under Secretary of Justice.

Sir,

Sheriff's Department, Sydney, 13 November, 1886.

I do myself the honor to recommend that Mr. Edward Hatton Boys be appointed a Sheriff's Officer for Sydney and the Colony generally, at a salary of £150 per annum; to take effect from the 1st December next.

I have, &c.,

CHARLES COWPER,

Sheriff.

Prepare minute.—W.E.P., 16/11/86. Minute, 17/11/86.

No. 5.

Minute by The Minister of Justice.

Minute Paper for the Executive Council.

Subject:—Appointment of Mr. Edward H. Boys, as Sheriff's Officer for Sydney and the Colony generally.

Department of Justice, Sydney, 22 November, 1886.

I RECOMMEND that Mr. Edward Hatton Boys be appointed a Sheriff's Officer for Sydney and the Colony generally, at a salary of £150 per annum, to take effect from the 1st December next.

JAMES P. GARVAN.

The Executive Council approve of the appointment herein recommended.—ALEX. C. BURDE, Clerk of the Council. Approved.—CARRINGTON, 23/11/86. Min. 86-53, 23/11/86. Confirmed, 1/12/86.

No. 6.

No. 6.

The Under Secretary of Justice to The Sheriff.

Sir, Department of Justice, Sydney, 2 December, 1886.
 I am directed by the Minister of Justice to state for your information that His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint Mr. Edward Hatton Boys to be a Sheriff's Officer for Sydney and the Colony generally, at a salary of £150 per annum, to take effect from the 1st December instant.

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

No. 7.

Memo. by The Acting Under Secretary of Justice.
 Elizabeth Boys, Court-cleaner, Wollongong—£52 a year.

Department of Justice, Sydney, 15 April, 1887.
 The allowance is much greater than the ordinary ones. Perhaps the local P.M. might be asked to report on the case, and state if the Court-cleaner receives allowance for quarters, or fuel, &c.

S.G.B.

Yes.—A.C.F., 16th. P.M., Wollongong, 18/4/87.

No. 8.

The Acting Under Secretary of Justice to The Police Magistrate, Wollongong.

Sir, Department of Justice, Sydney, 18 April, 1887.
 With reference to the allowance of £52 per annum granted to Mrs. Boys, Court-house cleaner, Wollongong, I am directed by the Minister of Justice to inform you that this allowance appears to be a large one, and to request that you will be good enough to favour him with a report upon the subject, and also state whether the Court-cleaner is allowed, in addition, quarters and fuel.

I have, &c.,
 ARCH. C. FRASER,
 Acting Under Secretary.

No. 9.

The Police Magistrate, Wollongong, to The Acting Under Secretary of Justice.

Sir, Court-house, Wollongong, 23 April, 1887.
 Referring to your letter of the 18th instant, respecting the allowance of £52 per annum to Mrs. Elizabeth Boys, Court-house cleaner at Wollongong, I have the honor to inform you that that amount was authorized by the letter from your Department of 19th November, 1885, No. 85-11,512. In addition to that allowance, Mr. and Mrs. Boys have quarters and fuel.

This Court-house is a very large building, and there is a good deal of work attending the cleaning of it. When it was first handed over I proposed that the allowance should be £40, but that allowance was afterwards fixed at £52 per annum, as above stated. I think it would be difficult in Wollongong to get a suitable married couple without family to accept the position and perform the duties at a less allowance.

I have, &c.,
 ALFRED A. TURNER, P.M.

Submitted. Previous papers herewith.—A.C.F., 28/4/87.
 Forwarded to Sheriff for favour of any remarks he may wish to make before suggestion to Minister of Justice, in reference to salary paid by this office to Court-cleaner, Wollongong.—A.C.F., B.C., 28/4/87.
 Mrs. Boys is the most efficient Court-keeper I have. She has also a very large and troublesome Court, very peculiar in its construction, and consequently difficult to manage. I can recommend no reduction, and feel certain it would not be entertained if I did.—CHARLES COWPER, Sheriff. B.C., 7/6/87.
 The Under Secretary of Justice.

No. 10.

The Sheriff to The Acting Under Secretary of Justice.

Sir, Darlinghurst Court-house, 28 June, 1887.
 At the request of the Minister I have the honor to report upon the question of amalgamating the duties of Sheriff's Officers with those of District Court Bailiffs, and I may state in the first place (although I know the Minister is aware of it) that it would require an alteration in the law to take from the Judges the power they now possess of appointment.

Secondly, the same power which the District Court Bailiff now possesses of appointing deputies to attend to minor matters (the officer or bailiff being held responsible), should be retained. I have endeavoured to get rid of the name bailiff as much as possible, and used the term Sheriff's officer, giving them a higher status, as the name bailiff always appears to me to give persons who wish to set the law at defiance an opportunity of speaking of these officers in terms of derision, which tends very much to lessen their usefulness. This has enabled me to get persons in good positions to take the appointment. Formerly no one but an ex-policeman or gaol warder, who was unfit for anything else would accept it. The appointment is actually made by the Governor and Executive Council, who generally act on my recommendation, but they do not appoint anyone unless I approve. This is most important, because New South Wales is

an

an exception to the other colonies. In Victoria, for instance, there is a Sheriff for every district, which enables them to have personal supervision over every act of the officer. Some of my officers are located hundreds of miles away, and cannot communicate with me under a week. I have consequently to trust very much to them. It is important therefore that I should know them personally, and train them in the Sydney office before sending them to these distant parts. I have great trouble with District Court Bailiffs who have not been trained, when I have to employ them, and as a rule they are very unsuitable persons. Although I have not the power of dismissal, I have insisted on my officers giving me a note when appointed, stating they will remove from one district to another when ordered, and resign when they fail to give satisfaction. This gives me a power over them, without which I could not maintain efficiency. When I took charge at one time the officers set me at defiance, refused to remove when I ordered them, and appeared to think that by using political influence they could do as they liked. This was changed, and I have not had much trouble with them since. The salary, even with the fees, has not been sufficient in many cases. It is not equal to the pay of a senior constable, and considering they are liable to be called upon to travel long distances at a moment's notice, in all weathers, the officers should be fairly paid. The present system causes a fair rate of pay to be divided between two or three people. This has been obviated in many cases by the District Court Judges appointing my officers. It would be well however, to make the appointment of all officers to rest with me, and as I am responsible for the proper performance of the duties of officers in connection with the Supreme Court, I see no reason why the same should not also apply to officers of other Courts. I fail to see what the Judges of the District Court have to do with the carrying out of those duties any more than Judges of the Supreme Court, except when brought under their notice on the Bench by the legal profession.

I append a return showing that by paying my country officers £250 a year, they could do the work of the whole Colony (this would not cause an increase of expenditure), and the fees would be paid into the Consolidated Revenue, amounting to about £1,500 a year. The Sydney work could be done by the same number of officers, if not less, and their salaries increased in proportion to the amount of fees hitherto received by them. As the salary would be a certainty, a lesser sum might be sufficient. It is argued that the duties will not be performed as quickly and efficiently if the fees are not paid to the officers; but if I have the power of removal, I can soon deal with any laxity of this kind. It might, however, be contended with equal force, that the very fact of their receiving fees will induce them to favour the person who pays quickly rather than the person who does not; and I must confess that I think the system of payment of fees leads to irregularities; and as some one must hold a permanent appointment, whose duty it would be to deal with *estreats*, attachments in insolvency, jury matters, as well as other things not connected with writs of *fi. fa.* (and it would be impossible to pay him by fees), it would be better to have one salaried officer, all fees being paid into the Consolidated Revenue. The Fees Bill, lately passed, is the first step towards enabling me to manage the Department. I have been powerless up to this time, there being no regular rate recoverable at law, which placed one at the mercy of the profession, who could refuse to pay at any time. Now there can be no difficulty, as any officer charging a higher rate can be called to account at once, and if the officers are paid a fair salary, a better class of men can be secured, who, I think, should rank equally with a Clerk of Petty Sessions. The solicitors will find also that they must pay at once, and this will save a great deal of work and trouble at the office. As the charges in the Department differ, an amalgamation will cause the system to be uniform, and would prevent the different officers of the Courts proceeding long distances against the same defendant, and oftentimes coming into collision. The Judges have worked so well with me that I apprehend no difficulty. If they have any complaints against an officer they can inform me by letter, when I could send a trained man from the Sydney office to take up the duties *pro tem.*, and if I did not sufficiently punish the officer I could be called to account by the Minister. I may mention that under the present system I have known some District Court Bailiffs called upon to do office-duty which should be done by the Registrar. This, with the help of an assistant-clerk, left the Clerk of Petty Sessions but little to do, and is very objectionable. The duties are distinct and should be left so.

I have, &c.,

CHAS. COWPER,
Sheriff.

This matter is now dealt with. Sheriffs' Officers to act also as District Court Bailiffs in the town where they are domiciled. District Court Bailiffs to be retained in towns where there are no Sheriff's Officers.—W.C., 19/12/87.

No. 11.

Circular from The Acting Under Secretary of Justice to The Bailiff, District Court, Wollongong.

Sir,

Department of Justice, Sydney, 8 September, 1887.

I am directed to state for your information, that the Minister of Justice does not intend to place any salaries for District Court Bailiffs upon the Estimates for next year, and that the salary now paid to you in respect of this office will cease from and after the 31st December next.

The remuneration for the duties of the above office will, in future, be by fees only, as regulated by Order in Council, under authority of the "District Courts Act of 1858,"—which arrangement the Minister of Justice considers will be fair and reasonable, in view of the fact that District Court Bailiffs will not be debarred by the duties appertaining to their position as such, from following any other avocation.

You will please acknowledge the receipt of this circular.

I have, &c.,

ARCH. C. FRASER,
Acting Under Secretary.

No. 12.

The Bailiff, District Court, Wollongong, to The Acting Under Secretary of Justice.

Wollongong, 23 September, 1887.

Sir, I have the honor to acknowledge the receipt of your circular of the 8th instant, informing me that my salary as District Court Bailiff will cease on the 31st December next.

I have, &c.,
JOHN COPAS,
District Court Bailiff.

No. 13.

Minute by The Minister of Justice.

Department of Justice, Sydney.

THE District Court Bailiffs whose duties will be amalgamated with those of Sheriff's Officer to be so informed, but that their services will be retained until the 30th June.

W.C., 19/12/87.

The District Court Bailiff, Wollongong, informed, 13/3/88.

No. 14.

The Under Secretary of Justice to The Bailiff, District Court, Wollongong.

Department of Justice, Sydney, 13 March, 1888.

Sir, I am directed by the Minister of Justice to inform you that, after the 30th June next, the duties of the office of Bailiff of the District Court, at Wollongong, will be amalgamated with those of Sheriff's Officer at that place, and that provision for your services in your present capacity has been made up to that date only.

I have, &c.,
ARCH. C. FRASER,
Under Secretary.

No. 15.

F. Woodward, Esq., M.P., to The Minister of Justice.

Wollongong, 11 April, 1888.

Sir, I have the honor to inquire whether it is intended to amalgamate the duties of the office of Bailiff of the District Court at Wollongong with those of the officer of the Sheriff at that place, and, if so, to bring under your notice the great inconvenience that must result to suitors should such a proposal be carried out.

2. Some time ago an unsuccessful effort was made to have the office of Bailiff of the Wollongong District Court and those of the Kiama Court discharged by the one person. Personally, I am aware this was a great inconvenience to litigants, and the arrangement was soon discontinued. Much more disadvantageous would it be if the officer, to perform the duties of the Bailiff of the District Court should be found—as he frequently would in the discharge of his duties as Sheriff's Officer—considerably further south of Wollongong than even the Kiama District.

3. I have no hesitation whatever in stating that no one person can satisfactorily perform the two-fold duties, and would remind you of the very great importance of this matter, since, even with the best and most efficient of bailiffs, the fruits of a verdict—oftentimes obtained at considerable cost and annoyance—have been lost by the various and frequently successful efforts of the execution debtor to evade and defeat a levy.

The effect of such a proposal as is here referred to would be a practical denial of justice to many an unwilling, though honest, litigant.

I have, &c.,
FRAS. WOODWARD.

Submitted. The District Court Bailiff at Wollongong has been informed that provision for his services has been made up to 30th June only, after which date his office will be combined with that of Sheriff's Officer there.—A.C.F., 13/4/88.

So inform.—W.C., 18/4/88. Mr. Woodward, M.P., informed, 19/4/88.

No. 16.

The Under Secretary of Justice to F. Woodward, Esq., M.P.

Department of Justice, Sydney, 19 April, 1888.

Sir, Referring to your letter of the 11th instant, respecting the officer of the Bailiff of the District Court at Wollongong, and inquiring whether it is intended to amalgamate the same with that of Sheriff's Officer at that place, I am directed by the Minister of Justice to inform you that intimation has already been given to the Bailiff of the Court in question that provision for his services has been made upon the Estimates for this year up to 30th June only, after which date it is proposed the amalgamation referred to shall take effect.

I have, &c.,
ARCH. C. FRASER,
Under Secretary.

No. 17.

F. Woodward, Esq., M.P., to The Minister of Justice.

Wollongong, 1 May, 1888.

Sir, Referring to your letter of the 19th ultimo, upon the subject of the offices of the Sheriff's Bailiff and that of the District Court at Wollongong, and intimating that it was proposed to amalgamate the same after the 30th June next, I have the honor to again refer to the matter, and to express my regret that you have not been pleased to, in any way, dispose of, or refer to the various reasons urged why such a change should not, in the interests of the public, be made.

2. In again requesting a reconsideration of the proposal, I hope I shall be pardoned the liberty of reminding you that an experience of eighteen years' residence in the district and that afforded by my practice therein as a solicitor for that length of time, should make me well fitted to speak of the serious public inconvenience that must result should the proposal referred to be adhered to, and carried into effect.

I have, &c.,

FRAS. WOODWARD.

Submitted.—A.C.F., 4/5/88. Inform that I am quite satisfied that no inconvenience will arise to the public by the amalgamation of the offices referred to, and regret that I cannot alter my decision.—W.C., 8/5/88. Mr. Woodward informed, 8/5/88.

No. 18.

The Under Secretary of Justice to F. Woodward Esq., M.P.

Sir,

Department of Justice, Sydney, 8 May, 1888.

Referring to your letter of the 1st instant, further respecting the amalgamation of the offices of Sheriff's Officer and District Court Bailiff at Wollongong, I am directed by the Minister of Justice to inform you that he is quite satisfied that no inconvenience will arise to the public by the amalgamation of the offices referred to, and regrets he cannot alter his previous decision in this matter.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

No. 19.

The Police Magistrate, Wollongong, to The Under Secretary of Justice.

Sir,

Wollongong, 6 June, 1888.

I have the honor to forward the accompanying letter for the information of the Minister, and in reference to it may say that its statements seem fair and reasonable.

My own experience, as a Registrar of District Courts, enables me to know that cases frequently occur when it is important to suitors to obtain instant issue of process.

The business of this District Court shows no sign of decreasing, whilst, on the other hand, that of our Small Debts Court has increased this year by nearly 100 per cent., the numbers being, 93 to 31st May, 1887, and 175 from 1st January to 31st May last. This I mention to show that the Bailiff needs to be in daily attendance; but yet, if the offices are served as contemplated, it would not be worth any man's while to accept the office of Small Debts Court Bailiff, notwithstanding the increased business.

I have, &c.,

W. H. THOMAS, P.M.

Submitted.—A.C.F., 8/6/88. See decision of Minister on the attached papers. Inform previous decision cannot be altered.—W.C., 13/6/88. P.M., Wollongong, informed, 13/6/88.

[Enclosure.]

W. H. Thomas, Esq., P.M., Wollongong,—

Dear Sir,

Wollongong, 7 June, 1888.

We beg to bring under your notice the proposed alterations by the Minister of Justice of the performance of the duties of the District Court Bailiff here, viz., having those duties performed by the Sheriff's Bailiff, and trust you will endeavour to prevent the same being carried out.

You are doubtless aware that the Sheriff's Bailiff's district extends as far as Milton to the south, and that his duties in connection therewith frequently require his absence from Wollongong for several days at a time; consequently suitors in the District Court requiring immediate process would suffer great loss through not being able to obtain same through the absence of the Bailiff on Supreme Court business.

You are also aware that the offices of District Court Bailiff and Small Debts Court Bailiff are filled by one person, who obtains his livelihood from the proceeds of these two offices, and that if the office of District Court Bailiff be taken from him, it would be impossible for him to keep on the bailiffship of the Small Debts Court, the fees therefrom being insufficient to enable him to live thereupon, and that his attendance at the Court-house is required almost daily in connection with the duties of these two offices.

From your own personal knowledge of all these circumstances, you are aware that if the duties of Sheriff's Bailiff and District Court Bailiff be performed by one person, it would be impossible to get an officer to solely perform the Bailiff's duties of the Small Debts Court, and that a great injustice will be done to the residents of this district, and we trust, therefore, you will represent these matters to the Department of Justice, and oblige,

Yours truly,

BENJAMIN LIPSCOMB,

FRANCIS WOODWARD

(Per J. R. M.),

JAMES R. MUIR.

No. 20.

The Under Secretary of Justice to The Police Magistrate, Wollongong.

Sir,

Department of Justice, Sydney, 13 June, 1888.

Referring to your letter of 6th instant, forwarding letter addressed to you by Messrs. B. Lipscomb, F. Woodward, M.P., and J. R. Muir, solicitors, Wollongong, urging reasons against the amalgamation of the offices of District Court Bailiff and Sheriff's Officer at that place, I am directed to inform you that the Minister for Justice regrets that he cannot alter his previous decision in the matter, as conveyed to Mr. Woodward, M.P., in my letter of the 8th May last, copy enclosed.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

No. 21.

F. Woodward, Esq., M.P., to The Minister of Justice.

Sir,

Wollongong, 14 June, 1888.

Again adverting to the subject of the proposed amalgamation of the offices of the Bailiff of the District Court at Wollongong and Sheriff's Officer at that place, I have the honor to transmit herewith a petition from Magistrates, attorneys, and others residing in the town and district, praying that the services of a District Court Bailiff may be continued.

2. I have only to repeat that I am perfectly satisfied much public inconvenience must result from the proposal referred to if carried into effect, and have the honor to again respectfully urge the matter upon your attention.

I would add that the Petition has been signed by the most influential residents, and to assure you that I do not think a single individual within the Illawarra Electorate would refuse to sign the same. No attempt has of course been made to canvass for signatures.

I have, &c.,

FRAS. WOODWARD.

[Enclosure.]

To the Honorable the Minister of Justice,—

THE Petition of the undersigned Attorneys, Magistrates, and others resident within the jurisdiction of the Southern District Court, holden at Wollongong, and the Small Debts Court, Wollongong,—

RESPECTFULLY SHOWETH:—

That your Petitioners have learned with regret that an amalgamation of the offices of Sheriff's Bailiff and District Court Bailiff in this district is contemplated.

That such a course if adopted will cause considerable inconvenience to suitor in both the above-mentioned Courts for the following reasons:—

1. The present Bailiff of the District Court, Wollongong, is also the Bailiff of the Small Debts Court at the same place, and such last mentioned Court is held on Thursday in each week, and a large number of cases are disposed of, and the duties devolving upon the person holding the office of Bailiff in such Court, are of such a nature as to preclude the person from being engaged in any other occupation.
2. The present Bailiff of the said Court is also Bailiff of the District Court, and the income derived from both sources enables him to support himself and family without seeking any other occupation, but in the event of the amalgamation before mentioned being carried out, and the salary and fees received by him in respect of his office of District Court Bailiff being taken away, the fees received by him in respect of his office as Small Debts Court Bailiff will be insufficient to support him, and he will in all probability be obliged to resign his position and seek some other means of livelihood, in which case it will be impossible to find another man to accept the position, as the work is such that requires daily attention, and the fees are in themselves insufficient to support a man.
3. The present Sheriff's Bailiff here is frequently away from Wollongong for some days together, as his district extends as far as Ulladulla, which is some 100 miles south of Wollongong, and if the offices of Sheriff's and District Court Bailiff are to be performed by him, considerable inconvenience and loss must arise to suitors in either one or the other of the Courts.
4. The present Bailiff (John Copae) has been District Court and Small Debts Court Bailiff for upwards of six years, and is a thoroughly competent, honest, and reliable man.

Your Petitioners therefore request that you will take the above facts into your earnest consideration, and allow the present District Court Bailiff to continue to act as such.

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

[Here follow 100 signatures.]

The Sheriff to see this petition and to report to me thereon. I notice the District Court Bailiff at Wollongong is also Bailiff of Small Debts Court. This, I admit, places an aspect on the matter, so far as Wollongong is concerned, which I was not previously aware of.—W.C., 14/6/88.

Forwarded to the Sheriff with reference to the Minister's minute of the 14th instant herewith.—A.C.F., B.C., 15/6/88. Sheriff's report herewith.—J.M.W., 22/6/88.

Minute by the Sheriff.

Sheriff's Department, Sydney, N.S.W., 20 June, 1888.

SIMILAR reasons to those advanced by the petitioners against the amalgamation of the offices of Supreme Court Officer and District Court Bailiff at Wollongong, have been put forward on other occasions, but it has been proved beyond doubt, in districts equally important, that the Sheriff's Officer can satisfactorily perform the duties, as well as those of Small Debts Court Bailiff. A great portion of the work has to be done by a deputy, and by increasing the work of one officer, he is able to get a more efficient deputy.

The local solicitors like to have a District Court Bailiff, because he is able to do the work appertaining to the position of Sheriff's Officer, without charging Crown fees. In this way the Crown loses, as well as the Sheriff's Officer. While feeling confident that in all districts the work could be satisfactorily and efficiently performed by one officer, I am of opinion that one uniform system should prevail throughout the Colony.

CHARLES COWPER,
Sheriff.

In view of this report from the Sheriff, the petitioners might be informed, through Mr. Woodward, M.P., that the decision arrived at cannot be altered. Submitted.—A.C.F., 23/6/88. So inform.—W.C., 23/6/88. Mr. Woodward, M.P., 25/6/88.

No. 22.

The Under Secretary of Justice to F. Woodward, Esq., M.P.

Sir,

Department of Justice, Sydney, 25 June, 1888.

Referring to your letter of the 14th instant, forwarding a petition from certain residents of Wollongong against the proposed amalgamation of the offices of Sheriff's Officer and District Court Bailiff at that place, I have the honor, by direction of the Minister of Justice, to inform you that, having caused further inquiries to be made, he regrets that he is unable to alter the decision already arrived at by him in the matter.

I have, &c.,

ARCH. C. FRASER,
Under Secretary.

No. 23.

No. 23.

Minute by His Honor Mr. District Court Judge M'Farland.

28 June, 1888.

UPON the recommendation of the Honorable the Minister of Justice, and in order to diminish public expenditure by there being one instead of two officers, and by virtue of the authority vested in me under the Districts Courts Act of 1858, I hereby appoint Mr. Edward H. Boys, Sheriff's Officer at Wollongong, to be also Bailiff of the District Court at that place, to take effect from the 1st July, 1888. And I request that a copy of this minute be forwarded by the Department of Justice to the now present Bailiff of that District Court, so that he may have notice of what is being done and of the reason.

ALFRED M'FARLAND,
District Court Judge,
Southern District.

Mr. Copas informed, 5/7/88.

No. 24.

The Under Secretary of Justice to Mr. J. Copas.

Sir,

Department of Justice, Sydney, 5 July, 1888.

In compliance with the request of His Honor Mr. District Court Judge M'Farland, I do myself the honor to forward to you the enclosed copy of His Honor's minute, appointing a successor to you in the office of District Court Bailiff at Wollongong, from the 1st instant.

I have, &c.,
ARCH. C. FRASER,
Under Secretary.

No. 25.

F. Woodward, Esq., M.P., to The Minister of Justice.

Sir,

Wollongong, 23 October, 1888.

I have again the honor to invite your attention to the matter of the appointment of District Court Bailiff at Wollongong.

I find from the papers the facts are shortly as follows:—

On the 8th September, last year, a circular was addressed to the then Bailiff of the District Court, intimating that it was not intended to place any salaries for District Court Bailiffs upon the Estimates for the next year, and that the salary then paid him would cease from and after the 31st December of the same year.

On the 13th March last, the same officer was informed that after the 30th June following the duties of the District Court Bailiff would be amalgamated with those of Sheriff's Office at Wollongong.

It will be remembered that some correspondence has already passed between your Department and myself upon the inconvenience of the arrangement, and I have again respectfully to repeat the same.

The inhabitants moreover forwarded a petition upon the subject.

I was assured the change then in contemplation, and subsequently carried out, was in the interests of economy.

His Honor Mr. District Court Judge M'Farland was induced to appoint the present Sheriff's Bailiff at Wollongong to be the District Court Bailiff at that place, to take effect from the 1st June, 1888.

From His Honor's minute it appears, however, that such appointment was not only made "upon the recommendation of the Minister of Justice, and in order to diminish the public expenditure by there being one instead of two officers;" but the Judge felt himself justified in adding a note to such minute requesting "that a copy of the same should be forwarded to the then Bailiff of the District Court, so that he might have notice of what is being done and of the reason."

Up to this point I was informed by you that no provision would, or could, be made for the salary of a District Court Bailiff. The facts are that on the same night, at the very last moment, the salary was placed on the Estimates, and, what is worse, the Sheriff's Bailiff—with whose office that of the Bailiff of the District Court has been amalgamated—is receiving such salary in addition to his own as Sheriff's Officer. I can only repeat what, in my correspondence and personal interviews I have frequently assured you, viz., that the work of the service and execution of process from the Supreme Court, as well as his own duties as Bailiff of the District Court, have been just as satisfactorily performed by the ex-bailiff as any one person can do such work at a salary of only £40 per year.

Now—in the interests of economy forsooth,—the same duties are being entrusted to the Sheriff's Bailiff at a salary, I think, of £120 per annum as such officer, and the sum of £40 per year for discharging the duties of District Court Bailiff, the holder of such offices moreover having the privilege of residing upon the Court-house premises.

I have, &c.,
FRAS. WOODWARD.

Acknowledge, 25/10/88. Done, 26/10/88. Submitted (see memo herewith).—A.C.F., 2/11/88.

The accompanying letter from Mr. Woodward, M.P. (with previous papers), respecting the office of District Court Bailiff at Wollongong is submitted for the Minister's consideration. The Sheriff's Officer at Wollongong was appointed District Court Bailiff there also, from 1st July last, without additional salary. Mr. Woodward is therefore incorrect in stating that the Sheriff's Officer is receiving the salary of the District Court Bailiff, whose services were dispensed with, in addition to his own as Sheriff's Officer, which is £160 per annum.—A.C.F., Department of Justice, Sydney, 1st November, 1888.

Inform in terms hereof which I approve.—W.C., 2/11/88. Mr. Woodward, M.P., informed, 5/11/88.

No. 26.

No. 26.

The Under Secretary of Justice to F. Woodward, Esq., M.P.

Sir,

Department of Justice, Sydney, 5 November, 1888.

Referring to your letter of the 23rd ultimo respecting the office of District Court Bailiff at Wollongong, I am directed by the Minister of Justice to inform you that the Sheriff's Officer at Wollongong was appointed Bailiff of the District Court there also, from the 1st July last, without additional salary, and you are therefore mistaken in stating that that officer is receiving the salary of the District Court Bailiff (whose services were dispensed with), in addition to his own as Sheriff's Officer (£160 per annum), as the Bailiff's salary has been saved since the amalgamation of the offices in question.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

No. 27.

F. Woodward, Esq., M.P., to The Minister of Justice.

Sir,

Wollongong, 12 November, 1888.

Referring to your letter of the 5th instant, further respecting the offices of Sheriff's Bailiff and District Court Bailiff at Wollongong, and informing me that the Sheriff's Officer was appointed Bailiff of the District Court without additional salary, my statement that that officer receiving the salary of the District Court Bailiff in addition to his own, being a mistaken one, I have the honor to inquire what has become of the item of £40 voted as referred to in my letter of the 23rd ultimo.

2. From the Estimates-in-Chief for 1887, provision, as heretofore, was made for Bailiff, District Court, at Wollongong, and £40 voted. The Estimates for 1888 omit this item, with an explanation at foot that the officer was "also Sheriff's, under which heading salary is provided." Then follows what to me still appears a most extraordinary proceeding, as already stated in my letter, herein referred to; namely, that the Additional Estimates for 1888 provides for salary at £40 to District Court Bailiff, Wollongong.

3. As I have been informed that, instead of an expenditure of £120 or £160, the country is now paying some £300 in connection with the appointment of Sheriff's Officer here, and as there can be no question that the sum of £40 with, say an additional £52 for Court-house cleaner, is amply sufficient, may I ask the favour of being informed:—

1. What is the salary of the Sheriff's Officer at Wollongong?
2. What additional sum does such officer or his wife receive for the discharge of any, and what, duties at Wollongong?
3. What sum of money has been charged to the country, to the Department under your charge or to the Sheriff's Department, for the use of the Sheriff's Officer at Wollongong or in connection with his office since his appointment?
4. Will you cause to be furnished me or laid upon the Table of the Legislative Assembly copies of all correspondence, minutes, papers, and all other documents, &c., in reference to the amalgamation of the offices of the Sheriff's Bailiff and District Court Bailiff at Wollongong, and to the appointments of the present Sheriff's Officer at that place to the dual offices, and the dismissal or discharge of the late District Court Bailiff?
5. How long did the late Bailiff of the District Court at Wollongong discharge his duties, and were any complaints made against him during that time, either in the performance of such duties or those of a bailiff specially appointed by litigants in the Supreme Court?

I have, &c.,

FRAS. WOODWARD.

Acknowledged, 17/11/88.

This letter might, in the first instance, be referred to the Sheriff with a request that he will be good enough to favour the Minister with a report upon the subjects mentioned by Mr. Woodward in the third paragraph of this letter in reference to the Sheriff's Officer at Wollongong. Submitted.—A.C.F., 17/11/88.

So refer.—W.C., 19/11/88. The Sheriff.—T.E.M'N. (for U.S.), B.C., 19/11/88. Sheriff's report annexed.—J.M.W., 4/12/88.

Minute by Sheriff.

Sheriff's Department, Sydney, N.S.W., 4 December, 1888.

In order to enable the Minister to understand this matter fully, I must go back some years.

Sheriff's Officers were formerly allowed to enter into private business, when they acted more like agents for solicitors and independently of the Sheriff than as Civil Servants under the head of a Department.

They seldom ever sent returns of what they did with the money they received. If they obtained the full amount of the writ for the plaintiff they received an equivalent, if they did not obtain the amount of the writ they probably asked for no expenses.

This may have been a convenient arrangement. It is to some extent the present practice of District Court Bailiffs—at least so I am informed, at any rate I know that although they charge possession money, they seldom keep possession personally, and how it is they escape actions I cannot tell, for directly my officers fail in performing their duty I am made the subject of an action. The way in which they perform their duties acts very prejudicially to the proper working of the Sheriff's Department. In one case I may mention a Crown fee is charged for serving a writ of summons. In the District Court there is no such charge. Where there is a District Court Bailiff these summonses are invariably sent to him, and not to the Sheriff's Officer, to evade the payment of this Crown fee.

I have made it a rule that my officers shall confine themselves to their official duties, and not enter into private business, thereby reducing their incomes considerably. They have an allowance for forage, because they have a good deal to do in serving Crown writs, &c.

If their salaries are reduced, seeing that they are now paid only the same amount as a messenger, although they are liable to the Sheriff for the whole amount of the writ, if by any failure on their part they do not recover the full amount, they cannot possibly live and be honest.

Lately Sheriff's Officer Boys levied in a case at Kiama, and he put a Small Debts Court Bailiff in possession. This man, as appears was his habit as such bailiff, did not keep possession, but went away to see his brother. While he was away a person who had an unregistered bill of sale, which was of no value until he got possession of the goods, finding the bailiff away, entered into possession, sold the goods, and Mr. Boys, who was engaged in another case, through no fault of his own, but through the neglect of this *quasi* Government officer, was let in for the whole amount of the writ and costs.

Another officer has lately had a verdict returned against him for ninety days possession money, which I have been unable to recover from the parties, although the matter has been standing over for months.

The Government have refused to advise me, and I have no money to pay legal expenses if I go to law, indeed it cannot be reasonably expected that a Sheriff or his officer can fight these matters, and pay legal expenses out of their salaries. These officers have not only to do their duty but employ others and pay them, sometimes waiting for months before they are reimbursed the money they are out of pocket.

As regards the Court-keeper's salary, the Wollongong people would have a large Court-house with cedar fittings, good furniture, &c. It was difficult at the time to obtain suitable people on the salary offered. It is easy to get persons to occupy the buildings, but it is very difficult to get people who will keep the cedar and everything connected with the buildings in first-class order.

If expensive Court buildings are erected and furnished well, it seems a pity that they should be neglected. As a rule, Court-houses are not properly cleaned, and the position is only taken to secure a residence.

If the steel and brass upon expensive fenders and irons are to be covered with Brunswick-black, as is too often the practice in Government Departments, it would be better to purchase fenders of the commonest description. Then, instead of the cedar being properly cleaned, it is generally dusted with a feather duster.

I have in my mind's eye a case where a suite of furniture not being good enough for the Department where it was placed, was sent to me, and a much more expensive suite sent to replace it. The inferior suite is now in good condition, while the more expensive one looks disreputable.

Then again, where there are Jury Courts it was usual to make respectable citizens sleep on the bare boards, or the cocoanut matting, often infested with fleas. It has never fallen to Mr. Woodward's lot to have to put up with such inconvenience, as his profession exempts him, but some of his friends at Wollongong know from experience the change I have effected in this respect, as well as in providing good meals for them, instead of locking them up as was done on my first visit as Sheriff to the Court at that town, when twenty-four jurymen were denied even a drink of water, and the answer I received, when expressing my abhorrence at such treatment, was, "Serve them right, they should agree"; and Mr. Copas was in charge.

If these arrangements are to be carried out properly, the persons employed expect as much as they can get in private service, but the officers in my Department do not generally receive even that, so that I am continually losing them, because they are tempted by offers of higher pay.

If a separate couple were appointed for the Court-house, the work would not be better performed, probably not so well. It would be hard therefore to make the present officers suffer, because they make everything comfortable, and do not spend their money in drink at the public-house. Some persons cannot do work themselves, and cannot get servants to stay with them. They are naturally jealous when they see people who can work and keep their servants making everything comfortable around them.

If Mr. and Mrs. Boys are more comfortable than their neighbours they have themselves to thank. When the Court-house was completed the cattle were breaking down the palisades of the verandah, until I had the place fenced in. The fence has been objected to, but it is better than allowing the building to be destroyed. But those who cry out for economy now never raised their voice when so large an amount of money was being spent upon the building, but even asked for a still further expenditure on a dwarf stone wall and iron railing, when a batten fence would be quite sufficient.

After I had erected the fence I had a difficulty in getting enough money to keep the grounds in order, when Mr. Boys improved part of them himself. This has also been made a subject of criticism, and the question asked is, how can he afford it? The answer is, simply because he works himself and does not waste his time. Any decent couple in private service can get from £80 to £100 per annum with everything found them.

The usual salary for a Court-keeper at such a Court is £100 per year, and you cannot get the work done as it is done at Wollongong for less. The usual salary for a Sheriff's Officer is £160 a year. As proved by the work performed by Mr. Boys, the district is a most important one, and the appointment of a Sheriff's Officer was demanded long before I acceded to it.

No doubt it was thought I would give Mr. Copas the appointment, but neither by education nor in any other respect is he fitted for it, while Mr. Boys has received a university education, and has been trained in the office in the Sheriff's Department. Ordinary messengers in Sydney receive from £100 to £200 per year. Their work begins at 9 o'clock and ends at 4 o'clock, while a Sheriff's Officer is never off duty, and through the slightest neglect may be made responsible for large sums of money at any moment. Indeed there is no position in the Government service which it is so necessary to put beyond temptation.

I have no doubt Mr. Copas would take it without salary, if allowed, as he has been, to do as he liked. The Clerk of Petty Sessions would probably take the position of Police Magistrate at a much lower rate, without travelling allowances; while, among the many aspirants to office, possibly some one could be found to take the position of Sheriff at a nominal salary, if he was allowed to make what he could

could in other ways; but we have not yet decided to follow the example of America in this respect, and until that time arrives I think we should not expect any one to devote his whole time to Government duties without paying him what is considered a fair remuneration out of the service.

I append a statement showing what has been received by Mr. and Mrs. Boys, and I may add, there is no Court where the same amount of work is performed for so low a rate of pay, while there is no district where a Sheriff's Officer is more required than at Wollongong.

CHARLES COWPER,
Sheriff.

B.C., The Under Secretary of Justice, 4th December, 1888.

[Enclosure.]

STATEMENT in reply to questions in annexed letter of Mr. F. Woodward, of Wollongong:

Paragraph 3.		£	s.	d.
Section 1.				
Salary of Sheriff's Officer at Wollongong, per annum		£160	0	0
Section 2.				
Forage allowance, per annum		31	4	0
Elizabeth Boys (wife of officer) salary as Court-keeper, per annum		52	0	0
Extra assistance for Court-cleaning, at the rate of £25 per annum (from 1st March, 1888).....		25	0	0
Section 3.				
Total amount of money charged to the Sheriff's Department for use of Sheriff's Officer at Wollongong, since his appointment there, from 1st January, 1887, to 31st October, 1888, as salary		289	9	8
For forage allowance.....		54	12	0

Department of Justice, Sydney, 7 December, 1888.

Mr. WOODWARD, M.P., writing on the 12th ultimo, in reply to a letter from this Department, on the 5th idem, further, in reference to the offices of District Court Bailiff and Sheriff's Officer, at Wollongong, inquires what has become of the item of £40, provided on the Estimates for the present year for the bailiff of the District Court at that place. Half of this amount, it may be stated, was paid to the late bailiff (Mr. Copas) for his services up to the 30th June, when the Sheriff's Officer (Mr. Boys) was appointed to the position. No salary having been paid since that date, the unexpended balance of £20 will be saved.

With reference to the inquiries contained in the third paragraph of Mr. Woodward's letter, the Sheriff has submitted a report (herewith enclosed), and a statement in reply to the specific questions 1, 2, and 3, asked.

In section 4 of the letter, Mr. Woodward asks whether the Minister will cause him to be furnished with, or lay upon the Table of the House, copies of all correspondence, minutes, papers, and other documents, &c., in reference to the amalgamation of the offices in question.

In regard to the concluding portion of the letter, no complaints, so far as this Department is aware, were made against the late bailiff in the discharge of his duties.

Submitted.—A.C.F., 7/12/88. Mr. Woodward, M.P., to be informed in terms of this minute in respect of salary of bailiff, and that all papers would be laid on the Table of the House, if so ordered.—W.C., 17/12/88. Mr. Woodward, M.P., informed, 18/12/88.

No. 28.

The Under Secretary of Justice to F. Woodward, Esq., M.P.

Sir,

Department of Justice, Sydney, 18 December, 1888.

Referring to your letter of the 12th ultimo, further respecting the offices of District Court Bailiff and Sheriff's Officer at Wollongong, I am directed by the Minister of Justice to inform you that the Sheriff's Officer at that place receives a salary of £160, and forage allowance at the rate of £31 4s. per annum, his wife being in receipt of a salary of £52 per annum as Court-keeper there. Extra assistance in cleaning the Court-house has also been provided since the 1st March last, at an annual cost of £25. The total amount charged to the Sheriff's Department for the services of the Sheriff's Officer at Wollongong, since his appointment on 1st January, 1887, to the 31st October last, has been—salary, £289 9s. 8d., and forage allowance, £54 12s.

I am to add, in reference to your inquiry on the subject, that of the item £40 provided on the Estimates for the present year for the District Court Bailiff at Wollongong, £20 was paid to the late Bailiff (Mr. Copas) for his services to the 30th June last, a saving of the unexpended balance of £20 being effected.

The Minister desires me also to inform you that all papers in connection with the amalgamation of the offices of the District Court Bailiff and Sheriff's Officer above referred to will be laid upon the Table of the Legislative Assembly, if so ordered.

I have, &c.,
ARCH. C. FRASER,
Under Secretary.

No. 29.

No. 29.

The Sheriff to The Under Secretary of Justice.

Sir,

Sheriff's Department, Sydney, 10 May, 1889.

I have the honor to point out that the papers in *re* appointments in the Sheriff's Department Wollongong, about to be laid before Parliament, do not include an application made by Mr. Lipscomb and others for a Sheriff's Officer to be stationed at Wollongong, and complaining of the cost of mileage, &c, paid to a Sydney officer, who up to that time did the duty, also the papers connected with the payment of £25 for extra assistance to Mrs. Boys. Mr. Lipscomb admits having sent the former, and the Police Magistrate (Mr. Thomas), cannot deny that he recommended the latter.

From the papers it would appear that Mr. and Mrs. Boys were appointed Court-keepers. This is not the case.

Mr. Turner, the late Police Magistrate, wrote and asked me to appoint a Court-keeper. I delayed until the Court-house was opened, not wishing to incur expense, but promised the position to an old Court-keeper as promotion. In the meantime Mr. Turner was informed he could make the appointment. He wished to put in the Court-house the sergeant of Police with a large family, to which I objected, as it turns out very wisely, for his two sons have since been convicted of serious offences and sent to gaol, while a third, who was temporarily employed about the Court, behaved badly, broke the outside lock of the door, and proved himself an improper person to be about the Court.

The matter was then compromised by my agreeing to Mr. Turner appointing Mrs. Boys, on condition that if she did not perform the work satisfactorily I could dismiss her. She has since proved herself a first-class Court-keeper.

Mr. Boys was, upon the urgent solicitation of the solicitors for a resident Sheriff's Officer, appointed to the district.

I have, &c.,

CHARLES COWPER,

Sheriff.

Submitted. The papers referred to herein cannot be traced in this Department, but if in existence a supplementary return can be tabled.—A.C.F., 14/5/89. Further inquiry will be made.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(RETURN SHOWING LOSS OF FEES BY CLERKS OF PETTY SESSIONS).

Ordered by the Legislative Assembly to be printed, 1 August, 1889.

RETURN to an *Order* of the Legislative Assembly of New South Wales, dated 8th May, 1889, That there be laid upon the Table of this House,—

“Copies of all applications from Clerks of Petty Sessions for increase of pay in compensation for loss of fees; all recommendations from Stipendiary and other Magistrates bearing on these applications; and all minutes and other papers having reference to this subject.”

(Mr. Howe.)

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[970 copies—Approximate Cost of Printing (labour and material), £10 9s. 6d.]

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36. Telegram from the Acting Under Secretary of Justice to the Police Magistrate and Clerk of Petty Sessions, Wentworth. 7 February, 1888	13
37. The Acting Under Secretary of Justice to the Police Magistrate and Clerk of Petty Sessions, Warialda. 7 February, 1888	13
38. The Police Magistrate and Clerk of Petty Sessions, Molong, to the Acting Under Secretary of Justice, with minutes. 10 February, 1888	13
39. The Curator of Intestate Estates to the Acting Under Secretary of Justice, with minute. 10 February, 1888	14
40. The Police Magistrate, Gosford, to the Acting Under Secretary of Justice, with minute. 13 February, 1888	14
40A. Telegram from the Acting Under Secretary of Justice to the Clerk of Petty Sessions, Grafton. 13 February, 1888	14
41. The Police Magistrate, Trunkley, to the Acting Under Secretary of Justice. 13 February, 1888	14
42. The Clerk of Petty Sessions, Water Police Office, to the Acting Under Secretary of Justice, with minutes. 15 February, 1888	14
43. The Acting Under Secretary of Justice to the Clerk of Petty Sessions, Water Police Office. 18 February, 1888	15
43A. Telegram from the Clerk of Petty Sessions, Grafton, to the Acting Under Secretary of Justice. 18 February, 1888	15
44. The Acting Under Secretary of Justice to the Curator of Intestate Estates. 18 February, 1888	15
45. The same to the Police Magistrate and Clerk of Petty Sessions, Molong. 20 February, 1888	15
46. The same to the Police Magistrate, Gosford. 20 February, 1888	16
47. The Acting Clerk of Petty Sessions, Mount Hope, to the Acting Under Secretary of Justice. 22 February, 1888	16
48. The Acting Under Secretary of Justice to the Police Magistrate, Trunkley. 2 March, 1888	16
49. The Acting Clerk of Petty Sessions, Nyngan, to the Acting Under Secretary of Justice, with minute. 14 March, 1888	16
50. The Acting Under Secretary of Justice to the Acting Clerk of Petty Sessions, Nyngan. 16 March, 1888	16
51. The Acting Clerk of Petty Sessions, Sunny Corner, to the Under Secretary of Justice. 27 March, 1888	16
52. The Clerk of Petty Sessions, Bourke, to the Under Secretary of Justice, with minute. 18 June, 1888	17
53. The Under Secretary of Justice to the Clerk of Petty Sessions, Bourke. 22 June, 1888	17
54. The Clerk of Petty Sessions, Grenfell, to the Under Secretary of Justice, with minutes. 6 September, 1888	17
55. The Under Secretary of Justice to the Clerk of Petty Sessions, Grenfell. 12 September, 1888	17
56. The Clerk of Petty Sessions, Water Police Office, to the Under Secretary of Justice, with minutes. 14 September, 1888	17
57. The Under Secretary of Justice to the Stipendiary Magistrates, Water Police Office. 22 September, 1888	18
58. Extract from the Votes and Proceedings of the Legislative Assembly. 8 January, 1889	18
59. The Stipendiary Magistrates, Central Police Office, to the Under Secretary of Justice. 6 February, 1889	18
60. The Clerk of Petty Sessions, Orange, to the Under Secretary of Justice. 11 February, 1889	18
61. The Clerk of Petty Sessions, Wagga Wagga, to the Under Secretary of Justice, with minutes. 13 February, 1889	19
62. The Clerk of Petty Sessions, Balmain, to the Under Secretary of Justice, with minute. 20 February, 1889	19
63. The Under Secretary of Justice to the Clerk of Petty Sessions, Wagga Wagga. 21 February, 1889	20
64. The Clerk of Petty Sessions, Newtown, to the Under Secretary of Justice, with minutes. 5 March, 1889	20
65. The Acting Clerk of Petty Sessions, Michelago, to the Under Secretary of Justice, with minute. 23 March, 1889	20
66. The Under Secretary of Justice to the Bench of Magistrates, Michelago. 28 March, 1889	20
67. The same to the Clerk of Petty Sessions, Newtown. 28 March, 1889	21
68. The same to the Clerk of Petty Sessions, Balmain. 29 March, 1889	21
69. The Clerk of Petty Sessions, Junee, to the Under Secretary of Justice, with minutes and enclosures. 17 April, 1889	21
70. The Under Secretary of Justice to the Bench of Magistrates, Junee. 30 April, 1889	22
71. The Clerk of Petty Sessions, Moss Vale, to the Under Secretary of Justice, with minute. 8 May, 1889	22
72. The Under Secretary of Justice to the Clerk of Petty Sessions, Moss Vale. 13 May, 1889	22
73. The Clerk of Petty Sessions, Cowra, to the Under Secretary of Justice, with minute. 14 May, 1889	22
74. The Under Secretary of Justice to the Clerk of Petty Sessions, Cowra. 17 May, 1889	23

No. 1.

Memo. by The Minister of Justice.

Fees received by Clerks of Petty Sessions.

22 February, 1887.

Let a return be prepared as quickly as possible of all fees received by the Clerks of Petty Sessions during the year 1886, and which were in augmentation of their salaries, as provided in Estimates for 1886.

WILLIAM CLARKE.

Prepare at once.—W.E.P., 22/2/87. The Stipendiary Magistrates, Water and Central Police Offices.—W.E.P., 23/2/87. Telegrams to several C's.P.S., 24/2/87.

No. 2.

The Under Secretary of Justice to The Stipendiary Magistrates, Water Police Office.

Gentlemen,

Department of Justice, Sydney, 23 February, 1887.

I am directed by the Minister of Justice to request that you will have the goodness to obtain from the Clerks of Petty Sessions at the Water Police Court and at Balmain and St. Leonards the following information required to be furnished with the least possible delay, viz., a carefully prepared return of all fees, either as Registrar of Small Debts Courts, Commissioner of Affidavits, or in any other capacity received by Clerks of Petty Sessions during the year 1886, and which were in augmentation of the salaries provided on the Estimates of that year. It will be desirable in each case to specify the source from which such fees have been received, and the total amount of each case in supplement of official salary, during period named.

In the case of fees received under Small Debts Act the number of cases during the year might be stated as an approximate verification of return as regards fees under that head.

I have, &c.,

W. E. PLUNKETT,

Under Secretary.

No. 3.

The Under Secretary of Justice to The Stipendiary Magistrates, Central Police Office.
Gentlemen,

Department of Justice, Sydney, 23 February, 1887.

I am directed by the Minister of Justice to request that you will have the goodness to obtain from the Clerks of Petty Sessions at the Central Police Court, at Redfern, and at Newtown the following information required to be furnished with the least possible delay, viz., a carefully prepared return of all fees either as Registrar of Small Debts Courts, Commissioner of Affidavits, or in any other capacity received by Clerks of Petty Sessions during the year 1886, and which were in augmentation of the salaries provided on the Estimates of that year. It will be desirable in each case to specify the source from which such fees have been received, and the total amount of each case in supplement of official salary, during period named.

In the case of fees received under Small Debts Act, the number of cases during the year might be stated as an approximate verification of return as regards fees under that head.

I have, &c.,

W. E. PLUNKETT,
Under Secretary.

No. 4.

Telegram from The Under Secretary of Justice to The Clerk of Petty Sessions,
Albury.

24 February, 1887.

MINISTER of Justice desires to be furnished at once with carefully prepared return of all fees received by you during last year (1886), either as Registrar Small Debts Court, Commissioner of Affidavits, or in any other capacity, which were in augmentation of your salary as provided on Estimates last year. You will specify in each case source of fee and total under each head, and in regard to fees under Small Debts Act, number of cases during period named should be stated. Information required with utmost expedition to be verified as correct as far as practicable.

W. E. PLUNKETT,
Under Secretary.

Repeated to all Clerks of Petty Sessions.

No. 5.

Return of Fees.

RETURN showing the fees received by Clerks of Petty Sessions in addition to the salaries provided for the year 1886.

Place.	Salary for 1886.	Small Debts Fees.		Fees, Registrar of Births, &c.		Fees under Mining Acts.		Affidavits.		Miscellaneous.		Total Fees, exclusive of Salary.	
		£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
Albury.....	340	29	14 0	.....	.....	.....	.....	2	0 0	.....	.....	31	14 0
Armidale.....	440	27	18 0	.....	.....	1	15 0	15	0 0	12	0 0	56	13 0
Balmain.....	340	32	10 0	.....	.....	.....	.....	5	0 0	9	3 0	96	13 0
Barraba.....	200	1	16 0	4	10 0	9	8 3	.....	.....	.....	.....	15	14 3
Bathurst.....	440	46	1 0	.....	.....	3	10 0	5	0 0	.....	.....	54	11 0
Balranald.....	50	5	16 6	16	12 6	.....	.....	6	11 0	2	0 5	31	0 5
Bega.....	440	15	3 0	.....	.....	.....	.....	8	0 0	12	0 0	35	3 0
Berrima.....	550	1	13 0	1	0 0	.....	.....	3	16 0	2	16 0	9	5 0
Bingera.....	440	.....	.....	.....	.....	No other fees.		.....	.....	.....	.....	.....	.....
Bourke.....	340	20	2 0	.....	.....	.....	.....	15	0 0	57	16 2	92	18 2
Boatharbor.....	340	12	10 0	9	10 0	.....	.....	2	5 0	.....	.....	24	5 0
Bombala.....	300	18	9 0	.....	.....	.....	.....	2	14 0	.....	.....	21	3 0
Braidwood.....	300	5	4 0	25	6 0	23	18 9	12	0 0	.....	.....	66	8 9
Branxton.....	240	4	19 0	.....	.....	.....	.....	3	2 0	5	9 4	13	10 4
Brewarrina.....	440	.....	.....	.....	.....	No fees during 1886.		.....	.....	.....	.....	.....	.....
Bulli.....	190	37	12 0	.....	.....	.....	.....	3	0 0	.....	.....	40	12 0
Barrowa.....	400	5	17 0	.....	.....	.....	.....	5	0 0	23	12 5	34	9 5
Carcoar.....	140	30	6 0	.....	.....	.....	.....	8	18 0	.....	.....	39	4 0
Casino.....	440	8	17 0	27	4 0	.....	.....	0	13 0	7	0 2	43	14 2
Camden.....	340	5	14 0	16	10 0	.....	.....	.....	.....	.....	.....	22	4 0
Cassilis.....	290	0	12 0	4	4 0	.....	.....	1	0 0	.....	.....	5	16 0
Campbelltown.....	390	16	0 0	13	12 0	.....	.....	2	0 0	.....	.....	31	12 0
Clarencetown.....	240	1	15 6	.....	.....	.....	.....	.....	.....	0	6 0	2	1 6
Cobar.....	340	.....	.....	.....	.....	.....	.....	.....	.....	about		21	16 0
Condobolin.....	240	2	10 0	6	16 0	.....	.....	0	6 0	.....	.....	9	12 0
Cooma.....	390	9	10 0	.....	.....	5	0 0	26	0 0	32	0 0	62	10 0
Coonabarabran.....	390	2	2 0	24	2 0	.....	.....	1	2 6	.....	.....	27	6 6
Coonamble.....	220	10	0 0	20	13 0	.....	.....	0	10 0	9	18 5	41	1 5
Cootamundra.....	440	8	11 0	30	0 0	.....	.....	6	0 6	5	0 0	49	11 0
Copeland.....	440	1	10 0	1	18 0	.....	.....	0	6 0	35	2 0	38	16 0
Corowa.....	390	.....	.....	.....	.....	Cannot be ascertained.		.....	.....	.....	.....	.....	.....
Cowra.....	390	19	1 0	28	16 0	.....	.....	5	0 0	.....	.....	50	17 0
Crookwell.....	290	6	3 0	31	18 0	.....	.....	0	10 0	.....	.....	18	11 0
Deniliquin.....	290	9	12 0	.....	.....	.....	.....	6	0 0	.....	.....	15	12 0
Denman.....	190	1	18 0	4	4 0	.....	.....	0	18 0	1	11 0	8	11 0
Dungog.....	340	0	19 0	13	6 0	0	10 0	2	0 0	14	13 10	31	8 10
Dubbo.....	300	23	2 0	60	18 0	.....	.....	.....	.....	.....	.....	84	0 0
Eden.....	290	1	4 6	13	14 0	.....	.....	6	12 0	.....	.....	21	10 6
Emmaville.....	240	13	6 0	15	16 0	21	15 9	2	10 0	.....	.....	53	7 9
Forbes.....	340	20	0 0	23	0 0	13	5 3	3	0 0	2	0 0	64	9 3
Glen Innes.....	290	52	10 0	38	6 0	9	11 0	.....	.....	.....	.....	98	7 0
Goulburn.....	300	51	3 0	107	0 0	.....	.....	.....	.....	.....	.....	158	3 0
Gundagai.....	440	13	10 0	22	14 0	.....	.....	2	10 0	14	0 0	52	14 0

Place.	Salary for 1860.	Small Debts Fees.	Fees, Registrar of Births, &c.	Fees under Mining Acts.	Affidavits.	Miscellaneous.	Total Fees, exclusive of Salary.
	£	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Gosford	290	30 0 0	27 10 0				62 6 11
Grafton	490	34 1 0	49 0 0			2 11 11	86 2 11
Grenfell	490	12 0 0			8 0 0	9 0 0	29 0 0
Gulgong	240	8 17 0	13 14 0		2 10 0	3 15 0	28 16 0
Gunnedah	190	9 15 0	25 8 0		1 10 0	1 14 0	38 7 0
Gunning	370	4 17 0	12 0 0				16 17 0
Hartley	440				0 17 6	12 16 3	13 13 9
Hill End		9 0 0	2 5 0	16 5 0			27 10 0
Hay	390	20 8 0	33 8 0		5 0 0	9 4 0	68 0 11
Hillston	190	6 6 0			3 0 0	0 7 0	9 13 0
Inverell (for 6 months)	370	8 17 0	19 15 0		6 10 0		35 2 0
Kempsay	340	26 0 0			2 0 0		28 0 0
Kiama	500	33 1 6	2 4 0		11 1 6	3 15 0	50 2 0
Lismore	340	43 3 0			1 0 0		44 3 0
Lithgow	265	18 9 0		2 16 0	17 10 0	3 0 0	41 14 0
Liverpool	190	27 0 0			2 0 0		29 0 0
Loftus	240	13 9 0	15 18 0	0 4 6	13 12 0	3 11 3	44 14 9
Maclean	240	17 0 0	30 0 0		5 0 0		52 0 0
Maidland	490	32 6 6	21 0 0		5 0 0	3 15 0	62 7 6
Marulan	190	4 11 6					4 11 6
Merriwa	240	2 11 0	6 18 0		7 0 0	0 4 0	16 13 0
Mitparinka	550						
Milton	340	18 5 0	10 8 0		4 2 0	3 11 0	36 6 0
Moama	200	1 13 0	9 9 0		0 18 0	2 15 0	14 15 0
Moree	390	1 16 0	18 0 0		2 0 0		21 16 0
Moruya	320	7 4 0			7 0 0		14 4 0
Molong	340	5 5 0			4 0 0		9 5 0
Moss Vale	240	17 8 0			3 0 0		20 8 0
Mudgee	440	19 17 3	42 14 0		0 10 0		63 1 0
Murrumbarrah	290	12 10 0	17 3 0	1 0 0	7 18 6	0 19 3	39 16 9
Muswellbrook	300	4 10 0	10 10 0		5 0 0		20 0 0
Murrurundi	440	6 15 0	12 4 0		7 2 0	8 0 0	34 1 0
Narrabri	140	25 15 0			5 11 6		31 6 6
Narrandera	420	11 14 6	21 0 0		2 0 0		34 14 6
Newcastle	390	77 14 0			2 6 0		80 0 0
Newtown	340	270 3 6			12 0 0	12 3 0	294 6 6
Nowra	440						
Nundle	240	1 4 0			1 2 0	1 0 0	3 6 0
Orange	300						
Paterson	240	2 10 0	12 10 0		0 10 0		15 10 0
Parkes	390	12 5 0	14 0 0	39 15 0	1 10 0		67 10 0
Parramatta	440	92 6 0	192 9 0		55 0 0	0 14 10	340 9 10
Penrith	300	9 16 0	42 14 0		5 0 0		57 10 0
Pictou	190	26 12 0			9 0 0		35 12 0
Port Macquarie	340	12 0 0	21 0 0		4 10 0		37 10 0
Queanbeyan	340	21 5 0		2 5 0	5 0 0		28 10 0
Quirindi	220	13 19 0	14 10 0		3 8 0	1 8 0	33 6 4
Raymond Terrace	340	5 9 6			2 0 0		7 9 6
Redfern	340	209 17 0					209 17 0
Richmond	115	13 1 0	15 4 0		1 0 0		29 5 0
Rylstone	340	5 18 0	12 12 0	4 3 0	1 0 0	3 0 0	26 13 9
Ryle	240	19 5 0	43 18 6			6 10 0	69 13 0
St. Leonards	340	129 4 0			3 0 0	1 10 0	133 14 0
Sydney (Central)	550	594 16 6					594 16 6
Do (Water)	550	463 12 3			2 0 0		467 12 3
Seone	240	2 10 0	14 4 0	2 8 0	1 5 0		20 2 0
Silverton	445	37 10 0			15 0 0		52 10 0
Singleton	340	6 17 0			9 0 0		15 17 0
Stroud	290	2 16 0	17 0 0		1 8 0	4 6 6	25 10 6
Tamworth	440	17 12 0	59 9 0		1 6 0	1 15 10	70 17 4
Taree	440	10 10 0	57 11 0		17 10 0	36 5 6	121 16 6
Temora	340	12 9 0	12 12 0			8 6 0	33 7 6
Teuterfield	390	24 8 6	31 18 0	7 17 3	7 0 0	12 9 3	83 13 0
Tingha	240	16 17 0			0 17 6		17 4 6
Trankey	390					5 5 0	5 5 0
Timberamba	440	8 1 0			1 16 0		9 17 0
Tumut	340	12 8 0		2 9 6	5 18 6		20 16 0
Tweed River (Murwillumbah)	390	12 2 0	10 0 0		3 0 0		25 2 0
Uralla	240	7 18 10	15 10 0	15 4 0			38 12 0
Urana	390	2 5 0					2 5 0
Walgett	240	8 10 0			3 0 0		11 10 0
Wagga Wagga	340	39 0 0			15 0 0		54 0 0
Waratah	240	37 16 0			6 0 0	5 0 0	48 16 0
Warraldra	390	3 15 0	14 4 0		2 0 0		19 17 0
Wakcha	440	4 1 0	15 14 0	7 19 6	20 0 0	0 7 2	48 1 8
Wellington	390	9 3 0	25 14 0	0 10 0	1 0 0		36 7 0
Wentworth	340	6 0 6	20 7 0		5 0 0	18 19 9	50 7 3
(by Lands)							
Wilcannia	440	22 0 0			1 0 0	6 0 0	29 0
Windsor	440	15 3 0	31 12 0		2 10 0		49 5
Wollongong	170	43 16 0					43 16 0
Wollombi	390	2 6 0			1 2 0		3 8 0
Yass	220	10 12 0	24 11 0				35 3 0
Young	390	23 16 6		40 9 0	5 0 0	0 7 5	69 4 8

NOTE:—Fees at the rate of 2s. per entry for registration of births, marriages, and deaths are paid to Clerks of Petty Sessions, who act as District Registrars, by the Registrar-General's Department, and are retained by them. The only fees paid to Revenue being those received from the public for searches and marriages, which are very trifling.

No. 6.

The Clerk of Petty Sessions, Grenfell, to The Under Secretary of Justice.

Sir,

Court-house, Grenfell, 24 March, 1887.

With respect to the statements made recently by the public press, that it is the intention of the Government shortly to direct the payment to the Consolidated Revenue, of all future fees received by Clerks of Petty Sessions, beyond their actual salaries as voted by Parliament, I do myself the honor to respectfully point out that unless provision be made on the Estimates, or otherwise, to compensate such officers (myself amongst them) for the loss of the fees in question, the course suggested will have the effect of directly reducing their emoluments to the extent of the fees of which they are thus deprived; and although I do not wish to defend the system of the payment of public officers by fees, and I am, and I assume others are also, quite willing to submit to any general system of the reduction of the salaries of civil servants that may be deemed necessary under the present financial difficulties of the country. I trust that Clerks of Petty Sessions will not be more hardly dealt with in that respect than the officers of any other branch of the public civil service, which would be so if the fees in question were taken from them, and their salaries not increased in proportion thereto, while officers of the other branches retained their former salaries in full; or reduced only at the rate of the percentage that Clerks of Petty Sessions' salaries (in addition to the loss to the extent of the fees taken from them) are reduced, in any general system of retrenchment that the Honorable the Minister of Justice may feel called upon to make in the very important Department over which the Hon. Mr. Clarke now presides, and in the public service throughout.

The amount of fees which I receive is certainly not very large, having been, last year, about £29 (or about 6 per centum of my total emoluments), but I submit it is large enough to be appreciably (P) felt, when I have been accustomed for the past twelve years to regard it as part of my income.

I have, &c.,

W. F. ROBERTSON,

Clerk of Petty Sessions.

Submitted.—30/3/87.

Acknowledged.—W.C., 31/3/87.

Acknowledged.—2/4/87.

No. 7.

The Clerk of Petty Sessions, Forbes, to The Under Secretary of Justice.

Sir,

Court-house, Forbes, 26 March, 1887.

In regard to the Bill providing for the payment of all fees received by Clerks of Petty Sessions into the Consolidated Revenue Fund, I have the honor to respectfully request that you will be pleased, on my behalf, to point out to the Honorable the Minister of Justice facts as under, viz. :—

1. That although I hold appointments, and perform duties entailed thereby on Clerks of Petty Sessions in places of higher emoluments, but of less importance, that my salary is already on a lower scale than the majority of such places, in many of which work is actually less.

2. That I am placed in one of the most expensive places in the Colony, remote from railroad communication, in which the necessaries of life are, consequently, only procurable at a high figure.

3. That house-rent is here so expensive (in my case amounting, with rates, to £85 per annum), that any reduction in the way of fees would be to me so serious a calamity that, with all due respect, I fail to see how, as a married man with six children, I could continue to maintain my position in a becoming manner, unless such reduction was neutralized to some extent, by an allowance which would have the effect of raising my salary to a like amount to that accorded to officials holding a similar position in places of cheaper living, and where the duties are no heavier:

4. That my fees received during the year 1886 amounted only to £61 9s. 3d., in addition to my salary of £320 per annum, and that the bulk of such fees were derivable from work chiefly performed outside the usual office hours, notably in my capacities of District Registrar, Commissioner for Affidavits, &c.

5. That in the case of fees derivable as Registrar of Small Debts Court, sale of dog-forms, &c., although much of the work may be performed during office hours, the forms used not being provided by the Government, have to be found at private cost.

6. That, in regard to the small commission allowed as Mining Registrar, and fees under Mining Board Regulations, the appointment in question was undertaken by me on account of such fees, as prior to same being conferred, I received a telegram from the Department of Justice, requesting to be informed if I could satisfactorily perform such duties in addition to my others, and which telegram I answered in the affirmative.

7. That although fully recognizing the necessity at the present juncture for retrenchment through the various branches of the service, I respectfully beg leave to submit that a loss to me of over £60 per annum, without some augmentation in the way of salary, would, for the reasons I have endeavoured to point out, be so severe that I trust, with all due respect, that the Honorable the Minister of Justice will be pleased to give my case his favourable consideration.

I have, &c.,

EDMUND A. T. PERY, J.P.,

Clerk of Petty Sessions, Forbes.

Submitted.—30/3/87. Acknowledge. Every case will receive due consideration. Put this and similar papers together to be perused again by me.—W.C., 31/3/87. C.P.S. informed, 1/4/87.

No. 8.

The Acting Under Secretary of Justice to The Clerk of Petty Sessions, Forbes.

Sir,

Department of Justice, Sydney, 1 April, 1887.

Referring to your letter of the 26th ultimo, asking that in the event of the fees of your office being done away with, you may be allowed an increase of salary, I am directed by the Minister of Justice to inform you that every case will receive due consideration.

I have, &c.,

ARCH. C. FRASER,

Acting Under Secretary.

No. 9.

The Acting Under Secretary of Justice to The Clerk of Petty Sessions, Grenfell.

Sir, Department of Justice, Sydney, 2 April, 1887.
I have the honor to acknowledge the receipt of your letter of the 24th ultimo, applying for an increase of salary, in lieu of fees being paid to the Crown, and to inform you the same shall receive due consideration.

I have, &c.,

ARCH. C. FRASER,
Acting Under Secretary.

No. 10.

The Clerk of Petty Sessions, Forbes, to The Acting Under Secretary of Justice.

Sir, Court-house, Forbes, 1 July, 1887.
Having heard that the Estimates-in-Chief are shortly to be brought before the House, I have the honor respectfully to call to your remembrance my letter of 26th March last, and your answer thereto of 1st April last (No. 87-3,374), both in reference to increase of salary, in the event of fees of office being done away with.

I have, &c.,

EDMUND A. T. PERY,
Clerk of Petty Sessions.

To be placed with Estimate papers.

No. 11.

The Clerk of Petty Sessions, Maclean, to The Acting Under Secretary of Justice.

Sir, Police Office, Maclean, 9 August, 1887.
I have the honor to request that you will be pleased to make provision on the Estimates for 1888 for an increase in my salary, in lieu of the fees which are to be taken away from me.

My reasons for asking you to do this, are as follows:—I have been upwards of eleven years in the service, and my present salary, exclusive of fees is only £240 per annum, subject of course to a reduction of £4 per centum to the Superannuation Fund, and I find by the Estimates for last year that there is no Clerk of Petty Sessions that period in the service, who is in receipt of a less income than mine. On the contrary there are thirteen or fourteen who are my juniors, but whose salaries are in excess of mine. My fees for the year, ended 31st December, 1886, amounted to about £30, so that when I am deprived of them, it reduces my income by something like 10 per cent., and when the smallness of my salary is taken into account, I think you will see that this is by far too great a reduction, and that this application is one that merits your favourable consideration. As regards my abilities to perform the duties of a Clerk of Petty Sessions, I would refer you to a recommendation from Messrs. Buchanan, Marsh, and Addison, on an application of mine for the appointment of Clerk of Petty Sessions at Balmain or St. Leonards; also one by Mr. Marsh, on an application for a like appointment at Bathurst. I would also point out that any person filling the office of Clerk of Petty Sessions in a country district has a certain social position to maintain, and I am sure that no one can do that on the salary that is at present voted for my office, that is when the fees are taken away.

In conclusion, I may say that I am a married man, and have a family to maintain.

I am, &c.,

J. M'KENSEY,
Clerk of Petty Sessions, Maclean.

Forwarded for the favourable consideration of the Minister of Justice.—SAMUEL MACNAUGHTON, J.P., DAVID LEE, J.P. Submitted.—A.C.F., 13/8/87. C.P.S., Maclean, 13/8/87. Will be considered in due course.—W.C., 20/8/87.

No. 12.

The Acting Under Secretary of Justice to The Clerk of Petty Sessions, Maclean.

Sir, Department of Justice, Sydney, 13 August, 1887.
I have the honor to acknowledge the receipt of your letter of the 9th instant applying for an increase of salary, in lieu of certain fees, which are about to be taken from you as emoluments, and to inform you the same shall receive due consideration.

I have, &c.,

ARCH. C. FRASER,
Acting Under Secretary.

No. 13.

The Clerk of Petty Sessions, Tenterfield, to The Acting Under Secretary of Justice.

Sir, Tenterfield, 8 October, 1887.
In view of the Clerks of Petty Sessions Act coming in force on 1st January next, I beg most respectfully that my claim for compensation for loss of fees by way of increase in salary may be considered in the Estimates for 1888.

Agreeing with the principle of abolishing payment to public officers by way of fees, yet I would draw your attention to the fact that such was allowed by Act of Parliament and therefore rightfully appropriated by us as recompense for work and labour done. I may add that promotion was sought after—not so much for the small increase of direct salary it brought in proportion to the additional work and responsibility thereby entailed—but for the extra salary by way of fees proportionate to the importance

tance of the position held by the respective officers—this increase in fees invariably represented a large increase of work irrespective of that for which the direct salary was received; as an instance, I may state that many of these appointments now held by Clerks of Petty Sessions at an actual saving to the State are also held separately by persons who receive a fixed salary for performance of such work as well as fees that may be accruing therefrom. I may also add that these appointments so held by Clerks of Petty Sessions, who, in most instances, are also Crown Lands Agents, entail arduous work out of office hours, as it is almost impossible, where a plurality of offices are held by the same officer, to do otherwise. Taking my own case as an instance. I am Clerk of Petty Sessions, Crown Lands Agent, Registrar of the District Court, Deputy Clerk of the Peace, Registrar of the Small Debts Court, Registrar of Births, Deaths, and Marriages, Curator's Agent, Warden's Clerk, and Mining Registrar in a rising and important mining district, with a gradual increase of work in each department, and under such circumstances, I find it impossible to do the work creditably to myself or to the satisfaction of the Departments I represent during the usual office hours, and in order to complete and keep the same under proper control, I have been forced to work far into the night four out of the six working days, and during the busiest months, often on holidays and Sundays. These are not bare statements of my own, as they can be corroborated by the Police Magistrate, and the public of Tenterfield generally. I admit my case is not singular, for I am sure there are other officers similarly situated, harder worked than myself: still I feel confident it is not the intention or wish of the various Heads of Departments I represent that work so performed in the public interest should be passed by unrequited. I therefore leave my case in your hands, feeling sure that you will deal justly and fairly with myself, as with each individual claim coming before you.

I have, &c.,
FREDERICK BURNE,
 Clerk of Petty Sessions.

Submitted.—A.C.F., 11/10/87. Will be considered in preparation of next Estimates.—W.C., 12/11/87. Accountant.—A.C.F., 12th.

No. 14.

The Clerk of Petty Sessions, Orange, to The Acting Under Secretary of Justice.

Sir, Court-house, Orange, 15 October, 1887.

Referring to the matter of the abolition, from 1st January next, of certain fees hitherto paid to Clerks of Petty Sessions, I have the honor to submit the following facts for the consideration of the Minister of Justice:—

1. That my collections for the nine months, ended 30th September last, for revenue proper, were £756. For the present quarter, I estimate that a sum of at least £100 will come in, thus making a total of £856 actual revenue for the year. My total collections from all sources will, I am satisfied, amount to at least £1,600 for 1887.
2. That I am carrying on the work of the office, with an assistant at £60 per annum, being a yearly saving under this head of £90.
3. That, on the basis of the receipts of the past nine months, my income from fees for the present year will be—

	£	s.	d.
Small Debts Court	58	0	0
Fees for affidavits	18	0	0
Statutory fees under 19 Vic. No. 34	9	0	0
Total... ..	£85	0	0

4. That the collection of these fees for the Government will, of necessity, cause me considerable additional labour. Each fee must pass through the various books, be shown in the returns, be remitted to the Treasury, and ultimately appear in the quarterly attested account sent in to the Audit Office.

5. That I am under a Fidelity Bond of £1,000 as a Collector of Public Revenue.

6. That if the appointment I hold had been filled in 1885, when it became vacant, two increments, instead of one, would have been added to the salary, which would thus have been £390 instead of £370 as at present.

I trust that, in addition to the foregoing, the Minister will be good enough to bear in mind the importance of the town in which I am located, the various important and responsible offices I fill, and the extra hours I am compelled to work in order to perform my duties.

Feeling assured that, in view of the facts herein stated that the Minister of Justice will see his way to grant me a substantial increase on my present fixed salary.

I have, &c.,
STEPHEN MURPHY,
 Clerk of Petty Sessions.

Submitted.—A.C.F., 17/10/87. To be considered when Estimates are before me.—W.C., 17/10/87. Mr. Murphy informed, 18/10/87.

No. 15.

The Acting Under Secretary of Justice to The Clerk of Petty Sessions, Orange.

Sir, Department of Justice, Sydney, 18 October, 1887.

In acknowledging the receipt of your letter of the 15th instant applying for an increase of salary on the abolition of fees to Clerks of Petty Sessions, I am directed by the Minister of Justice to inform you that your claims will be considered when the Estimates for next year are being prepared.

I have, &c.,
ARCH. C. FRASER,
 Acting Under Secretary.

No. 16.

The Clerk of Petty Sessions, Balmain, to The Acting Under Secretary of Justice.

Sir,

Court-house, Balmain, 20 October, 1887.

As all fees under the Small Debts Act, &c., are, from the 1st January next, to be paid to the credit of Consolidated Revenue, I do myself the honor to request that you will be so good as to point out, for the information of the Honorable the Minister of Justice, that, on being appointed to the position I now fill, I considered it some promotion after my long service, and the augmentation of salary consequent on the retention by me of the small debts and other fees appertaining to the office, as a reasonable compensation for the onerous and responsible duties I would be called upon to perform.

As in future I will be deprived of the fees, which I conjecture will amount this year to about £120, the reduction to my salary caused thereby, will be a very serious loss to myself and family.

I therefore most respectfully submit this matter for the Minister's kind consideration, trusting he may be pleased to cause an amount to be added to my salary on the Estimates for 1888, commensurate with the loss I will sustain through the fees herein referred to being taken from me.

I have, &c.,

EDWD. W. BYRNE,

Clerk of Petty Sessions.

Acknowledged, 21/10/87. Submitted for Minister's consideration in connection with Estimates of 1888.—A.C.F., 21/10/87.

Mr. Byrne may be informed that it is not at all likely that his salary will be augmented by the amount of the fees he now receives, but his application will be fairly considered and dealt with on same basis as other salaries.—W.C., 22/10/87.

C.P.S. informed, 24/10/87.

No. 17.

The Acting Under Secretary of Justice, to The Clerk of Petty Sessions, Balmain.

Sir,

Department of Justice, Sydney, 24 October, 1887.

Referring to your letter of the 20th instant, applying for an increase of salary commensurate with the loss sustained through the abolition of fees, I am directed by the Minister of Justice to inform you that it is not at all likely that your salary will be augmented by the amount of the fees now received, but your application will be fairly considered and dealt with on the same basis as other salaries.

I have, &c.,

ARCH. C. FRASER,

Acting Under Secretary.

No. 18.

The Clerk of Petty Sessions, Redfern, to The Acting Under Secretary of Justice.

Sir,

Court-house, Redfern, 8 November, 1887.

In view of the abolition of fees to Clerks of Petty Sessions, and the promise of the Honorable the Minister of Justice to deal with each case on its merits, I have the honor to lay before you, for Mr. Clarke's information, a short statement of my case.

About eighteen months after my appointment to my present office, I purchased a house on the suburban railway line, in the full belief that I should be able to pay for it out of my official income.

In December, 1885, I gave a mortgage over the property for £400, the unpaid balance of the purchase money. I have paid £150, and interest off the original amount, and should have been able to keep faith with the mortgagee, but for the very serious loss I shall sustain through being deprived of a very large portion of my income; a deprivation I never anticipated, as it was secured to me by Act of Parliament. My income derivable from fees was, in 1886, £210, and for the first three quarters of 1887 at the rate of £230 per annum. I will only add that my family is five in number, and an increasing one.

I have, &c.,

F. P. MEARES,

Clerk of Petty Sessions.

Acknowledged, 14/11/87. Submitted.—A.C.F., 14/11/87. To be considered in dealing with the Estimates of Expenditure.—W.C., 15/11/87.

No. 19.

The Acting Under Secretary of Justice, to The Clerk of Petty Sessions, Redfern.

Sir,

Department of Justice, Sydney, 14 November, 1887.

I have the honor to acknowledge the receipt of your letter of the 8th instant, in which you draw attention to your position in view of the proposed abolition of fees, and submit a statement of your case, and to inform you that the same will receive due consideration.

I have, &c.,

ARCH. C. FRASER,

Acting Under Secretary.

No. 20.
Official Memorandum.

PREPARE circular to call attention of Clerks of Petty Sessions to Abolition of Fees Act, and attaching copy for reference.

A.C.F., 30/12/87.

Draft herewith, 30/12/87. Requisition to be prepared to cover circular, and number required for distribution.—T.E.M.N., 30/12/87. Requisition herewith, 31/12/87. Circulars forwarded to Clerks of Petty Sessions, 3/1/88. Circulars forwarded to police constables acting as Clerks of Petty Sessions, 3/1/88.

[Circular referred to.]

(CIRCULAR).

Sir,

Department of Justice, Sydney, 31 December, 1887.

I am directed by the Minister of Justice to invite your attention to the provisions of the "Clerks of Petty Sessions Fees Act of 1887," 50 Victoria No. 32, which will take effect on and after the 1st day of January, 1888, from which it will be seen that:—"Notwithstanding anything to the contrary in any Act, Regulation, By-law, or other authority, every Clerk of Petty Sessions, or officer performing the duties of a Clerk of Petty Sessions, who shall receive any fees pursuant to any Act of Parliament or to any Regulation made thereunder, or other authority whatsoever, shall in manner to be prescribed by the Governor in Council pay over such fees to the Colonial Treasurer to be by him placed to the credit of the Consolidated Revenue Fund. And every such clerk or officer shall in respect of such fees be deemed for all purposes of the Audit Act a public accountant."

I have, &c.,

ARCH. C. FRASER,

Acting Under Secretary.

The Clerk of Petty Sessions.

No. 21.

Telegram from The Clerk of Petty Sessions, Grafton, to The Acting Under Secretary of Justice.

Grafton, 3 January, 1888.

Are fees received by me as Commissioner for Affidavits to be paid into revenue.

WM. CLARKE,

Clerk of Petty Sessions.

Submitted. The Attorney-General thinks that the "Clerks of Petty Sessions Fees Act of 1887" ought to be interpreted so as not to affect the fees paid to Commissioners of Affidavits, who are also Clerks of Petty Sessions. Under the "Commissioners for Affidavits Act of 1874" it will be seen that the Commissioners for Affidavits are appointed by the Chief Justice, and the fees to be paid to them fixed by Rule of the Supreme Court.—A.C.F., 11/1/88.

It was stated by me in passing the Clerk of Petty Sessions Act through Parliament that all fees, inclusive of fees received as Commissioner for Affidavits, should be paid into Consolidated Revenue Account, and they must be so dealt with.—W.C., 12/1/88.

No. 22.

The Clerk of Petty Sessions, Orange, to The Acting Under Secretary of Justice.

Sir,

Court-house, Orange, 5 January, 1888.

Referring to your circular of 31st ultimo, embodying the provisions of the "Clerks of Petty Sessions Fees Act of 1887," I have the honor to request that you will be so good as to inform me whether the Act refers to fees received by virtue of other offices which may or may not be held by a Clerk of Petty Sessions,—such as Commissioner for Affidavits, and District Registrar of Births, Deaths, &c. I have been informed that the Act would not interfere with fees received as Commissioner for Affidavits, and I am advised that the Act refers only to fees paid to a Clerk of Petty Sessions as such.

I have, &c.,

STEPHEN MURPHY,

Clerk of Petty Sessions.

Similar information has been asked for by C.P.S., Grafton, as regards fees as Commissioner for Affidavits, and Minister's decision when given will apply to this case. With regard to fees as Registrar of Births, Deaths, &c., reference might be made to the Colonial Secretary's Department.—A.C.F., 7/1/88.

No. 23.

The Clerk of Petty Sessions, Hay, to The Acting Under Secretary of Justice.

Sir,

Court-house, Hay, 7 January, 1888.

I have the honor to acknowledge receipt of circular of 31st December last, re fees received by Clerks of Petty Sessions being placed to the credit of the Consolidated Revenue Fund, and shall attend to same.

May I ask if I can receive any fees on my own account as Commissioner of Affidavits for Victoria, or for affidavits brought to me out of office hours.

I have, &c.,

W. CHISHOLM,

Clerk of Petty Sessions.

Similar information has been asked for by the C.P.S. at Grafton, and other officers. The Minister's decision when given will apply to this case also.—A.C.F.

No. 24.

Telegram from The Clerk of Petty Sessions, Junee, to The Acting Under Secretary of Justice.

Junee, 7 January, 1888.

PLEASE inform me whether Clerks of Petty Sessions Fees Act is intended to apply to any other fees than those received as Registrar Small Debts Court, viz., fees received as Commissioner for Affidavits and Mining Registrar.

ALFRED ELLIOTT,
Clerk of Petty Sessions.

A similar query has been made by C.P.S., Grafton, as regards fees of Commissioners for Affidavits, and Minister's decision will govern this case. In regard to fees as Mining Registrar, reference might be made to Department of Mines.—A.C.F., 7/1/88.

No. 25.

The Police Magistrate, Coonabarabran, to The Acting Under Secretary of Justice.

Sir, Police Office, Coonabarabran, 9 January, 1888.

With reference to the circular, noted in the margin, I have the honor to request you will inform me what I am to do with a number of printed forms under the Small Debts Act, for which I have paid, as the fees received under that Act are now payable to the Colonial Treasurer; and further, with regard to the fees paid to Commissioners for taking affidavits; it would appear that only Clerks of Petty Sessions and officers performing duties as Clerks of Petty Sessions are prohibited from retaining these fees for their own use, but that other officers and private persons who are Commissioners for taking affidavits can do so. Will any compensation be made to me for the loss of these fees, which I have hitherto regarded as income?

I have, &c.,

F. W. EDWARDS,
Police Magistrate and Clerk of Petty Sessions.

Submitted, 11/1/88.

The forms purchased by Mr. Edwards for use of public under Small Debts Act cannot be used in future, in view of provisions of Clerks of Petty Sessions Act of 1887. Forms will shortly be ready for issue by the Government Printing Office, and can be obtained on requisition in usual manner. The question of fees as Commissioner for Affidavits is now under consideration of Minister, and a decision will shortly be given.—T.E.M.N.

No. 26.

The Clerk of Petty Sessions, Central Police Court, to The Acting Under Secretary of Justice.

Sir, Central Police Office, Sydney, 13 January, 1888.

I desire respectfully to bring under your notice, for the information of the Honorable the Minister of Justice, that on the 1st instant the Fees Act came into force, thereby reducing my income to one half.

I see by this year's Estimates that my salary is put down at £500, although the Stipendiary Magistrates were pleased to recommend that it be increased to £800, and I was led to believe that the Minister intended to place this amount on the Estimates. My sole reason for accepting my present position was on account of the fees. I had previously held the office of Clerk of Petty Sessions at Maitland for twelve years, when my salary and emoluments were equal to between £650 and £700 per annum, besides the expenses of living there are considerably less than in Sydney, and my removal from there to here necessitated my selling off at a great sacrifice, and having to commence life afresh.

Just before my appointment, the Stipendiary Magistrates Act came into operation, and on my arrival in Sydney I was informed that besides my ordinary duties of Clerk of Petty Sessions and Registrar of the Small Debts Court, I would have to perform all the magisterial chamber duties, as it was impossible for the Stipendiary Magistrates to attend to them and be engaged in Court business at the same time.

This particular duty takes up a considerable portion of my time, and is a most important and onerous one, and to discharge which efficiently requires a thorough and practical knowledge of the law. This work used to be performed by the late Police Magistrate—Captain Scott—the unpaid Magistrate sitting in the Courts. Although this extra duty was given to me I received no addition to my salary, neither did I ask any, as I was satisfied with the fees I was entitled to under the Small Debts Act. The salary of my office now is the same as it was in 1867, when the duties to be discharged were simply those of a Clerk of Petty Sessions.

The Clerks of Petty Sessions in the country in the year 1881 received considerable increases to their salaries; for instance, at Maitland the salary was increased to £450. It was originally £225 as Clerk of Petty Sessions.

With the exception of the salary of the Clerk of Petty Sessions the whole of the staff of this office have from time to time had increases. Take, for example, that of my assistant's, which was in 1881 £350, and last year £490. It will, therefore, be seen that the position I now hold is an anomalous one, as although I have the whole responsibility for the proper working of the office, and the discharging the other important duties enumerated by me, my assistant's salary is only a few pounds less than mine.

I trust that my rather lengthy explanation has clearly shown that, without regard to substantial compensation, which I consider I am entitled to for losses sustained by me through the passing of the Fees Act, my present salary is quite inadequate to the position I now hold, and the important duties which I am called upon to perform.

In

In July next I will have been in the service twenty-eight years. I have a large family, who are solely dependent on my salary; two members of whom I have brought up to professions, and who will have to be provided for by me for several years. The great alteration which has been effected in my position will completely cripple me in the proper carrying out of my engagements, which I had entered into before I was aware that the fees were to be taken from me, as every day since the new year I am incurring responsibilities, which I know I cannot meet without an addition to my present salary. I am very desirous that the Honorable the Minister will, after taking all these circumstances into favourable consideration, be pleased to decide at his earliest convenience what compensation I am justly entitled to, and whether the claim I have put forward for an increase of salary is not a fair and reasonable one.

I have, &c.,
C. DELOHERY.

Submitted.—A.C.F., 16/1/88. Mr. Delohery to be informed that his claims, as set forth in his letter, are under my consideration, and will be dealt with next month.—W.C., 17/1/88. Informed, 18/1/88.

No. 27.

The Acting Under Secretary of Justice to The Clerk of Petty Sessions, Central Police Office.

Sir,

Department of Justice, Sydney, 18 January, 1888.

I am directed, by the Minister of Justice, to inform you, in reply to your communication of the 13th instant, respecting proposed reduction of your salary and abolition of fees as Clerk of Petty Sessions, &c., at the Central Police Office, that your claims, as set forth in your letter, are under consideration, and will be dealt with next month.

I have, &c.,
ARCH. C. FRASER,
Acting Under Secretary.

No. 26.

The Clerk of Petty Sessions, Deniliquin, to The Acting Under Secretary of Justice.

Sir,

Court-house, Deniliquin, 25 January, 1888.

With reference to your circular of the 31st December last, I have the honor to ask if all fees, such as those allowed for taking affidavits and issuing Small Debts Court summonses, are to be paid to the Government by Clerks of Petty Sessions. With regard to the latter, if such is the case, will the necessary forms be supplied free of cost for the future?

I have, &c.,
L. W. BROUGHTON,
Clerk of Petty Sessions.

Might be informed that Minister has decided that fees received as Commissioner for Affidavits are to be paid into revenue with other fees; also that necessary forms under Small Debts Act will be furnished by the Government Printer.—A.C.F., 30/1/88.

C.P.S. informed. 31/1/88.

No. 29.

The Clerk of Petty Sessions, Scone, to The Acting Under Secretary of Justice.

Re Clerks of Petty Sessions Fees Act, 50 Vic., No. 32.

Sir,

Court-house, Scone, 30 January, 1888.

I have the honor to request that you will be good enough to inform me whether I should deduct the 3 per cent. commission from my collections from intestate estates and pay it to the General Revenue Fund or send the whole of my collections to the Curator of Intestate Estates.

I have, &c.,
HENRY J. LEARY,
Clerk of Petty Sessions.

The Curator of Intestate Estates for favour of report in the first instance.—A.O.F., B.C., 31/1/88.

No. 30.

Circular Letter from The Acting Under Secretary of Justice to The Clerks of Petty Sessions.

Sir,

Department of Justice, Sydney, 30 January, 1888.

Several inquiries having been made by Clerks of Petty Sessions as to the disposal of certain fees received by them, in view of the provisions of the "Clerks of Petty Sessions Fees Act of 1887," 50 Victoria No. 32, and also as to the disposal of fees received by them as Commissioners for Affidavits, I am instructed by the Minister of Justice to intimate to you that he has directed that all fees received by Clerks of Petty Sessions or officers performing the duties of that office, inclusive of fees received by them as Commissioners for Affidavits, shall be accounted for and paid to the Colonial Treasurer at the prescribed periods, and in the same manner as other public moneys are now required to be forwarded under the Audit Act.

I have, &c.,
ARCH. C. FRASER,
Acting Under Secretary.

The Clerk of Petty Sessions.

No. 31.

The Acting Under Secretary of Justice to The Clerk of Petty Sessions, Deniliquin.

Sir,

Department of Justice, Sydney, 31 January, 1888.

I have the honor to inform you, in reply to your letter of 25th instant, that the Minister of Justice has decided that fees received as Commissioner for Affidavits are to be paid into the revenue as other fees, also that the necessary forms under Small Debts Recovery Act will be furnished to you, on application, by the Government Printer.

I have, &c.,

ARCH. C. FRASER,
Acting Under Secretary.

No. 32.

Telegram from The Acting Clerk of Petty Sessions, Barraba, to The Acting Under Secretary of Justice.

31 January, 1888.

HAS acting Clerk of Petty Sessions to pay fees allowed him as Registrar Small Debts Court to Consolidated Revenue, no salary allowed him as Registrar.

THOS. JOHNSON,
Acting Clerk of Petty Sessions.

Constable Johnson might be informed that under the " Clerks of Petty Sessions Fees Act of 1887 " all fees received by him as Registrar of Small Debts Court must be paid into revenue.—A.C.F., 31/1/88. Wire to Acting C.P.S., 1/2/88.

No. 33.

Telegram from The Acting Under Secretary of Justice to The Acting Clerk of Petty Sessions, Barraba.

1 February, 1888.

UNDER the " Clerks of Petty Sessions Fees Act of 1887," all fees received by you as Registrar of Small Debts Court must be paid into the revenue.

ARCH. C. FRASER,
Acting Under Secretary.

No. 34.

The Police Magistrate and Clerk of Petty Sessions, Warialda, to The Acting Under Secretary of Justice.

Sir,

Court-house, Warialda, 2 February, 1888.

Referring to your circular of 31st December last, calling attention to the provisions of the " Clerks of Petty Sessions Fees Act of 1887," 50 Victoria No. 32, I have the honor to request that I may be informed if payment of 2s. an entry for registration of births, deaths, and marriages, paid by the Registrar-General is to be included in the provisions of the Act, and if the payment of any person demanding a certified copy of a birth, death, or marriage, and the fee paid for the celebration of a marriage by a District Registrar also a Clerk of Petty Sessions, is to be paid to the Consolidated Revenue Fund. I was appointed also a Commissioner of Affidavits for New South Wales and Victoria, when holding the office of Police Magistrate alone, since which I have had the double duties of Clerk of Petty Sessions attached to my office. I never received the appointment as a Clerk of Petty Sessions; am I now debarred from receiving the fees paid to Commissioners of Affidavits for either Colony to my own use.

I have, &c.,

W. V. M. COOK,
Police Magistrate and Clerk of Petty Sessions.

The Police Magistrate might be informed that the particulars he requires regarding the payment of fees as Registrar of Births, Marriages, and Deaths, should be obtained from the Registrar-General.—A.C.F., 6/2/88. The P.M. informed, 7/2/88.

No. 35.

Telegram from The Police Magistrate and Clerk of Petty Sessions, Wentworth, to The Acting Under Secretary of Justice.

6 February, 1888.

WOULD you please inform if Clerks of Petty Sessions Act is intended to include fees received for celebration of marriages, and other fees hitherto receivable as District Registrar.

A. N. BARNETT,
Police Magistrate, Wentworth.

The P.M. should be informed that his inquiry should be addressed to the Registrar-General.—A.C.F., 7/2/88. Telegram.—P.M., 7/2/88.

No. 35a.

The Clerk of Petty Sessions, Grafton, to The Under Secretary of Justice.

Sir,

Police Office, Grafton, 7 February, 1888.

I have the honor to acknowledge the receipt of your circular of the 30th ultimo, respecting fees received by Clerks of Petty Sessions.

I may state that prior to the receipt of this circular, I did not think that fees received by me as Commissioner for Affidavits would have to be paid to the Public Revenue Account, but of course will in future obey my instructions. I would respectfully point out that other civil servants are also Commissioners for Affidavits, one of whom is in the same building as myself, and they can retain these fees for their own personal use.

I have, &c.,

WILLIAM CLARKE,

Clerk of Petty Sessions.

Probably so, but the Act does not refer to them. The Minister, in whose Department such officers are employed, should be informed that they receive fees, which is contrary to the action of the Government in this Department.—W.C., 11/2/88.

Forwarded to the Department of Lands in the first instance for notation.—A.C.F., B.C., 14/2/88. The Under Secretary for Lands. Lands—Ministerial, 88-1,500.—Who is the officer of this Department stationed at Grafton, who is a Commissioner for Affidavits?—C.O., 25/2/88. Will the Clerk of Petty Sessions be good enough to supply the names of the officers to whom he has referred in the enclosed paper?—H.C., (pro U.S.) B.C., Lands Department, 9/3/88.

If you peruse my letter and telegram you will perceive that I referred chiefly to one officer, and that officer is the Police Magistrate, Mr. McDougall. The others are the Inspector of Stock, Mr. Bawden, and the Crown Lands Agent. I did not state positively that the Crown Lands Agent was a Commissioner, but that I believed he was.—WILLIAM CLARKE, C.P.S., B.C., 15/3/88. The Under Secretary for Lands, Sydney.

Mr. Inspector Curry.—B.J.A., 10/3/88.

The question as to fees received by Crown Lands Agents who are also Commissioners for Affidavits, is being dealt with as a general one on other papers. These papers may be forwarded to the Department of Justice.—H.C., 21/3/88.

The Under Secretary of Justice.—S.F. (for U.S.), B.C., 23/3/88. Submitted.—A.C.F., 26/3/88. Seen.—W.C., 27/3/88.

No. 36.

Telegram from The Acting Under Secretary of Justice to The Police Magistrate and Clerk of Petty Sessions, Wentworth.

7 February, 1888.

In reply to your telegram of 6th instant, your inquiry should be addressed to the Registrar-General.

ARCH. C. FRASER,

Acting Under Secretary.

No. 37.

The Acting Under Secretary of Justice to The Police Magistrate and Clerk of Petty Sessions, Warialda.

Sir,

Department of Justice, Sydney, 7 February, 1888.

Referring to your letter of the 2nd instant respecting payment of certain fees under the provisions of the "Clerks of Petty Sessions Fees Act of 1887," I have the honor to inform you that the particulars required by you regarding the payment of fees as Registrar of Births, Marriages, and Deaths should be obtained from the Registrar-General.

I have, &c.,

ARCH. C. FRASER,

Acting Under Secretary.

No. 38.

The Police Magistrate and Clerk of Petty Sessions, Molong, to The Minister of Justice.

Sir,

Court-house, Molong, 10 February, 1888.

I have the honor to state that I have received a circular memorandum from the Registrar-General intimating that, for the future, all fees I may receive as District Registrar under section 7 of 19 Victoria No. 34 will be paid over to the Colonial Treasurer. I now do myself the honor most respectfully to state for your information that the office of District Registrar was formerly held by the late Crown Lands Agent, and when the Crown Lands Office was amalgamated with that of Clerk of Petty Sessions the Registrar-General asked me if I would perform the duties of District Registrar at Molong, and for which services I would be paid the usual fees. I would most respectfully submit that the office of District Registrar was received by me in virtue of my office as Crown Lands Agent. I would also beg to draw your attention to the fact that the work in connection with District Registrar is done at my private residence during the evenings, as I am unable to do it during office hours, having all my time engaged attending to my duties as Police Magistrate, Clerk of Petty Sessions, Crown Lands Agent, &c., and for the next two months I will have to work until very late every night at the Lands Office. That, under the circumstances, I most respectfully submit that I may be allowed to receive the fees as District Registrar. I would also respectfully add that all Land Agents who are District Registrars receive the fees.

I have, &c.,

J. H. NISBETT,

Police Magistrate.

The Registrar-General.—A.C.F., B.C., 13/2/88. Submitted to the Minister before being sent to the Registrar-General.—A.C.F., 15/2/88. All fees received by C.P.S. must be paid to Colonial Treasurer.—W.C., 16/2/88. P.M. and C.P.S. informed, 20/2/88.

No. 39.

The Curator of Intestate Estates to The Acting Under Secretary of Justice.

Sir, Curator's Office, Sydney, 10 February, 1888.

Referring to the attached letter of the Clerk of Petty Sessions at Scone, as to whether he should deduct the 3 per cent. commission from his collections in intestate estates and pay it to the General Revenue Fund, or remit the whole of his collections to me, I presume he wishes to ascertain whether he is debarred by Act 50 Vic., No. 32, from retaining for his own use the 3 per cent. commission allowed him as Curator's Agent; if so, I am of opinion that the "Clerks of Petty Sessions Fees Act of 1887" does not repeal section 16 of 11 Vic., No. 24, and in no way affects a Clerk of Petty Sessions, who, by virtue of his position, is appointed by me Curator's Agent.

Such fees are received by him, not as Clerk of Petty Sessions but as Curator's Agent, for the performance of duties entirely separate and distinct from those of Clerk of Petty Sessions.

I have, &c.,
THEO. POWELL,
Curator.

Submitted.—A.C.F., 14/2/88. Acting as agent for the Curator does not come within the meaning of the Fees Act of 1887, and I did not so intend.—W.C., 16/2/88. Mr. Powell to be informed.—W.C., 16/2/88. Curator of Intestate Estates, 18/2/88.

No. 40.

The Police Magistrate, Gosford, to The Acting Under Secretary of Justice.

Sir, Police Office, Gosford, 13 February, 1888.

Referring to your circular of the 30th January last, No. 88-104, I respectfully beg to ask if, holding as I do the office of Commissioner for Affidavits in virtue of my position as Police Magistrate, I am not entitled to retain those fees to my own use in common with other gentlemen holding similar positions.

I have, &c.,
HENRY GORDON,
Police Magistrate.

Submitted.—A.C.F., 15/2/88. These fees should be paid into Consolidated Revenue Account by Mr. Gordon.—W.C., 16/2/88. P.M. informed, 20/2/88.

No. 40A.

Telegram from The Under Secretary of Justice to The Clerk of Petty Sessions, Grafton.

Sydney, 13 February, 1888.

PLEASE report to what Ministerial Department the officers referred to in concluding paragraph of your letter of 7th instant are attached.

ARCH. C. FRASER,
Under Secretary of Justice.

No. 41.

The Police Magistrate, Trunkey, to The Acting Under Secretary of Justice.

Sir, Court-house, Trunkey, 13 February, 1888.

Re your circular, No. 88-104, of January, the 30th ultimo, I have the honor to request that you will inform me whether I am prevented by your circular from receiving fees as a Commissioner for Affidavits at all places I visit as Warden and Police Magistrate, or only at Trunkey, where I act as Clerk of Petty Sessions.

I have, &c.,
T. ARKELL SMITH,
Police Magistrate and Clerk of Petty Sessions.

Submitted.—A.C.F., 15/2/88. Yes.—W.C., 16/2/88. Mr. Smith informed, 17/2/88.

No. 42.

The Clerk of Petty Sessions, Water Police Office, to The Acting Under Secretary of Justice.

Sir, Water Police Office, Sydney, 15 February, 1888.

I have the honor most respectfully to invite your attention to the very serious loss I have sustained through the operation of the Clerk of Petty Sessions Fees Act, and I earnestly trust that my case may receive the favourable consideration of the Honorable the Minister of Justice. I have nearly completed my twentieth year of service, and I now find myself placed in a very difficult position through losing about one-half of my emoluments of office. The small debts fees alone, last year, amounted to £522 18s. 3d. I submit that the reduction from £1,072 18s. 5d. to £550 is one unparalleled, excepting in the case of the Clerk of Petty Sessions, Central Police Office.

With my responsibilities, this enormous reduction can only end in my ruin.

Relief has, I understand, been granted to Mr. Delohery, by which he will receive £700 per annum, and I ask that my case may be considered in an equally favourable manner.

I have, &c.,
GEORGE H. SMITHERS.

Wg

We beg most strongly to recommend the application of Mr. Smithers to the favourable consideration of the Minister.

G. W. F. ADDISON, S.M.
A. MONEY FISHER, S.M.
J. M. MARSH, S.M.

Submitted.—A.C.F., 15/2/88.

Mr. Smithers should be informed, in my opinion, it was never contemplated that he should receive, as he has done in the past, such liberal emoluments for the duties discharged by him as Clerk of Petty Sessions at the Water Police Court, and that having been so highly and, as I think, overpaid in the past, he must now wait until an opportunity presents itself to this Department of offering him a more lucrative position in the public service.—W.C., 16/2/88.

Mr. Smithers informed, 18/2/88.

No. 43.

The Acting Under Secretary of Justice to The Clerk of Petty Sessions, Water Police Office.

Sir,

Department of Justice, Sydney, 18 February, 1888.

In reply to your communication of the 15th instant, respecting the loss of salary sustained by you through the operation of the Clerks of Petty Sessions Fees Act, and requesting consideration of your case, I am directed to inform you that the Minister of Justice is of opinion that it was never contemplated that you should receive, as you have done in the past, such liberal emoluments for the duties discharged by you as Clerk of Petty Sessions, &c., at the Water Police Office, and that having been so highly, and as Mr. Clarke thinks, overpaid, in the past, you must now wait until an opportunity presents itself to this Department of offering you a more lucrative position in the public service.

I have, &c.,

ARCH. C. FRASER,
Acting Under Secretary.

No. 43A.

Telegram from the Clerk of Petty Sessions, Grafton, to The Acting Under Secretary of Justice, Sydney.

Grafton, 18 February, 1888.

OFFICERS referred to belong to Department of Justice and Mines (Stock Branch), and, I believe, Department of Lands.

WM. CLARKE,
Clerk of Petty Sessions.

No. 44.

The Acting Under Secretary of Justice to The Curator of Intestate Estates.

Sir,

Department of Justice, Sydney, 18 February, 1888.

Referring to your letter of the 10th instant, as to whether Clerks of Petty Sessions should retain for their own use the 3 per cent. commission allowed them heretofore as Curator's Agents, I am directed by the Minister of Justice to inform you that he did not intend that fees received by Clerks of Petty Sessions in their capacity as Curator's Agents should come within the meaning of the "Clerks of Petty Sessions Fees Act of 1887," 50 Vic. No. 82.

I have, &c.,

ARCH. C. FRASER,
Acting Under Secretary.

No. 45.

The Acting Under Secretary of Justice to The Police Magistrate and Clerk of Petty Sessions, Molong.

Sir,

Department of Justice, Sydney, 20 February, 1888.

In reply to your communication of the 10th instant, requesting to be allowed to retain the fees received by you as District Registrar at Molong, I am directed by the Minister of Justice to inform you that all fees received by Clerks of Petty Sessions, &c., must be paid to the Colonial Treasurer.

I have, &c.,

ARCH. C. FRASER,
Acting Under Secretary.

No. 46.

The Acting Under Secretary of Justice to The Police Magistrate, Gosford.

Sir,

Department of Justice, Sydney, 20 February, 1888.

In reply to your letter of the 13th instant, asking to be informed if you are entitled to retain the fees received by you as Commissioner of Affidavits, I am directed by the Minister of Justice to inform you that these fees should be paid into the Consolidated Revenue Fund.

I have, &c.,

ARCH. C. FRASER,
Acting Under Secretary.

No. 47.

No. 47.

The Acting Clerk of Petty Sessions, Mount Hope, to The Acting Under Secretary of Justice.

Sir, Mount Hope, 22 February, 1888.
I have the honor to request that you will please to inform me if moneys received by me as Registrar of the Small Debts Court for Small Debts summonses shall be paid to the Colonial Treasurer.

I have, &c.,

M. FILAN,
Acting Clerk of Petty Sessions.

Circular sent *re* disposal of fees to Acting Clerk of Petty Sessions, 28/2/88.

No. 48.

The Acting Under Secretary of Justice to The Police Magistrate, Trunkey.

Sir, Department of Justice, Sydney, 2 March, 1888.
Referring to your letter of the 28th ultimo, recommending an increased allowance to the Acting Clerks of Petty Sessions at Burraga, Tuena, Rockley, Oberon, and Mount McDonald, I am directed to inform you that the Minister of Justice cannot comply with your recommendation, as the allowance to the Acting Clerk of Petty Sessions at Blayney was not increased, in consequence of his loss of fees under the Small Debts Act, as stated by you.

I have, &c.,

ARCH. C. FRASER,
Acting Under Secretary.

No. 49.

The Acting Clerk of Petty Sessions, Nyngan, to The Acting Under Secretary of Justice.

Sir, Court-house, Nyngan, 14 March, 1888.
With reference to the attached circular, I respectfully wish to know if the fees hitherto received by me as Registrar of the Small Debts Court are to be remitted to the Colonial Treasurer. Of course all the forms of summons, &c., under the abovenamed Act have been purchased by me.

I have, &c.

WILLIAM JOHNSTON,
Acting Clerk of Petty Sessions.

Inform Acting Clerk of Petty Sessions that the fees in question must be remitted to the Treasury in terms of circular letter of 31st December, 1887.—A.C.F., 15/3/88. Acting Clerk of Petty Sessions informed, 16/3/88.

No. 50.

The Acting Under Secretary of Justice to The Acting Clerk of Petty Sessions, Nyngan.

Sir, Department of Justice, Sydney, 16 March, 1888.
Referring to your letter of the 14th instant, I have the honor to inform you that all Small Debts Court fees must be remitted to the Treasury in terms of circular letter of 31st December, 1887.

I have, &c.,

ARCH. C. FRASER,
Acting Under Secretary.

No. 51.

The Acting Clerk of Petty Sessions, Sunny Corner, to The Under Secretary of Justice.

Sir, Police Office, Sunny Corner, 27 March, 1888.
I have the honor to request that you will be pleased to advise if the fees received by me as Registrar of the Small Debts Court have to be paid to the Treasury; if so, for performing the duties of that office I receive no remuneration whatever, although I have to provide the requisite forms out of my own pocket.

The bailiff of the Court receives a salary from the Department, besides fees for service, &c.

I am Acting Clerk of Petty Sessions, for which I receive a salary of £15 per annum; but the duties are heavy, as can be shown by C. Pinbooy, Esq., Treasury Inspector, if referred to for report.

I have, &c.,

THOS. W. WRIGHT,
Acting Clerk of Petty Sessions.

Acting Clerk of Petty Sessions, with copy of circular, 24/3/88.

No. 52.

No. 52.

The Clerk of Petty Sessions, Bourke, to The Under Secretary of Justice.

Sir,

Court-house, Bourke, 18 June, 1888.

I have the honor to request that you will be good enough to inform me whether I am entitled to the commission received on intestate estates, as Curator's Agent, and the fees received as Commissioner in Insolvency.

I have, &c.,

VINCENT BROWN,

Clerk of Petty Sessions.

In view of recent decisions given by the Minister of Justice (on papers herewith), that Clerks of Petty Sessions are entitled to retain their fees of office as Curator's Agents, and District Registrars in Bankruptcy, Mr. Brown might be informed that he is entitled to retain the fees named by him.

Submitted.—A.C.F., 20/6/88. Approved.—W.C., 22/6/88. C.P.S., Bourke, 22/6/88.

No. 53.

The Under Secretary of Justice to The Clerk of Petty Sessions, Bourke.

Sir,

Department of Justice, Sydney, 22 June, 1888.

In reply to your communication of the 18th instant, respecting retention by you of certain fees, I am directed by the Minister of Justice to inform you that, as Clerk of Petty Sessions, you are entitled to retain the fees of office as Agent for the Curator of Intestate Estates, and also as District Registrar in Bankruptcy.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

No. 54.

The Clerk of Petty Sessions, Grenfell, to The Under Secretary of Justice.

Sir,

Court-house, Grenfell, 6 September, 1888.

With respect to the "Clerks of Petty Sessions Fees Act of 1887," I have the honor to state for your information that a sum of £3 1s. 4d. has come into my hands as agent's 3 per cent. commission, and 2 per cent. auctioneer's allowance in connection with the intestate estate of John Gallagher, under the Act 11 Victoria No. 24, at section 16, and the Curator's instructions, No. 19, at folio 193 of the Manual for Clerks of Petty Sessions, which sum I respectfully submit I am entitled to retain as remuneration for my services in collecting and managing the estate, and I trust the Honorable the Minister of Justice will not see any objection to my doing so.

I have, &c.,

W. P. ROBERTSON,

Clerk of Petty Sessions.

(In absence of Minister). In accordance with Minister's decision on papers herewith, Mr. Robertson may be informed that he is entitled to retain his fees of office as Curator's Agent.—A.C.F., 10/9/88. C.P.S. informed, 12/9/88.

£	s.	d.
1	15	10
1	4	6
<hr/>		
£3	1	4

No. 55.

The Under Secretary of Justice to The Clerk of Petty Sessions, Grenfell.

Sir,

Department of Justice, Sydney, 12 September, 1888.

Referring to your letter of the 6th instant, inquiring whether you are entitled to retain the fees received by you as agent for the Curator of Intestate Estates, I have the honor to inform you that you are entitled to retain such fees.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

No. 56.

The Clerk of Petty Sessions, Water Police Office, to The Under Secretary of Justice.

Sir,

Water Police Office, Sydney, 14 September, 1888.

In reference to your letter of the 18th February last respecting my application for an increase of salary in lieu of small debts fees, of which I have been deprived by the operation of the Clerks of Petty Sessions Fees Act, I have the honor to request that the Honorable the Minister will be pleased to reconsider my case, seeing that the end of the year is approaching and no more lucrative appointment has been offered to me. The loss of fees is a particularly heavy one—a reduction of my emoluments of about 50 per cent.

When I was appointed to my present position the emoluments attached thereto was well known; but I believe that the then Minister declined to interfere with the small debts fees. Had this not been so, it would have been to my advantage to have retained the lower position I then held in Maitland.

Your letter before alluded to having held out strong hopes of a more lucrative appointment being given to me, I subsequently made application for the office of Police Magistrate at Parramatta, the salary being £50 per annum more than I now receive. I may mention that the small debts fees received at this office from the 1st January to the 13th instant amount to £442 8s. My colleague at the Central Police Court has long since been granted relief, and I most earnestly ask that I may receive equal consideration.

I have, &c.,

GEORGE H. SMITHERS,

Clerk of Petty Sessions.

Forwarded for the favourable consideration of the Minister of Justice. There can be no doubt that Mr. Smithers has suffered a considerable loss—to the extent of nearly one half his income—by the abolition of his fees.—G. W. ADDISON, S.M., A. MONEY FISHER, S.M., 14/9/88.

Submitted.—A.C.F., 19/9/88. Acknowledge.—W.C., 21/9/88. Done, 22/9/88.

No. 57.

The Under Secretary of Justice to The Stipendiary Magistrates, Water Police Office,
Gentlemen,

Department of Justice, Sydney, 22 September, 1888.

I am directed by the Minister of Justice to acknowledge the receipt of your B.C. of 14th instant, forwarding and recommending application of Mr. G. H. Smithers, Clerk of Petty Sessions, Water Police Office, for increase of salary owing to loss of fees, or for appointment to a more lucrative position.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

No. 58.

Extract from Votes, 8th January, 1889.

(2.) Clerks of Petty Sessions:—*Mr. Walker*, for Mr. Henry Clarke, asked the Minister of Justice,—

(1.) Has the opinion of the late or of the present Attorney-General been given as to the construction of the Clerks of Petty Sessions Fees Act, 50 Victoria No. 32, with respect to fees received by District Registrars of Births, Marriages, and Deaths and Commissioners for Affidavits who happen to be also Clerks of Petty Sessions?

(2.) If such opinion has been given, what is the purport thereof?

(3.) Does the Act, in the opinion of the Attorney-General, include fees received by Clerks of Petty Sessions by virtue of other and separate appointments, such as District Registrars of Births, Marriages, and Deaths and Commissioners for Affidavits?

Mr. William Clarke answered,—

(1.) Yes; the present Attorney-General has given an opinion thereon.

(2 and 3.) The Attorney-General has stated his opinion as follows:—“All fees received by Clerks of Petty Sessions, or officers performing the duties of a Clerk of Petty Sessions, whatever other positions they may hold in the Public Service, must be paid over to the Colonial Treasurer, although the fees may be received by them under Acts of Parliament, the provisions of which are foreign to the duties of Clerks of Petty Sessions.”

No. 59.

The Stipendiary Magistrate, Central Police Office, to The Under Secretary of Justice,

Sir,

Central Police Office, Sydney, 6 February, 1889.

Our attention has been called by the Clerks of Petty Sessions at Newtown and Redfern respectively to the fact that although provision has been made on the Estimates for 1889, for an increase to the salaries of those officers at the Central and Water Police Courts—presumably on account of the abolition of their fees of office—no corresponding amount has been added to the former salaries. These officers receive only £340 per annum, although their responsibilities and duties are in excess of those attached to any courts outside the metropolis, and their services are—independently of the question of compensation for the abolition of the fees formerly received by them—honestly worth £500 per annum. They are also Magistrates, and attend to the Chamber business, as well as that of the clerical duties of Clerk of Petty Sessions requiring a thorough acquaintance with the procedure of the courts, and involving no small amount of responsibility in correctly enforcing the decisions of the Magistrates. We have, therefore, much pleasure in endorsing their application for an increase of salary, and recommending the same for the favourable consideration of the Honorable the Minister of Justice.

We have, &c.,

G. O'MALLEY CLARKE, S.M.

WHITTINGDALE JOHNSON, S.M.

No. 60.

The Clerk of Petty Sessions, Orange, to The Under Secretary of Justice.

Sir,

Court-house, Orange, 11 February, 1889.

I have the honor to invite your attention to the following facts,—

The Clerks of Petty Sessions Fees Act, which came into operation on the 1st January, 1888, reduced my income for the past year by the sum of £65 16s. 6d., being the actual amount paid into the Treasury by me in pursuance of the Act referred to. I may state that the above sum included fees received by me as a Commissioner for Affidavits, as well as those paid me as District Registrar of Births, Marriages, and Deaths.

Although the fees first alluded to were not received by me in virtue of my office as Clerk of Petty Sessions, they were forwarded to the Treasury in accordance with the opinion of Mr. Attorney General Simpson, who advised that all fees received by a Clerk of Petty Sessions—no matter under what authority—should be so remitted.

On the 30th March, 1887, when the Act referred to was being passed through the Legislative Assembly, the then Minister of Justice distinctly promised that some compensation should be provided in the Supplementary Estimates for Clerks of Petty Sessions, in view of the loss of fees. I regret that no such provision was made, and may add that in the Estimates for the present year increases in lieu of fees are proposed for none but the Clerks in the two city offices. It should be borne in mind that the very loss of the fees has imposed considerable extra work upon all the Clerks of Petty Sessions, who have now to pass each fee through his books, and furnish the usual attested accounts.

I desire specially to point out that I am performing the duties at Orange with the assistance of a probationer, whose salary is £50 per annum, whilst my predecessor had a thoroughly-qualified assistant, at £190 per annum. It will thus be seen that a sum of £140 per annum has been saved to the Department, but much extra work and responsibility has been cast upon me.

The general work of my office has materially increased during the past two years, and judging by the receipts for the past month, the Treasury will benefit to the amount of £90 by fees paid in under the provisions of the Act in question during the present year.

In

In 1884 the "District Court Further Amendment Act," 48 Vic., No. 7, was passed, and under its provisions the Registrar of the Court has power in certain cases to enter up judgment for the plaintiff. The greater portion—I believe 75 per cent—of the District Court business is now dealt with by the Registrar thus saving loss of time to the suitors, and considerable expense to the Government. Although the serious extra labour and responsibility have been cast upon the various Registrars they have not received any increase of salary.

I respectfully submit that in view of the extra work imposed upon me in the various offices I hold, an increase of £30 per annum would be a reasonable compensation; thus raising my salary to £400 per annum. I also respectfully urge that the sum of £30 should be allowed me in lieu of fees for the year 1888, being less than half of my actual loss.

Trusting that my length of service, as well as the manner in which I perform my duties, may be duly considered, and that you will be good enough to recommend my application to the favourable consideration of the Minister of Justice.

I have, &c.,

STEPHEN MURPHY,
Clerk of Petty Sessions.

Submitted.—A.C.F., 12/2/89.

No. 61.

The Clerk of Petty Sessions, Wagga Wagga, to The Minister of Justice.

Sir,

Police Office, Wagga Wagga, 13 February, 1889.

I have the honor to request that provision may be made on the Estimates for 1889 for an increase to my salary, and I submit the following reasons for so doing.

When Mr. Clarke, the late Minister of Justice, moved the second reading of the Clerks of Petty Sessions Fees Act he made a distinct promise that he would make some allowance in lieu of the fees taken away by that Act, and I notice by the Estimates, submitted by the late Government for 1889, that the salaries of the Clerks of Petty Sessions at the Central and Water Police Courts were increased by £150, which I take it was in lieu of fees, and I beg respectfully to submit that if they are entitled to an increase country Clerks of Petty Sessions are also entitled to the same consideration at your hands.

2nd. The salary of the office I now hold was, previous to my acceptance of it, £340 per annum, and when it was offered to me at £300, I accepted it at that rate, being under the impression that all the increases which had accrued under the Civil Service Act were to be struck off, but as this has not been done I submit that I am entitled to the same salary as my predecessor, viz., £340 per annum, which I may say was the amount voted for 1888.

3rd. The duties of this office are very much heavier than those of any other town in this portion of the Colony, with the exception of Goulburn, while the salary is less. The Clerk of Petty Sessions at Albury is in receipt of £340 per annum; Hay, £390; Young, £390—and I have more service than any of those officers; so that taking into consideration the duties of this office, and my length of service, as compared with the offices I have mentioned I think you will see that I am fairly entitled to the increase I now ask for.

Trusting you will give this application your favourable consideration.

I am, &c.,

J. M'KENSEY,
Clerk of Petty Sessions, and Registrar District Court.

Submitted.—A.C.F., 15/2/89. Mr. M'Kensley was promoted from Maclean at £240 to Wagga Wagga at £300 fifteen months ago. The matter of fees of Clerks of Petty Sessions cannot be considered at present, but all such cases as Mr. M'Kensley's will be fully dealt with as soon as possible.—T.M.S., 19/2/89. Mr. M'Kensley informed, 21/2/89.

No. 62.

The Clerk of Petty Sessions, Balmain, to The Under Secretary of Justice.

Sir,

Court-house, Balmain, 25 February, 1889.

I have the honor, respectfully, to request that you will be good enough to submit for the consideration of the present Minister of Justice my letter of 20th October, 1887, asking, for certain reasons therein stated, that my salary of £340 per annum may be increased, as compensation for loss of fees of office through the operation of the Clerks of Petty Sessions Fees Act, in reply to which I was informed that "my application would be fairly considered, and dealt with on the same basis as other salaries."

I may be allowed to point out that, while on the Estimates of the late Government the salaries of the Clerks of Petty Sessions at the Central and Water Police Courts are submitted at a substantially increased rate, presumably on the ground of loss of income by the abolition of fees, no increase of salary has been made in the case of any of the Clerks of Petty Sessions at the suburban police offices, who have equally suffered a corresponding loss of income, and who are, I most respectfully submit, as fairly and justly entitled to consideration as the officers at the city courts.

I may mention that the loss of fees from the Small Debts Court alone sustained by me during last year amounts to £160, and I need hardly state that such an unforeseen and heavy reduction of my salary, without any fault on my part, is a most undeserved hardship, and in my own case entails serious monetary inconvenience in the absence of any compensation by way of increase of salary, which might have lessened in some respect the embarrassment inevitably resulting from the pecuniary loss of income sustained by me.

You will pardon me, I feel assured, for adding that, after twenty-seven years faithful and zealous service, I am not unreasonable in asking the Honorable the Minister of Justice may be pleased to increase my reduced income of £340 on the Estimates of this year by such amount as he may think may justly meet the merits of my case.

I have, &c.,

EDWD. W. BYRNE,

Submitted.—A.C.F., 22/2/89. I do not intend to submit any increases on present Estimates for the suburban Clerks of Petty Sessions.—A.J.G., 25/3/89. Mr. Byrne, 29/3/89.

No. 63.

The Under Secretary of Justice to The Clerk of Petty Sessions, Wagga Wagga.

Sir,

Department of Justice, Sydney, 21 February, 1889.

With reference to your letter of the 13th instant, in which you apply for an increase of salary in lieu of the fees taken away by the Clerks of Petty Sessions Fees Act, I am directed by the Minister of Justice to inform you that the matter of fees of Clerks of Petty Sessions cannot be considered at present, but that all such cases as yours will be fully dealt with as soon as possible.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

No. 64.

The Clerk of Petty Sessions, Newtown, to The Under Secretary of Justice.

Sir,

Court-house, Newtown, 5 March, 1889.

Referring to my representation to T. K. Abbott, Esq., S.M., with regard to the painful position in which I am placed, through the resumption by the Government of the Small Debts fees and fees for affidavits, I have the honor earnestly to submit that the Clerks of Petty Sessions at Redfern, Balmain, North Shore, and Newtown, respectively, be included in the increases of salary in the Estimates for this year as well as the gentlemen holding similar posts in the metropolitan offices. Last year (1888) the Small Debts fees and fees for affidavits returned from this office amounted to £452 17s. 6d. I therefore beg that our salaries may be increased as well as those of the Clerks of Petty Sessions in the Sydney Courts.

I have, &c.,

FRANK S. FIELDER,

Clerk of Petty Sessions.

I submit this confidently as a matter that should, for justice sake, receive favourable consideration. The officers referred to are more than doubly as hard-worked as those at the Central and Water Police Courts, and yet it is proposed to increase the salaries of the latter, and leave the others as they were. I do hope a sense of justice may be shown in dealing with these matters. Either the reduction was good and should be made to hold good all round or it was a mistake to make the reductions at all.—T.K.A., S.M., B.C., C.P.S., 25/3/89.

Memo.—Submitted.

Department of Justice, Sydney, 27 March, 1889.

The question of compensation to Clerks of Petty Sessions for loss of fees is now being carefully looked into in this office, and information is being procured which will assist the Minister in dealing with the whole matter.

A.C.F.

Mr. Fielder may be informed of the above. I shall be glad to receive the information necessary to deal with these cases as early as practicable.—A.J.G., 27/3/89. Mr. Fielder informed, 28/3/89.

No. 65.

The Acting Clerk of Petty Sessions, Michelago, to The Under Secretary of Justice.

Sir,

Court-house, Michelago, 23 March, 1889.

Referring to the "Clerks of Petty Sessions Fees Act of 1887," 50 Vic. No. 32, I have the honor to ask if the fees received by the Registrars of the Small Debts Courts, 10 Vic. No. 10, sec. 6, are intended to be included in the payments to Consolidated Revenue under the provisions of the Act cited above; if so, what allowance will be made for the stock of forms on hand at the commencement of the Act, which I procured at my own expense from the Government Printer?

The following are the forms on hand at this office:—Plaints, 5 dozen; summonses, 5 dozen; Copy summonses, 5 dozen; Subpœna to Witness, 7 dozen; Notice of Defence, 2 dozen; Executions, 3 dozen; Attachments, 4 dozen.

I am, &c.,

J. W. CADE,

Acting Clerk of Petty Sessions and Registrar, S.D.C.

Copy of circular (31st December, 1887) may be sent to Acting Clerk of Petty Sessions, and writer informed that he will be allowed the sum of 7s. 3d., value of forms in hand. Submitted.—A.C.F., 26/3/89. Approved.—A.J.G., 28/3/89. Bench, Michelago, informed, 28/3/89.

No. 66.

The Under Secretary of Justice to The Bench of Magistrates, Michelago.

Gentlemen,

Department of Justice, Sydney, 28 March, 1889.

I am directed by the Minister of Justice to acknowledge receipt of your letter dated 23rd instant from the Acting Clerk of Petty Sessions, in which he asks for certain information as to the appropriation of fees received by him in his capacity as Registrar of the Small Debts Court at that place, and to invite your attention to the terms of circular of 31st December, 1887, copy of which is enclosed herewith for your information.

I am also to inform you that the Minister has approved of Mr. Cade being allowed the sum of 7s. 3d., value of the balance of forms lately purchased by him from the Government Printer.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

No. 67.

No. 67.

The Under Secretary of Justice to The Clerk of Petty Sessions, Newtown.

Sir,

Department of Justice, Sydney, 28 March, 1889.

Referring to your letter of the 5th instant, asking that you with the Clerks of Petty Sessions, at Redfern, Balmain, and North Shore, may be granted an increase of salary in lieu of the fees taken from them under the provisions of the "Clerks of Petty Sessions Fees Act of 1887," 50 Vic. No. 32, I am directed by the Minister of Justice to inform you that the question of compensation to Clerks of Petty Sessions for loss of fees is now being carefully inquired into by this Department and will receive early consideration.

I have, &c.,

ARCH. C. FRASER,
Under Secretary.

No. 68.

The Under Secretary of Justice to The Clerk of Petty Sessions, Balmain.

Sir,

Department of Justice, Sydney, 29 March, 1889.

Referring to your letter of the 20th February last, applying to have your salary increased, owing to the loss sustained by you through the operation of the Clerks of Petty Sessions Fees Act of 1887, I am directed to inform you that it is not the intention of the Minister of Justice to submit any increases on the Estimates of the present year for suburban Clerks of Petty Sessions.

I have, &c.,

ARCH. C. FRASER,
Under Secretary.

No. 69.

The Clerk of Petty Sessions, Junee, to The Under Secretary of Justice.

Sir,

Court-house, Junee, 17 April, 1889.

I have the honor most respectfully to make application for an increase to the salary I am receiving as Clerk of Petty Sessions at Junee, and in doing so, beg to invite your attention to the annexed copies of letters received by me from your Department, dated 8th September and 23rd December, 1887.

Since the receipt of these letters I am, by the operation of the Clerks of Petty Sessions Fees Act, suffering a loss of from £50 to £60 per annum—the fees paid by me under this Act into the Consolidated Revenue Fund for last month amounting to £6 6s.

Looking at my position from a pecuniary point of view, I am far worse off than when promoted to Junee some four and a half years ago, although the business has rapidly increased, and still increasing.

Being a Magistrate I am continually called upon to adjudicate in the cases brought before the court, and in view of this fact in 1885, Mr. Cohen (then Minister of Justice) would have granted me an increase of salary had it not been that at that time regular yearly statutory increases were provided by the "Civil Service Act."

Upon my present salary I find it impossible to maintain myself and large family as my position in the town requires, and under the circumstances referred to I respectfully ask that you will be pleased to give my case your most favourable consideration.

I have, &c.,

ALFRED ELLIOTT,
Clerk of Petty Sessions.

We respectfully recommend that the within application should receive the favourable consideration of the Minister of Justice. In our opinion Mr. Elliott is a most deserving officer, and should either get an increase of salary or promotion to a higher office.

HENRY BAYLIS, P.M.
THOS. HAMMOND, J.P.
T. C. HUMPHRY, J.P.
M. R. MOONEY, J.P.

Submitted.—A.C.F., 18/4/89. The 1889 Estimates having been already dealt with by this Department and submitted to Parliament, Mr. Elliott's application must await the dealing with Estimates for 1890, when the matter should be brought under notice.—A.J.G., 29/4/89. Bench, Junee, 30/4/89.

[Enclosures.]

Sir,

Department of Justice, Sydney, 8 September, 1887.

Referring to your letter of 3rd instant, applying for an increase of salary, I am directed by the Minister of Justice to inform you that your claims will be considered when the Estimates for next year are being prepared.

I have, &c.,

ARCH. FRASER,
Acting Under Secretary.

The Clerk of Petty Sessions, Junee.

Sir,

Department of Justice, Sydney, 23 December, 1887.

Referring to your communication of 19th instant, respecting proposed reduction in your salary for next year, and requesting consideration of your case, I am directed by the Minister of Justice to inform you that the amount of your salary will be duly considered by the Royal Commission appointed for inquiry into the Civil Service, and that your letter will be placed before the Commission, with a recommendation from Mr. Clarke for an increase of your salary.

I have, &c.,

ARCH. FRASER,
Acting Under Secretary.

Mr. A. B. O. Elliott, J.P., Clerk of Petty Sessions, Junee.

No. 70.

The Under Secretary of Justice to The Bench of Magistrates, Junee.

Gentlemen,

Department of Justice, Sydney, 30 April, 1889.

Referring to your letter of the 17th instant, forwarding and recommending an application from Mr. Alfred Elliott, J.P., Clerk of Petty Sessions, Junee, for an increase of his salary, I am directed by the Minister of Justice to inform you that the Estimates for 1889 having been dealt with by this Department and submitted to Parliament, Mr. Elliott's application must await the dealing with the Estimates for 1890, when his claims will be duly considered.

I have, &c.,

ARCH. C. FRASER,
Under Secretary.

No. 71.

The Clerk of Petty Sessions, Moss Vale, to The Under Secretary of Justice.

Sir,

Police Court, Moss Vale, 8 May, 1889.

Having received permission from the Minister of Justice, on his granting me an interview on the 19th ultimo, to state in writing my request for consideration of my claim for an increase of salary, I beg to state as follows:—

On the opening of the Court of Petty Sessions at Moss Vale, in 1879, I undertook the office of Clerk of Petty Sessions, and received a yearly salary of £50. In January, 1882, it was increased to £150, and subsequently, on appointment as Registrar of the District Court, to £200 in 1885. A further increase of £20 per annum was granted under the Civil Service Act for two years, leaving the salary at £240 and fees worth from £50 to £60 per annum. The latter having been taken away, the salary is reduced to £240, less 4 per cent., leaving the net income about £229 a-year, instead of £350, had no reduction been made.

I respectfully beg to mention that in 1887 I was duly appointed, by Governor in Council, a Police and Stipendiary Magistrate, and performed the duties for nearly twelve months during the absence of the Berrima Police Magistrate on leave, and acting as Stipendiary in Sydney. For so acting I received no salary or allowance of any kind. Some time after, the Minister (Mr. Clarke) requested me to return this Commission, which I supposed had been given to me instead of remuneration.

Having served under above circumstances for nearly ten years, I would beg that my case may receive consideration from the Minister, with a view to my receiving an increase of salary or promotion to a Police Magistracy.

The average number of cases before the Moss Vale Court is as follows:—Summons cases, 220; small debts, £200; District Court, £150, in addition to all licensing business, &c., in Berrima district.

I trust that the Minister of Justice will kindly consider my application, and that my letter may be submitted to him.

I have, &c.,

W. W. BRIDGES, J.P., C.P.S.,
Captain Royal Navy.

Submitted.—A.C.F., 9/5/89. Captain Bridges may be informed that it is my intention, when dealing with the next Estimates-in-Chief, to take into consideration the question of loss of fees.—A.J.G., 10/3/89. Captain Bridges.—12/5/89.

No. 72.

The Under Secretary of Justice to The Clerk of Petty Sessions, Moss Vale.

Sir,

Department of Justice, Sydney, 13 May, 1889.

With reference to your letter of the 8th instant, asking for increase of salary or promotion, as compensation for loss of fees and salary, I am directed by the Minister of Justice to inform you that it is his intention, when dealing with the next Estimates-in-Chief, to take into consideration the question of the loss of fees by Clerks of Petty Sessions.

I have, &c.,

ARCH. C. FRASER,
Under Secretary.

No. 73.

The Clerk of Petty Sessions, Cowra, to The Under Secretary of Justice.

Sir,

Cowra, 14 May, 1889.

I have the honor to request that you would submit for the favourable consideration of the Minister the following facts:—

Upon my appointment here the salary was reduced to £300 from £390 per annum, and the assistant's services, for which he had been paid £183 per annum, dispensed with, a month prior to my appointment, thus affecting a saving of £270 per annum.

The fees also have been taken away, making a total saving of about £300.

My salary in Sydney was £255 per annum. Out of the increase, £45 per annum, £20 is absolutely lost to me, as I am compelled to pay that amount more here for house-rent than when residing near Sydney, the rents here being excessive.

I am a married man, and find that the necessaries of life are more expensive, on the whole, at this distance from the metropolis.

The duties of my present office are far more onerous and responsible than they were before, and the revenue is still the same as that derived through this office during the period of my predecessors holding office here—Mr. Smith, who, with his assistant, received £573 and fees per annum.

Under

Under these circumstances, I would ask respectfully that £20 of the £90 taken from the actual salary might be added to my present salary of £300 per annum, to recoup me for the amount (£20) that I am compelled to pay over and above what I paid for house-rent near Sydney, for the same class of house.

I have, &c.,
B. B. P. KEMP,
Clerk of Petty Sessions, &c.

Submitted.—A.C.F., 15/5/89. Mr. Kemp may be informed that his application will be considered when dealing with next Estimates-in-Chief.—A.J.G., 16/5/89. Mr. Kemp, 17/5/89.

No. 74.

The Under Secretary of Justice to The Clerk of Petty Sessions, Cowra.

Sir, Department of Justice, Sydney, 17 May, 1889.
Referring to your letter of the 14th instant, stating your claims for an increase of salary, I am directed by the Minister of Justice to inform you that your application will be considered when the next Estimates-in-Chief are being dealt with.

I have, &c.,
ARCH. C. FRASER,
Under Secretary
(Per T.E.M.N.)

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MRS. CUNYNGHAME, LATE MATRON-SUPERINTENDENT
OF PARRAMATTA ASYLUM.

(PAPERS RESPECTING REMOVAL OF.)

Ordered by the Legislative Assembly to be printed, 2 May, 1889.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 16th April, 1889, That there be laid upon the Table of this House,—

“Copies of all papers having reference to the removal of Mrs. Cunyng-
hame from the position of Superintendent of the Macquarie-street
Asylum for Infirm and Destitute, together with a printed copy of the
report of the General Asylum Board on this question.”*

(*Mr. Grahame.*)

The Director of the Government Asylums to The Principal Under Secretary.

Department of Charitable Institutions,

Sir,

Begg-street, Paddington, 14 November, 1888.

I regret to state that it is my duty, in the interests of the Public Service, and in consideration of the welfare of the inmates of Macquarie-street Asylum, Parramatta, to request the Colonial Secretary to consider the propriety of removing Mrs. Cunyngame, Matron-Superintendent of that Institution, from her office. I need hardly say that I have adopted this extreme course with considerable pain, and only under a strong sense of responsibility to the Government for the safe and efficient management of the Asylums which have been committed to my direction and control.

2. The grounds upon which I consider Mrs. Cunyngame's removal to be necessary are—

- (1.) Harshness to inmates.
- (2.) Neglect of duty.
- (3.) Repeated disobedience of orders.
- (4.) General untruthfulness.

3. Soon after my appointment as Director I ascertained that the Superintendent disallowed the issue of tobacco to all hospital inmates for no other reason than that they occasionally spat upon the floors—an objection which was obviated by proper provision after she had been compelled to grant this great comfort to the sick. Then I found that for most trifling offences men were sent up daily to the Visiting Medical Officer for transmission to me for punishment, until he protested, and I refused to receive further complaints. In one instance the tobacco of a blind man was stopped for a week by the Superintendent's orders, and the punishment would have continued indefinitely if I had not discovered it, because an attendant had found a louse upon the old man's collar—an offence for which he should not have been held responsible, in view of his infirmity. Although this treatment may not seem actively cruel, still, as an indication of the Superintendent's general conduct and bearing, it shows her utter want of sympathy with the inmates, towards whom, I have noticed, and so has the Medical Officer, that her manner of address and intercourse is uniformly harsh and tyrannical. On

* The evidence (which is very voluminous) in connection with this Report was laid upon the Table of the House on 11th May, 1887.

On November 2nd, a man 68 years of age, named Samuel Hayselder, was sent from Sydney to Macquarie-street with an admission order under a certificate from the Health Board that he was suffering from "debility and senile decay." The Superintendent says that he was drunk when he arrived, and had lost his order. She therefore turned him out, and recommended him to go to the police. The man walked to the lock-up within half an hour, and the Police Sergeant, the Lock-up Keeper, and a Magistrate, who all at once saw him, state that he was quite sober, but very feeble from old age and illness. Admitting that the man had lost his order, his rejection, under the circumstances, was inhuman, and might have led to serious results; and the Superintendent in this instance disobeyed an instruction which I had given that every case of seeming distress was to be admitted and reported to me pending immediate inquiry into its merits. In another case a man admitted on police application was declared by the Superintendent to be drunk, and she placed him in the refractory ward all night. Inspector Latimer and his officers declare that this man was quite sober. I have no doubt that in one instance the applicant was stated to be drunk as an excuse for his rejection, and in the other because the Superintendent had quarrelled with the police authorities, and consequently sought to prevent them from presenting men for admission in future, as she had made this proposal to me, and I had refused to consent to it.

4. The Superintendent has systematically neglected her duty by not going through the wards after dark; by trusting to inmates to receive and pass stores, in defiance of orders to the contrary; by not reporting thefts of medical comforts from the sick; and, in one grave instance, by conniving at the escape of the thief—an inmate-attendant named Cooke—who had throughout several weeks stolen porter, spirits, and wine from hospital patients.* On being found out this man was allowed to leave the asylum to "report himself" at the Sydney office, instead of the matter being at once reported to me by the Superintendent, or the man being handed over to the police. He, of course, never came to the office, and the whole occurrence was concealed from me until I was informed by a patient, when an inquiry took place, and the Superintendent admitted it. I had previously instructed her not to entrust these stimulants to inmates for distribution; if she had obeyed this order the thefts could not have occurred, and the patients would not have suffered. Some cases of neglect have also been brought under my attention (indeed I have myself seen them) which the Superintendent was quite unaware of, but must have discovered if she had paid ordinary attention to her duties; as, for example, a man dying for two days in a ward adjoining her own quarters without her even knowing that he was ill; and again, a consumptive inmate being left without medical comforts for three days, because she was not aware that he should be submitted to the doctor. I noticed this man when passing through the hospital at 8 p.m., and sent for the Superintendent, who admitted that his condition was most serious, and at once proceeded to procure him wine. Indeed the Superintendent seems to have delegated her whole responsibilities with regard to the sick to inmate-attendants, and the Visiting Medical Officer, who appears to have been content to do double duty, until I called upon him for a report, which I have attached, marked "A." Under this system, during his absence at other institutions, patients were of course neglected by the responsible resident official, who simply did not know anything about them.

5. Ten weeks ago the Superintendent asked me to allow her to have an able-bodied inmate as her own private servant. As the concession was not generally granted, I declined. The request could only have been made to mislead me, as at that time she concealed from me that she had four inmates exclusively employed as private servants—one as cook, one designated "butler," and two at general house work—while frequently a fifth inmate was similarly employed; and these men were allowed to ration themselves from the Government stores without oversight under a system which, when I discovered it, had for a long time led to serious misappropriation of provisions. The cook was allowed to go into the general kitchen when meat and other provisions arrived, and take without check such quantities as he thought necessary for himself and fellow-servants. Thus, instead of receiving 4lb. (the full ration weight) of meat daily, the man stated in Mrs. Cunyngame's presence, and she did not venture to deny it, that he usually helped himself to joints weighing from 9 lb. to 10 lb., and several disinterested inmates—including the Asylum cooks—variously estimated the weight at from 12 lb. to 15 lb. And in the same manner private servants received without check their daily allowance of tea, sugar, and other household necessaries. After holding an inquiry into this matter in her presence, I forwarded her a memorandum in which I directed her to discharge all private inmate-servants into the general division, and to discontinue taking Government rations into her private quarters. Upon visiting the Institution at 7 a.m. five days afterwards, I found that no notice whatever had been taken of my direction. I saw the Superintendent's inmate-cook help himself to more than a double ration of meat for four men; and I saw an inmate (despite my instruction to the contrary) receive and pass the meat from the contractor. Mrs. Cunyngame did not enter the kitchen for the first time that day until half an hour subsequently, when I sent for her, and then I ascertained that she never inspected the meat before it was passed for use.

6. As a further example of Mrs. Cunyngame's want of consideration for sick inmates, and of her continued disobedience of orders, I mention that Dr. Violette directed that an inmate named Cummings, who suffered from phthisis, should be sent to the Hospital for Consumptives at Liverpool for special treatment. This man chanced to be a good cook, and the Superintendent had employed him in her kitchen, where he usually had to cook for twelve or thirteen persons daily. Two weeks afterwards the doctor reported to me that his orders had been disregarded, and I ordered the man to be removed at once. Five days subsequently I found Cummings still employed in the Superintendent's kitchen, and she then excused herself for this further disregard of orders by saying that she had persuaded the doctor to allow the man to remain a few days longer until she could employ another cook.

7. The serious charge of general untruthfulness is fully borne out. Mrs. Cunyngame has, for instance, reported that she personally received and passed all provisions, and supervised the distribution of medical comforts, when she did neither. Again, when carrying out certain changes tentatively, I warned her not to make them public until I had tested results and reported them officially. When they began to operate successfully I saw a paragraph in the *Herald* fully describing them. I called upon her for an explanation, and she telegraphed that the information had been furnished by inmates; and in a subsequent report she repeated that statement fully. I know that it could not be true, and I gave her a full opportunity of setting herself right, but she persisted in it. At that time I had proofs in my possession that she had herself dictated the paragraph to an Asylum clerk, had signed it, and supplied it to the newspaper

* See Medical Officer's report on this matter (attached).

newspaper reporter. This may possibly be regarded as a small matter, but it is an example of the disingenuousness which characterises the Superintendent's general conduct; and the Medical Officer and I feel that with such an unreliable official there is no certainty that something may not one day happen at the Macquarie-street Asylum of a nature to cause a public scandal. The paid subordinates have informed me that they have been afraid to report instances of neglect and unkindness in the sick-wards on the part of inmate-attendants, because the Superintendent has practically shown them by her treatment subsequently that such information was not acceptable.

8. I beg to apologise for the length of this report; but the matter at issue is of so much importance that I felt it could not be dealt with more briefly.

I have, &c.,

SYDNEY MAXTED,

Director of Government Asylums.

[See Visiting Medical Officer's Reports attached hereto.]

[Enclosures.]

A.

Sir,

No. 4, Ashton Terrace, Argyle-street, Parramatta, 5 November, 1888.

In reply to your communication of the 6th instant, requesting me to state, for your information, my opinion of the Matron-Superintendent of the Macquarie-street Asylum, in her conduct towards the inmates in general, and in her capacity as Superintendent of the Hospital wards, I beg to state that, in many instances, she has appeared to me to have acted with undue severity and harshness in pursuing a delinquent for punishment—her discipline is very arbitrary, and in several instances a vindictive spirit seems to have prompted her actions.

Speaking generally, from my own experience, I have found her to be shifty and evasive in her dealings—untruthful on several occasions—in fact, I have no confidence in her whatever.

Many complaints have been made to me with regard to the distribution of medical comforts in the hospital wards. The supervision of the inmate-attendants was so unsatisfactory on my taking over medical charge of the Institution that, as soon as I became acquainted with the defects of the system, I applied for two paid wardmen to supervise the inmate-attendants, and to instruct them how to discharge their duties, as well as to care for the more urgent cases. These wardmen were ordered to be engaged by the Colonial Secretary, Sir Henry Parkes. The Matron's duties now are consequently those of Superintendent alone, no work in the wards being necessary on her part. Several instances of misappropriation of medical comforts and negligence in the care of the sick on the part of the inmate-attendants have been brought under notice by one of the wardmen, but no action to punish the offender or to prevent a recurrence of the offence has been taken by the Superintendent.

Referring to paragraph 3 of your communication, I would respectfully suggest that a code of rules and regulations be drafted for the staff and inmates, and that the inmates be classified as—I, incapable; II, fit for light work; III, fit for work; so as to secure the comfort of the inmates and the harmonious working of the Institution.

Enclosed I beg to offer for your perusal the rules and regulations of Bristol Poor Law Incorporation.

I have, &c.,

W. BRADLEY VIOLETTE.

Sydney Maxted, Esq.,

Director of Government Asylums, Sydney.

Rules and regulations are in course of preparation, and they provide fully for a classification of inmates, but unfortunately this classification cannot be effected until additions are made to all existing buildings. Some such additions have been asked for.—S.M., 12/11/88.

Sir,

No. 4, Ashton Terrace, Argyle-street, Parramatta, 22 October, 1888.

On making my usual visit to the Macquarie-street Asylum yesterday morning several of the patients in the hospital wards made complaints to me that the medical comforts I had ordered for them were not issued on Saturday last. One of them, J. Kerry, stated that he was induced to drink beer, in lieu of his ordinary comfort, on the remark of a lady visitor that he would get that or nothing. Another, James Boucher, complained that his malady had been aggravated by the beer supplied to him in lieu of his ordinary medical comfort.

This morning, James Nimmo complained to me that Mrs. Cunyngame had overwhelmed him with abuse, and had threatened to discharge him, for his having dared to bring the matter under my notice. Nimmo also stated that Mrs. Cunyngame visited the ward yesterday and served out portions of a sucking-pig or a joint of pork, saying that was her own treat to the men, and making sneering and defamatory remarks about the Quong Tart feast.

I also have to complain of Mrs. Cunyngame having called in Dr. Phillips to pronounce an opinion on inmates Bannan and McCovern without my knowledge or sanction.

In the case of M^r Govern she is desperately anxious to get rid of him, in consequence of his having been connected with several others, now dispersed, in making a statement that the medical comforts were stolen and carried out of the hospital by means of a window leading from No. 3 Ward to the premises occupied by Mrs. Cunyngame. In my opinion this statement was never disproved.

I respectfully ask you to give these matters your early attention, as I could never tolerate my orders and treatment being set aside by the Matron-Superintendent.

I have, &c.,

W. BRADLEY VIOLETTE.

Government Medical Officer, Parramatta.

Sydney Maxted, Esq.,

Director of Government Asylums, Sydney.

Answered.—S.M., 24/10/88.

After reading these reports, it appears that Mrs. Cunyngame is totally unfit for her position, and should be suspended from duty, and called upon to show cause why she should not be removed from the C.S.—C.W., 14/11/88. Approved.—H.P., 16/11/88.

Minute for The Executive Council.

Colonial Secretary's Office, Sydney, 20 November, 1888.

Suspension of Mrs. Cunyngame, Matron-Superintendent, Macquarie-street Asylum for the Infirm and Destitute, at Parramatta.

HAVING found it necessary to suspend Mrs. Cunyngame from her office as Matron-Superintendent, Macquarie-street Asylum for the Infirm and Destitute, at Parramatta, on account of the misconduct recorded in the accompanying papers, I advise that action be taken in the matter in accordance with the provisions of Section 33 of the Civil Service Act, 1884.

HENRY PARKES.

Minute

Minute of the Executive Council.

UNDER the Report of the Director of Government Asylums, the Executive Council advise that Mrs. Cunynghame, Matron-Superintendent of the Macquarie-street Asylum, Parramatta, be suspended from duty, and called upon to show cause why she should not be dismissed the Public Service.—ALBX. C. BUDGE, Clerk of the Council.

Min. 88/55, 20/11/88. Approved.—CARRINGTON, 20/11/81. Confirmed, 27/11/88.

The Clerk of the Executive Council to The Matron-Superintendent of the
Macquarie-street Asylum, Parramatta.

Madam,

Executive Council Office, Sydney, 23 November, 1888.

I am directed to inform you that His Excellency the Governor, under the advice of the Executive Council, has approved of your suspension from official duty, in consequence of serious charges of misconduct in your management of the Institution, as fully set forth in the Report of the Director of the Government Asylums, a copy of which I enclose.

I am now to request that you will furnish me, within seven days from this date, with such explanation of the complaints set forth in Mr. Maxted's report as you may wish to offer, and show cause why you should not be removed from the Service.

I have, &c.,

ALBX. C. BUDGE,
Clerk of the Council.

The Matron-Superintendent of the Macquarie-street Asylum, Parramatta, to The
Clerk of the Executive Council.

Sir,

Macquarie-street Asylum, Parramatta, 29 November, 1888.

I have the honor to hand in herewith my answers, statements, testimonials, and explanations, as directed by you, to the various charges contained in Mr. Maxted's report, forwarded to me by you a few days ago.

I have, &c.,

S. CUNYNGHAME.

[Enclosures.]

Answer to the Director of Asylums *re* the suspension of Mrs. Cunynghame.

I HAVE the honor respectfully, in answer to your report on my conduct as Matron-Superintendent of Macquarie-street Asylum to the Honorable the Colonial Secretary, and your recommendation for my removal from that Institution, to state—

1. That I have never been unduly harsh to any of the inmates under my charge, but have only exhibited that firmness which is absolutely necessary to discipline in an Institution of the kind, and to that I am sure the respectable portion of the inmates will willingly testify.

2. I am unaware of any neglect of duty on my part.

3. Nor am I conscious of any repeated disobedience of orders so far as it was possible on my part to at once carry into execution any direction given me. On the contrary, it has always been my aim to devote myself to the work of the Institution, and the carrying out of any fresh orders or regulations that may have been issued under the new directorate.

4. I am quite at a loss to understand how my character for truthfulness has been called in question by the Director, inasmuch as it has never before been impugned by any manager, officer, or official connected with the Asylum, or by any of the many visitors to it.

Referring to paragraph 3, tobacco was never issued to inmates of hospital wards, and could not therefore have been discontinued by me as a punishment to the inmates, as alleged by the Director. The Institution was started in 1876 under hospital rules, it then being for crisyipelas patients only, and up to the time that Mr. Maxted gave the order for the supply of tobacco to the hospital wards it was never issued in those wards except as a medical comfort by order of the doctor.

Dr. Violette never protested or spoke to me concerning the matter of men being brought up for trifling offences, neither did the Director ever refuse to receive any complaint made by me. I have occasionally found it necessary, in compliance with an old Asylum custom, to punish inmates for neglect of duty, disobedience, &c., by the stoppage of tobacco. To maintain discipline, as well as to secure the cleanliness of the inmates and of the wards, I have occasionally been obliged to have recourse to this very slight mode of punishment. It surely cannot be urged against me that I exhibited an utter want of sympathy with the inmates in my anxiety for their welfare and cleanliness of the inmates and the Institution.

I fail to understand how either the Director or the doctor can describe my "manner of address and intercourse as uniformly harsh and tyrannical" to the inmates, inasmuch as only upon one occasion have I been permitted by the Director to accompany him through the Institution, and by the doctor never.

I am certain that throughout the building I am held in very different estimation by the inmates generally.

On the 2nd November, 1888, Samuel Heyselden presented himself at the Asylum for admission in a state of intoxication, and without an order. His pockets were searched by the head wardman and messenger, but none was to be found. As my orders have always been imperative not to admit applicants in a state of intoxication or without an order (except under special circumstances), I directed the applicant to go to the watch-house for protection, telling him I would admit him in the morning, which, in fact, I did.

I presume the second case referred to by Mr. Maxted to be that of William Bannen, who was brought to the institution at nearly midnight on 29th September, 1888, in charge of the police. The clerk came and roused me up, when I directed him to go to Attendant Edgar to take charge of him, and place him in No. 3 hospital ward, and in the event of his being taken ill to inform the doctor. At the doctor's daily visit on the following morning he entered in the prescription-book, opposite Bannen's name, "Alcoholism—Isolation ward." I have made it an invariable rule to refuse admission to any man visibly under the influence of drink, knowing that it was necessary to secure the good order of the Institution. I could not admit inmates at the will or caprice of the police authorities. If refusing admission to the Asylum of drunken men is to be construed into a quarrel with the police, I must admit being at fault. The proposal I made to the Director was, that a police officer should meet certain trains and take charge of any applicants arriving at the station, this being merely a revival of an old custom.

4. I have not been in the habit of late, at all events, of systematically going through the wards after dark, as there are two paid attendants whose business it was, as I deemed, to report any case of sudden illness, misbehaviour, or otherwise requiring my presence. This was actually their practice, and at all hours of the night when occasion required.

I have not trusted to inmates to receive and pass stores, as the contractors will themselves prove. The stores, such as meat, bread, &c., have always been taken out of the cart whilst I attended, and passed or rejected, as the case might be.

The case of the inmate John Cook, who left on the 4th of September, was fully inquired into by Dr. Violette and myself, and I am of opinion that Attendant Edgar was much to blame in not reporting the circumstance to me immediately instead of waiting, as he said, "until he had a good case against Cook." I had no legal power to restrain Cook in the Asylum, as he refused to remain after I turned him into the yard, pending a visit from the Director. As Matron-Superintendent I had no power to hand Cook over to the police until a *prima facie* case was established, and I had received instructions from the Director; and I doubt very much if the police would have entertained such a charge had I made it.

I may mention that the two chief witnesses in the case were M'Govern and another imbecile (Peter Jorkensen), the latter of whom was found a few days after selling his medical comforts (porter), for which the doctor stopped the supply. The practice of distributing medical comforts by inmate-attendants exists, I believe, in other similar institutions. I did not, therefore, think that I was in error in utilizing (as I supposed) trustworthy inmates for the purpose of assisting in this and other matters, the more so as I have not the assistance of a sub-matron, whilst the superintendents of other asylums are provided with matrons and assistant sub-matrons. As to the alleged cases of neglect, I think it would be only fair to me on the part of the Director if he would furnish the names of the cases alluded to in his report.

5. I have no desire to mislead anyone. I was simply waiting until a suitable person for my requirements was at liberty before I parted with the servants I had employed about the house—a privilege allowed me for years past. The accommodation in the house being so scanty, and the Asylum being specially for men, I have always found it a difficult matter to keep a suitable staff of female servants. With regard to the alleged misappropriation of provisions, I have been long compelled from motives of prudence, owing to the close proximity of my residence to a yard containing 200 men, to refrain, as much I could, from introducing female labour, and in consequence availed myself of the services of those inmates (never exceeding three) whom I found willing and suitable.

These inmates certainly draw their rations from the general kitchen, but though the allotted quantity might be exceeded on one day, a day and perhaps two would elapse before another allowance was drawn, so that in reality their average Government allowance was never exceeded.

6. With regard to the inmate named Felix Cummings, suffering from phthisis, the doctor entered in the Medical Register on the 13th October—"Transfer to Liverpool." I obtained from the Sydney office his pass and admission order for the same. He begged my permission to remain a few days longer, and Dr. Violette entered in the Medical Register—"Remain here another month." He left for Liverpool on the 12th November.

7. As to the grave charge made against me by the Director of general untruthfulness and deceit, which he repeated to me in the presence of the lady in charge of the Institution (Mrs. Brook), I respectfully contend that he has failed to make good his unwarrantable accusation, which I insist must be more fully inquired into. My character for truthfulness, kindness, and general ability in superintending an Asylum which from the very nature of it must contain many discontented, ill-affected, and ill-conditioned persons has been known for many years, and without hesitation I beg most respectfully to submit that the report of the Director is overdrawn, and founded on hearsay and untrustworthy evidence, and cannot be substantiated, while the memorandum of the Medical Officer can only be characterised as being contrary to fact, exhibiting, I regret to see, an evident animus against me, and altogether in direct opposition to his behaviour and language to me, which have been of the most friendly character.

The paid subordinates have spoken contrary to fact when they informed the Director they had been afraid to report instances of neglect and unkindness. I have always been willing to hear their reports, and have always encouraged the attendants to report to me at all times any cases (night or day) that required my presence or attention. I am sorry to have to say that I have experienced great difficulty with one, at least, of them, whose behaviour amounted almost to insubordination, evidencing, as it did, a desire to act in opposition to my wishes, and not to take orders from me as Superintendent. This was most prejudicial to the well-working of the Institution. I consider that the duties defined by me for the hospital attendants were in accordance with the objects for which they were engaged, and would not allow them to interfere with the dormitories or the yard, knowing if they did their duty in caring for the sick they would find employment for all their time, and I checked them on several occasions, and had repeated interviews with them on the subject.

The charges made against me are so sweeping and so utterly untrue that I feel bound in justice to demand, with all respect, that a more searching investigation be made, which will afford me an opportunity of rebutting not only this, but other charges preferred against me, and of producing evidence to support the statements I have made.

S. CUNYNGHAME.

Reply to the Medical Officer's Report.

REFERRING to the Medical Officer's Report "A," bearing date 8th November, 1888, I beg most respectfully to express my surprise and pain that Dr. Violette should have written to the Director of Asylums in such disparaging terms of me as Matron-Superintendent of the Macquarie-street Asylum.

As a matter of justice to myself, I think I am warranted in requesting that that gentleman be called upon to specify some, at least, of the "many instances" in which I "have acted with undue severity and harshness in pressing a delinquent for punishment," and in which of "several" instances a vindictive spirit seems to have prompted my actions; also to specify upon what occasions, "speaking from his own experience," has he "found me to be shifty and evasive in my dealings—untruthful on several occasions—in fact, to have no confidence in me whatever." This statement is so utterly at variance with the professed friendship of the Medical Officer, and his expressed surprise on my informing him of my suspension, when he assured me that he had nothing to do with it, and that no inquiries had been made of him, that I cannot but regard it as a statement in which the Government cannot, nor ought not, to place any credence whatever. Not only to myself, but to others, has Dr. Violette expressed himself in very different terms as regards myself and my conduct as Matron-Superintendent.

I am quite at a loss to understand what can have caused this sudden change on the part of the doctor.

Referring to Dr. Violette's letter to Mr. Maxted, bearing date 22nd October, 1888, Dr. Violette describes me as "desperately anxious" to get rid of M'Govern in consequence of his having been connected with several others, now dispersed, in making a statement that the medical comforts were stolen, &c. I am surprised that Dr. Violette ventures to make so utterly unfounded an assertion about me, and to impute to me such unworthy and dishonest motives. Dr. Phillips's memorandum on this matter will, I think, utterly disprove this most unfair and ungenerous statement.

Referring to the Medical Officer's report about Nimmo. On the 22nd October I forwarded to the Director particulars of Nimmo's case, of which the following is a copy (extract from diary):—"Sir,—I have the honor to call your attention to the following memorandum left by the doctor in the prescription-book. I regret being absent this morning at the time of the doctor's visit, leaving Parramatta at 10.25 a.m. and returning at 4.30 p.m., and feel grieved that he did not send for me before writing them:—

"James Kerry complains of the non-issue of the stimulant ordered for him yesterday, and he was ordered to drink beer on the order that if he did not he would get nothing else."

"Lady Visitors."

"James Nimmo."

"John Bowcher, idem, malady aggravated in consequence thereof." The spirits were retained by me in consequence of the feast, at the same time stating that if they preferred their stimulants I would issue them later on in the day. (This stoppage of medical comforts is an old custom, always resorted to on feast-days, when beer has been freely issued.) I visited the hospital, giving all the patients in the cancer ward their stimulants about 5 p.m., but found them all asleep and quiet in Nos. 1, 2, and 3 hospital wards, and I did not disturb them. In this matter I think there is a little misunderstanding between the doctor, myself, and the attendants.

This morning, opposite James Nimmo's name, is written "complaints of abusive language from the Matron-Superintendent."

A few days ago this inmate was talking to me about the manner in which the food was cooked, at the same time stating that he was a cook, and was well able to do the work, but would not do it under £2 a week. I then said to him, "You are a pauper, and cannot take the situation." On Wednesday, 16th instant, he complained of his curry, the cook (an inmate) having made a mistake dividing the thyme and marjoram, putting half into the curry and half into the soup, thus giving the curry a peculiar appearance. On Sunday morning I had occasion to visit the hospital wards, distributing that which was left at the feast. A lady friend who was with me remarked, "Is that young man ill?" I thought he was "suffering from a disease called impudence," he at the time talking a great deal, saying that lemonade had been sent and drunk by other people, which was not true. I may mention that two ladies accompanied me to the hospital wards (Mrs. Payton and Mrs. Claude Gale), and the matter had been fully dealt with, and I considered satisfactorily settled.

James M'Govern.—"The Director &c Matron-Superintendent and Dr. Phillips."—I enclose copy of Dr. Phillips's memo. respecting this man. Dr. Violette entered in the Medical Register, on 19th October, opposite M'Govern's name—"Statement in reference to papers in his swag about proprietorship of land, &c."

"Wm.

"Wm. Carlon, aberration of intellect; send for Dr. Phillips." I at the time said to Dr. Violette, "As Dr. Phillips is coming to see Carlon, might I ask him to see M'Govern?" to which Dr. Violette assented.

Dr. Phillips, in consequence, saw M'Govern. I draw your attention to the statement in Dr. Phillips's letter, 26th November, 1888, as follows:—"To your second question, 'Did you seem anxious to get rid of M'Govern?' I can only answer, 'Certainly not.' After I had questioned him for a time you remarked, 'We can manage him all right, but I thought it better you should see him.' To this I assented, and nothing was done."

Regarding the case of John Cook (wardsman, 3 hospital), respecting which Dr. Violette says that "the statement was never disproved," I beg to furnish extract from diary of 3rd September, 1888:—"In consequence of a statement made by P. M'Carthy to Hospital Attendant Edgar, the charge being laid against John Cook, wardsman, No. 3 hospital (an inmate), of robbing the patients of their medical comforts, viz., rum, porter, and eggs, and selling the first named, the Superintendent made a thorough inquiry into it in the presence of Edgar, and so serious did she consider it that she asked the doctor to assist her in the investigation in the afternoon. This matter has been fully dealt with in paragraph 4 of my reply to Mr. Martell's report."

I have endeavoured to answer the Director's and Medical Officer's reports as concisely as the importance of the case permitted; and in conclusion I would again respectfully request, in my own interests as well as those of the general public, that a searching inquiry may be made into the whole matter, as I am confident that the Director has been misled by untruthful statements on the part of certain inmates.

S. CUNYNGHAME.

The following letter has reference to the case of Nimmo, entered into in the foregoing reply:—

"Dear Mrs. Cunyngname,

Darling Road, Balmain.

"I am very sorry you are in such trouble, but the incident you speak of is untrue. The Sunday yourself, Mrs. Paton, and I went round the wards and yard everything went off so remarkably well only for the man Nimmo. Mrs. Paton helped serve the beer. I was with you in the next ward when one of the attendants came and made the complaint that the lady visitor (meaning Mrs. Paton) said if the man Nimmo did not take beer he should not have anything. Mrs. Paton, you, and I returned to the ward. The man Nimmo said he did not say anything of the kind. The other men in the hospital and yard seemed very well satisfied with it all. I hope it will be all very satisfactorily cleared up, but it is very hard to deal with those who do not keep to the truth. I believe you to be perfectly truthful and straightforward, and I have every hope that those who are not so will be found out. Dear Mrs. Cunyngname, you have my best wishes for your children, husband, and dear self. Believe me to remain,—

"Yours very truly,

"JESSIE GALE.

"I will come and see you in two or three days."

Copies of Testimonials.

(1.)

To Miss Gibson (Mrs. Cunyngname).—

Botany Road, 28 October, 1870.

Having heard that you are about relinquishing an occupation in which you have served me for nearly three years, I cannot let this opportunity pass without expressing my opinion of your general character during that period. I always found you persevering and industrious, together with a most cheerful and willing disposition, and that with a respectful address, makes you, in my humble opinion, a very suitable person for the occupation you are about fulfilling. In conclusion, accept my sincere wishes for your future happiness.

JOHN G. GRIFFITHS.

(2.)

Sydney Hospital, 10 September, 1873.

This is to certify that Sarah Gibson (Mrs. Cunyngname) was employed in this Institution for two and a half years. We found her to be honest, sober, clean, and respectable. She has been trained to nurse medical and surgical cases.

L. OSBORN.

(3.)

My dear Mrs. Cowper,

Lower Fort-street, 22 January, 1874.

Will you kindly do what you can to obtain for Nurse Gibson (Mrs. Cunyngname) the office of sub-matron in connection with the Deaf, Dumb, and Blind Institution. I have known her for some time, and can confidently recommend her to you as one in every way fitted for the appointment which she now seeks to obtain. She bore the highest character when at the Sydney Infirmary for industry, sobriety of mind, kindness of disposition, and other excellent qualities, and was in fact one of the most efficient nurses belonging to that Institution. She has my best wishes, and I shall be glad to hear that her application has been successful.

I am, &c.,

THOS. W. UNWIN.

(4.)

My dear Mrs. Hay,

St. James' Parsonage, 22 January, 1874.

The bearer, Miss Sarah Gibson, (Mrs. Cunyngname), has requested me to give her a recommendation, and I have great pleasure in doing so. I have known her at the Sydney Hospital for the last three years, where she has proved herself to be not only an efficient nurse, but a steady, well-conducted, and obliging young person. I shall be very glad to hear that you have selected her for a sub-matron for the Deaf, Dumb, and Blind Institute.

I am, &c.,

R. ALLWOOD.

(5.)

6, Lyons Terrace, 23 January, 1874.

SARAH GIBSON (Mrs. Cunyngname) has been known to me for two or three years as nurse and probationer in the Infirmary. She has been well trained in her business, and is, I believe, a thorough competent nurse. She has a cheerful manner, with a kind and obliging disposition, appears to be fond of children, and is, in my opinion, a very fit person to fill the post of Assistant Matron to the Deaf, Dumb, and Blind Institution.

G. FORTESCUE, B.M.

(6.)

Sydney, 27 January, 1874.

I CERTIFY that the bearer, Sarah Gibson (Mrs. Cunyngname), was trained in the Sydney Infirmary in the surgical and medical wards for nearly three years during which time I believe she conducted herself to the entire satisfaction of myself and the honorary medical officers whose patients she had in charge, and I have no doubt she will do credit to herself at any Institution to which she may be attached.

CHARLES MACKAY, M.D.,

Hon. Surgeon, Sydney Infirmary.

(7.)

27 January, 1874.

I HAVE much pleasure in recommending Sarah Gibson (Mrs. Cunyngname) as a fit and proper person for the situation of Sub-matron of the Deaf and Dumb and the Blind Asylum. I have had constant opportunity of forming an opinion of her qualifications for such an office during three years' attendance at the Sydney Infirmary.

JAMES C. COX, M.D.

(8.)

Cleveland-street, Redfern.

THE bearer of this, Sarah Gibson (Mrs. Cunyngname), I have known for many years. She was in the Sabbath-school connected with my charge for about ten years previously to her engagement at the Sydney Infirmary, and her deportment and character were invariably good. Since then I have been but little acquainted with her, but all that I have heard and observed has been in harmony with her earlier years. I believe that she is well qualified for the situation she seeks, and will be found an acquisition to the Institution.

WILLIAM SLATYER, Congregational Minister.

(9.)

(9) Sydney Infirmary, 23 October, 1875.
 SARAH GIBSON (Mrs. Cunyngbame) was known to me as a nurse in the medical wards of the Sydney Infirmary. She was quick and intelligent in the execution of her duties, and she had a lively and agreeable manner with the patients. I believe her to be a well-trained and thoroughly competent nurse.

A. J. BRADY, L.R.C.S.E.

(10) Macquarie-street Asylum, Parramatta, 26 December, 1877.
 Madam,
 I have been requested by a number of the inmates to express their thanks to you for the very excellent dinner provided for them yesterday under your management. Hoping that yourself and Mr. Cunyngbame may live to see many Christmas Days, and wishing you both all the compliments of the season,—

I beg to remain, &c.,

J. PULLBROOK,

Macquarie-street Asylum.

To Mrs. Cunyngbame, Matron.

(11.) Macquarie-street Asylum, Parramatta, 31 December, 1878.
 To the Matron,—Madam,
 We cannot allow this year to pass without expressing to you our thanks for the unvarying kindness and attention you have invariably paid us. Your sympathy to the aged and sick has tended to cheer and soothe them when they had no one to look to or to take care of them. Therefore, we, the undersigned, on behalf of the inmates, wish you, Mr. Cunyngbame, and your family, "a happy new year," and may each succeeding one be more happy and prosperous than the last.

We are, &c.,

FREDK. T. ADAMS, Clerk.

HENRY SAMUEL, Head Wardsman.

(12.) Macquarie-street Benevolent Asylum, Parramatta, 20 October, 1888.
 To the Matron,—Dear Madam,
 We, the undersigned, inmates of the above Institution, beg to tender you our sincere thanks for the invariable kindness and rectitude wherewith you have fulfilled your onerous duties as Matron of this Asylum, and wish you to accept this small token of our esteem and gratitude, trusting that you will long be spared to continue your kind offices, and wishing you, Mr. Cunyngbame, and family every happiness and prosperity.

We are, &c.,

WILLIAM CLARK, AND 123 OTHER INMATES.

(13.) 27 November, 1888.
 Dear Mrs. Cunyngbame,
 I am so sorry to hear of your suspension, and send you a line to express my sympathy with you. I have known you ever since you came to the Asylum, and have always considered you attentive to your duties, and kind in your treatment of the men under your charge.

I trust your suspension will soon be removed.

Yours, &c.,

W. J. GUNTHER.

(14.) Parramatta, 25 November, 1888.
 I HAVE known Mrs. Cunyngbame, of the Asylum in Macquarie-street, for many years. I have also been in the habit of visiting the Asylum, and I have every reason for thinking Mrs. Cunyngbame very attentive to the wants and comforts of the inmates.

WALTER BROWN, M.D.

(15.) Church-street, Parramatta, 27 November, 1888.
 Dear Madam,
 I have been the contractor for bread and flour to the Macquarie-street Asylum for about three years on and off, and have always found you very careful in receiving the bread and flour, which must be of the finest quality, or it would not pass. I may further state that on several occasions when dinners have been prepared by you, which would number about twenty-five large dishes, and when brought to my bakery for baking, I have often remarked that the way you had them made up was a credit to you, which goes to show the great interest you took in your Asylum.

I am, &c.,

JOHN W. UPTON.

(16.) Parramatta, 27 November, 1888.
 Memorandum from J. E. Kelly.
 It is with deep regret that I learned that you have been suspended from your position as above. Accept my sympathy, and I can testify that during the last twelve years, the greater time of which I have supplied the Institution with most of the goods required, that you have been most vigilant over the quantity and quality of the goods received, and any further testimony of such that I can give I shall only be too happy to do so.

(17.) Parramatta, 20 November, 1888.
 I CERTIFY that during the thirteen months I was employed by Mrs. Cunyngbame I never knew her to be away from her duties as Matron of the Macquarie-street Asylum, except during her illness in her confinement, especially since Mr. Maxted's appointment.

Witness—R. Y. GALE.

ANN^{her} + EDGAR.
 mark

(18) New Year's Wishes.
 DEDICATED to Mrs. Cunyngbame, in memory of her great kindness to my late revered father, Mr. Thomas Boyce, who eight years ago was an inmate of the Erysipelas Ward, Macquarie-street Asylum, Parramatta.

Dear lady, for your kindly grace,
 And care for one whose stately face
 Sleeps lowly in the dust to-day,
 Accept these leaves of song I lay
 Before your shrine, and may this prove
 A glad New Year of peace and love.

Kind soother of the suffering breast,
 Friend of the humble and distressed,
 How high the path, how great the gain,
 What recompense for toil and pain,
 To know the warm well done will cheer
 The advent of this bright New Year.

May absolute contentment be
 A dweller 'neath your household free;
 May loving hearts with summer crowned
 Within your happy halls be found;
 And take, dear lady, 'ere we part,
 This offering from a stranger's heart.

MIMOSA.

St. Mary's, South Creek, New Year's Eve, 1886.

My dear Mrs. Cunynghame,

(19.)

Ashfield, 29 November, 1888.

I was much surprised to see by the daily papers that you were suspended, and that you are accused of insubordination and untruthfulness. I can only think that you are considered to have acted in an insubordinate manner because you have failed to carry out some direction which you felt, from your experience as to the internal management of the Institution, would be subversive of discipline and the good order of the Asylum; but I am confident that you would not willingly commit any act which could fairly be considered insubordinate. I have known you for twelve years, in your present position, and of course, as Manager of the Asylums till the 31st December, 1887, had every opportunity of noticing your action, and I can safely assert that a more obedient, painstaking, and trustworthy officer could not be found in the Civil Service, while the skill with which you worked up the Erysipelas Hospital, which was started in 1875, to the large Asylum as it now stands, has been so apparent that it has elicited approval from all parties, and must assure the Government that in you they have a highly efficient and reliable officer.

I never knew you to be untruthful, and cannot believe for a moment that you would be guilty of deception, or would try to mislead those with whom you are connected.

Your kindness to the inmates and attention to their wants have been testified to so frequently by the old people of the Asylum, and by those who have had ample opportunities of observing your action, that I cannot think that you can be justly charged with harshness and vindictiveness towards those placed under your care.

Hoping that your suspension will be speedily recalled, and that you will be reinstated to a position which, in my opinion, you are so well qualified to fill,—

I remain, &c.,
FREDERIC KING.

Parramatta, 29 November, 1888.

REFERRING to a paragraph which appeared in the newspapers respecting the change of diet at the Macquarie-street Asylum, referred to in par. 7 of the statement of Mr. Maxted, I beg to state that Mrs. Cunynghame did not dictate the paragraph, nor in any way suggest anything in connection with it.

The idea of inserting anything in the newspaper having reference to the matter originated with me at the time that a paragraph was being prepared expressing gratitude on the part of the inmates for a supply of hams generously given them, and this bearing to some degree on the question of diet, I suggested that the world outside should know how great an improvement had been wrought in that direction, and myself dictated the paragraph.

I deny in toto that any one dictated the paragraph in question.

ALFRED HANSON,
Late Head Wardsman, Macquarie-street Asylum.

As Mrs. Cunynghame denies the charges that have been preferred against her by the Director of the Asylums and the Government Medical Officer, it would, I think, be as well to refer her statement to Mr. Maxted for further inquiry.—C.W., 3/12/88.

Mr. Maxted, for any remarks he may desire to make.—H.P., 3/12/88. The Director of the Government Asylums.—C.W., B.C., 3/12/88.

The Matron-Superintendent of the Macquarie-street Asylum, Parramatta, to The Clerk of the Executive Council.

Sir,

Macquarie-street Asylum, Parramatta, 3 December, 1888.

Herewith I beg to enclose to you additional testimonials and letters of sympathy addressed to me and received by me since handing you the papers connected with my suspension on Friday last.

Will you have the goodness to attach them to the papers previously left with you.

I beg, &c.,
S. CUNYNGHAME.

[Enclosures.]

My dear Mrs. Cunynghame,

Church-street, Rookwood, 30 November, 1888.

We were very much surprised and grieved to hear that you had been suspended, and considering the nature of the charges brought against you we feel sure they are made without any foundation. And we remember when you took charge of the Macquarie-street Asylum as the Erysipelas Hospital it was a lot of dilapidated old sheds, and the rats ran about in all directions; but under your management these old sheds were not only made habitable, but clean, healthy, and comfortable, so much so that the Government made use of your skill and industry to relieve the overcrowded institutions of the Liverpool and Parramatta Asylums, and converted the Erysipelas Hospital into the Macquarie-street Asylum. And we also know that had you used your talents on your own behalf as you have used them for the Government you would now be an independent woman (we mean in the pecuniary sense). Some four or five months ago me and a friend of mine called to see an inmate of the Institution, and the remark he made to me after leaving was to this effect: "I do not regret Foltham going there, as he could not be more cared for at home, and his wife to nurse him." At any time that me and Mrs. R. have called to see you the management and care of the Institution seemed to engross your whole attention. And we feel sure that if the inquiry is conducted in a fair and proper spirit you will have no occasion to fear the result. And believe us, dear madam, we wish to remain your sincere friends,—

ROBERT AND EMILY ROBINSON.

Dear Mrs. Cunynghame,

Sydney Meat-preserving Company's Works, Auburn, 27 November, 1888.

We had a visit from our mutual friend Mr. Robinson on Sunday last, who told us that you were in some trouble with your superior officer. I trust we need hardly assure you that we were very sorry indeed to hear it, but hope it will soon blow over. One thing we can assure you: We shall never cease to feel grateful to you for your great kindness to me when I was so ill with erysipelas. By following your valuable advice I was saved a long doctor's bill, or what at the time would have been more probable a stay in the Parramatta Hospital, which by your skill and kindness was averted. Since then, on several occasions we have visited you, and on going out to have a smoke whilst you ladies were having a "confidential" have had many a chat with the inmates of the Asylum, who, as far as I have heard, have always spoken of your kindness and consideration, and I may add at the same time they were not aware that I was visiting you.

Trusting you will soon come out of the conflict with flying colours, allow us to assure you that none will rejoice more than,—

Yours very sincerely,
GEORGE AND MARY LESLIE.

Memorandum from C. Lakeman.

Dear Madam,

Parramatta, 1 December, 1888.

It is with extreme regret that I have seen through the papers that you have been suspended. I must say I have had many opportunities for several years past of seeing how strictly you have attended to your duties, both to the great benefit of inmates and all who have had to do business with you.

Trusting you will soon be reinstated,—

I remain, &c.,
C. LAKEMAN.

Madam,

Parramatta, 29 November, 1888.

Having seen by the paper that you have been suspended for neglect of duty, I have made inquiry from my carter, and he states that ever since I have been supplying the hospital with meat for Mr. L. Dunn you have always inspected the meat personally.

Hoping you will soon be reinstated,—

Yours truly,
WM. FINLAYSON.

The

The Director of the Government Asylums to The Principal Under Secretary.

Department of Charitable Institutions,
Begg-street, Paddington, 4 December, 1888.

Sir,

I have carefully read Mrs. Cunynghame's defence in the matter of her suspension, as requested by you, and it does not appear to me to in any sense explain away the charges preferred against her, but seems to consist mainly of allegations that the statements of myself, the Government Medical Officer, the paid officials of the Asylum, and the police authorities are untrue.

Several of the most serious charges have not been replied to at all, and where explanation has been made in other cases the statements in the defence are both inaccurate and misleading, as the office records clearly show, as well as being contrary to Mrs. Cunynghame's own admissions to me on the occasions of my numerous endeavours to keep her up to the performance of her duty, before resorting to the extreme course of recommending her removal from the Civil Service.

For example, the charges relative to men being in a dying state in hospital, without the Superintendent knowing they were ill, are not referred to in the defence, although I pointed out these cases personally to the Superintendent on the occasion of my discovery that one of these men had been left for three days without hospital comforts. And in the charges relating to Heyselder and Bannarc, who, she says, were intoxicated when presented for admission; to Cooke, the wardman who stole the medical comforts; to the alleged misappropriation of rations by her own inmate servants; and in several equally important matters referred to in the papers, the clearest proof possible is afforded, apart from my own and the Doctor's allegations, that her answers are altogether contrary to facts. The charge of disobedience of orders in reference to distribution of medical comforts by inmates is not denied; and the neglect to visit hospital wards is admitted, and attempted to be justified on the ground that attendants performed that duty. I am really in a position to show that the Superintendent never visited these wards at all for several months at a time.

2. I ought to mention that the Superintendent is in error in supposing that I have relied upon inmates' information. Knowing how unreliable that is generally supposed to be, I was careful to be guided only by my own observations, and by particulars furnished to me by the Medical Officer and paid officials of the Institution.

3. I think very little importance can be attached to the testimonials which the Superintendent has forwarded with her defence. My peculiar official experience has shown me how generously people afford this kind of help when requested; and with the exception of one from Mr. King, the late Manager of Government Asylums, and several from contractors for provision supplies, which it occurs to me are hardly in good taste, seeing that on several occasions I had to insist on provisions being returned (which the Superintendent had previously passed as being of good quality), because they were unfit for human food, the testimonials are from gentlemen who could not possibly know anything of the internal management of the Institution.

4. Since Mrs. Cunynghame's suspension a number of other irregularities at Macquarie-street Asylum have come to my knowledge; and several are of so grave a character—involving alleged misappropriation of moneys—that I deem it my duty to make them the subject of a further report.

I have, &c.,

SYDNEY MAXTED,

Director.

After perusing Mr. Maxted's further report, I do not see how Mrs. Cunynghame can be retained in her present position. The reports are now submitted for the decision of the Colonial Secretary.—C.W., 4/12/88. Minute to remove Mrs. Cunynghame from her office.—H.P., 4/12/88.

The Director of the Government Asylums to The Principal Under Secretary.

Department of Charitable Institutions,
Begg-street, Paddington, 4 December, 1888.

Sir,

I have the honor to report that since the suspension of Mrs. Cunynghame, Matron-Superintendent of Macquarie-street Asylum, further irregularities have come to my knowledge in connection with the management of that Institution which I consider sufficiently serious to bring under the attention of the Colonial Secretary.

2. I should first state that soon after my appointment I asked the Superintendent if she held any moneys belonging to inmates, and she informed me that she did not. I then directed that all collections from the men should be forwarded to the Sydney office, and this was done in a number of cases subsequently. On October 17 my order was repeated in writing. I mention this to show that the Superintendent fully understood what I meant with regard to these moneys. During the past few days a number of inmates have requested advances from sums which they alleged the Superintendent held belonging to them. Upon inquiring from Mr. Abbott, the clerk, I was informed that Mrs. Cunynghame had for a long period prior to my appointment collected money from inmates, which she had caused to be paid into her private account at the Australian Joint Stock Bank, and that a statement of these accounts, and also of advances made to the men from time to time, was contained in a small book which she had removed from the office since her suspension. Abbott had always kept this book, had filled up the deposit-slips for the Superintendent, and paid the money into her bank account. I sent to Mrs. Cunynghame for the book, and she returned instead merely a slip of paper representing that she held moneys of men now in the Asylum amounting to £33 7s. 9d., made up of seventeen sums named in the margin. No reference is made in this slip to any other than present inmates' accounts. I submitted the statement to Abbott, the clerk, and asked if it included all the amounts paid by him into Mrs. Cunynghame's bank account. He said it did not; that the missing book indicated balances to the credit of a dozen or more inmates now dead, which had never been forwarded to the office. I then again sent to Mrs. Cunynghame for the book, and she personally brought me the following memorandum:—

Sir,—I have already sent an account of moneys due the men by me, and prefer detaining the book until I have been further advised.—SARAH CUNYNGHAME.

	£	s.	d.
J. Bates	0	5	0
T. Connor	1	0	0
J. Fleming	3	0	0
R. Harper	0	3	2
Geo. James	0	4	1
Geo. King	0	5	0
M. McDonald	3	0	0
J. McDonald	1	9	34
J. McDonald	10	0	0
S. McGrath	1	0	0
J. O'Connor	7	7	0
W. Oughtorpe	0	2	6
J. Payne	1	7	6
P. Palmer	0	10	0
J. Robinson	2	0	0
J. Thompson	1	0	0
R. Wolf	0	3	0

The Superintendent also stated that the whole matter had nothing to do with the Government—that it was a private concern between herself and the inmates. The matter at this stage appeared to me to have assumed an aspect which made it desirable that the clerk should make a legal declaration with regard to his knowledge of these monetary transactions. This declaration is appended (marked A). On the 30th instant, acting under your instructions, an officer was sent to Mrs. Cunyngame with a notice intimating that I had been directed by you to notify that unless the book was handed over within twenty-four hours proceedings would be taken, and it was thereupon delivered to the messenger. I find that it shows the following balances to the credit of deceased inmates:—

	£	s.	d.		£	s.	d.
Alexander Bowie... ..	4	0	4	John Maltby	4	17	6
Robt. C. Brown	0	15	0	James Spooner	0	4	0
C. Clifford	0	1	0	Alex. Carter	0	4	10
Carl Egia	2	2	0				
W. James... ..	0	5	0				
W. Mashetor	1	8	0				
					£13	17	8

Some of these persons have been dead for several years; their accounts have been marked as closed in the book referred to; and it is stated that their balances have not been forwarded by the Superintendent for transmission to the Treasury. It therefore appears, so far as the matter can be now traced, that Mrs. Cunyngame holds altogether £47 5s. 5d., left by inmates, some of whom are deceased, for which she has not accounted in the usual way, although she informed me in August last that she had no such moneys.

2. On November 24 I was informed that a paralytic patient had been cruelly ill-used in hospital by a warder named M'Phee. I found the charge to be true, and at once expelled M'Phee from the institution. I asked Mrs. Cunyngame why she had not reported the matter, or recorded it as usual on the books. She first said it had occurred since her suspension, but on my pointing out that the assault had been committed eight days previously, she said it was not her business to take action—that the head wardsmen should have reported it to me.

3. Several weeks ago I directed the Superintendent to allow the inmates to remain up until 7 o'clock during the summer months, instead of sending them to bed at 6, as they had complained of the twelve hours' confinement in the bedrooms being irksome. She first objected on the ground that the change would upset the discipline of the place, but upon my giving a positive instruction, she apparently concurred. I have since found that no notice whatever was taken of my orders.

4. At that time I directed that poisonous lotions, which were left carelessly about the cancer ward, should be locked up, for reasons which, in their application to unfortunates who are seldom free from pain, are obvious; and I also directed that the Superintendent should occasionally superintend the use of these lotions by the wardsmen, who would, in that event, understand that they were under some kind of supervision, and that any want of attention to the sick would probably thus be detected. Both orders have been disregarded.

5. I had also questioned the Superintendent as to the manner in which the meat-bones and provision refuse were dealt with, with a view to selling them as at the other asylums. She assured me that the bones were required, and had always been used at the Institution farm, and that under my new dietary arrangement the refuse was so small as to be worthless. I have since discovered that both bones and refuse were regularly disposed of to her tenants at her farm; and no return whatever has been made to the Government.

6. I have further ascertained that one of the main charges preferred against Mrs. Cunyngame—namely, that in defiance of orders she used inmates as servants and rationed them at the Government cost has been so utterly disregarded that the men have remained in her quarters since her suspension; and have been sent for their meals to the Institution mess-room.

7. I also directed the Superintendent to allow the inmates to use occasionally for recreation purposes the grass plats within the quadrangle, instead of keeping so many men confined throughout the day in the unhealthy and limited space of the shelter shed. This order has been disregarded; but the grass plats have been used as a grazing ground for the Superintendent's horses.

8. When the Superintendent was suspended, I cautioned her, as I had done on previous occasions, not to give information to the newspapers pending the settlement of the matter. Notwithstanding this, a paragraph, which I have traced to her, has been published stating that she was suspended for not carrying out an order which could not be complied with in the interests of humanity.

9. I have directed Mrs. Cunyngame to make monthly musters of inmates, in order that I could check the numbers with the ration lists and see that men whose maintenance was charged for were actually in the Institution, as at another asylum I had found names on the books of persons who had not been inmates for years. Of this most important order, which was given both verbally and in writing, no notice whatever has been taken, so far as I can judge by the non-receipt of returns which were asked for.

10. Other charges of this character could be made if necessary. I know that some of them may appear trivial; and these are merely mentioned to indicate the Superintendent's continued contumacy and utter disregard of the authority which it is her duty to obey.

11. It is now necessary for me to ask for instructions in reference to the moneys which are detained. I respectfully suggest that the Superintendent may be directed to hand them over to me; and if that is done at once, perhaps a lenient view of the matter may be taken, and any further action in that particular matter considered unnecessary.

I have, &c.,
SYDNEY MAXTED,
 Director.

[Enclosure.]

A.

Parramatta, 29 November, 1888.

I, Peter Abbott, clerk at Macquarie-street Asylum, do hereby solemnly declare:—That Mrs. Cunyngame has been in the habit of receiving moneys to hold for inmates of Macquarie-street Asylum; the moneys were the property of such inmates, and were handed to Mrs. Cunyngame by me after their admission; these sums were entered by me in a small black book about three-quarters of an inch thick, containing an index; this book showed the state of each inmate's account; I have myself frequently paid these moneys into Mrs. Cunyngame's private account at the Australian Joint Stock Bank at Parramatta; I see the list purporting to be a statement of these accounts, now, at the request of the Director, initialled by me for identification; this list does not contain a statement of all the accounts contained in the book; the book contains a record of a great many

many closed accounts; by closed accounts I mean the accounts of inmates who are dead, or who have been paid off and left the institution; I think the book may contain a statement of about a dozen or more accounts of inmates who are dead; one I particularly remember—that of Alexander Bowie, a pensioner, who had a balance to his credit at his death amounting to about £4; I used to pay Bowie's money repeatedly in to Mrs. Cunynghame's credit, after a portion had been deducted and forwarded for his maintenance to Mr. King; I remember the money of an inmate named Patrick M'Grath being forwarded to the Sydney office since the appointment of the present Director; M'Grath's money amounted from £12 to £14; I remember other sums than M'Grath's being forwarded in like manner; the following are recorded in the diary as having been forwarded:—On August 6, £2 to the credit of John Studdart; £4 17s. on account of quarterly pensions of Stephen Fowler and John Lackey; £1 5s., on 4th September, on account of John Lackey.

Declared before me, a Justice of the Peace, }
 this 20th day of November, 1888,— }
 OLIVER SAUNDERS, J.P. PETER C. ABBOTT.

Minute for the Executive Council.

Colonial Secretary's Office, Sydney, 4 December, 1888.

Removal of Mrs. Sarah Cunynghame, Superintendent of the Macquarie-street Asylum for the Infirm and Destitute, at Parramatta.

With reference to the suspension of Mrs. Sarah Cunynghame from the office of Superintendent of the Macquarie-street Asylum for the Infirm and Destitute, at Parramatta, I now feel it my duty, on perusal and consideration of the whole of the papers in the case, to recommend that Mrs. Cunynghame be removed from the Public Service.

HENRY PARKES.

Minute of the Executive Council.

AFTER careful consideration of the explanation offered by Mrs. Cunynghame of the charges made against her, the Executive Council now advise that she be removed from the Public Service.—ALEX. C. BUDGE, Clerk of the Council. Approved.—CARRINGTON, 4/12/88. Min. 88-57, 4/12/88. Confirmed, 13/12/88.

The Clerk of the Executive Council to Mrs. Cunynghame.

Madam, Executive Council Office, Sydney, 5 December, 1888.

Referring to former correspondence on the subject of charges made against you, I am now directed to inform you that after the most careful consideration of the explanation you have offered, His Excellency the Governor, under the advice of the Executive Council, has approved of your removal from the Public Service, which I now notify.

I have, &c.,
 ALEX. C. BUDGE,
 Clerk of the Council.

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

Sir, Colonial Secretary's Office, Sydney, 14 December, 1888.

Mrs. Sarah Cunynghame having been suspended from the office of Matron-Superintendent of the Macquarie-street Asylum for the Infirm and Destitute, at Parramatta, I am directed by the Colonial Secretary to state for the information of the Colonial Treasurer that His Excellency the Governor, with the advice of the Executive Council, and in accordance with the 33rd section of the Civil Service Act, 1884, has been pleased to direct that Mrs. Cunynghame be dismissed from the Public Service.

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

The Principal Under Secretary to The Director of the Government Asylums.

Sir, Colonial Secretary's Office, Sydney, 14 December, 1888.

Referring to your letter of the 14th ultimo, regarding the removal of Mrs. Sarah Cunynghame from the office of Matron-Superintendent of the Macquarie-street Asylum for the Infirm and Destitute, at Parramatta, I am directed by the Colonial Secretary to inform you that His Excellency the Governor, with the advice of the Executive Council, and in accordance with the 33rd section of the Civil Service Act, 1884, has been pleased to direct that Mrs. Cunynghame be dismissed from the Public Service.

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

Note.

An anonymous complaint against Mrs. Cunynghame has been received, but it is of such a disgusting nature as to be unfit for publication.

1886-7.
GOVERNMENT ASYLUMS INQUIRY BOARD.
REPORT.

Sir, Board Room, Macquarie-street, Sydney, 29 April, 1887.

In compliance with the instructions contained in the foregoing letters, we have the honor to hand you our Report upon the general management and mode of conducting the Asylums at Newington, and George and Macquarie Streets, Parramatta, visited and inspected by us, at each of which evidence attached to this Report was taken.

Your Board began their sittings at Newington, but prior to their inspection as a body the members visited and closely inspected each Institution separately, and at uncertain periods, in order to note the then existing condition of things, and observe if any and what alterations had taken place when the inquiry began, or were made during its progress.

• • • • •
 Your

Your Board purpose dealing with each Asylum separately, and under various headings, and finally reviewing the whole of the circumstances and evidence; and they are guided in adopting this course by several reasons:

- 1st. Because the evidence affecting each Asylum is kept entirely distinct.
- 2nd. Because it will facilitate reference to that evidence,—and
- 3rd. Because it will enable comparisons to be drawn between the methods pursued at each Asylum.

Two factors of primary importance must be borne in mind in reading these pages:

- 1st. That it is a mistake to suppose that all the inmates of these Asylums, or indeed a majority of them, are persons of such a character, or with such a previous history, as to render their statements unworthy of belief. On the contrary, many of them are persons who have held respectable positions in life, and who, through incurable illness or accident, after having spent all their means in vain endeavours to obtain relief outside, have finally been compelled to seek refuge in the Asylums or die in the streets.
- 2nd. That no person can judge so well the value of the testimony given as those who hear it; and so every statement made in this Report is founded either upon evidence which the Board believe to be thoroughly trustworthy, or upon facts which have come within their own personal observation. In either case the authority upon which the statement rests will be given.

* * * * *

MACQUARIE-STREET, PARRAMATTA.

This Asylum is situated in Macquarie-street, Parramatta, and contains 291 inmates, of whom 77 are in hospital. Like the Asylum in George-street, it is a very old building, and was also erected for military purposes. The total area, including buildings, court-yard, vegetable garden, and poultry-yard, is 15,210 square yards. (*Vide plan, Appendix F.*)

Inmates.

The number of inmates in the Asylum when your Board began to take evidence was 291, and the complaints were about the inattention of the medical officer, insufficiency and bad cooking of food, and acts of cruelty perpetrated by the wardsmen upon the helpless inmates of the hospital wards.

Water Supply.

As at George-street, the water is laid on, and in addition there are tanks which conserve the rainfall from the roofs of the various buildings.

Books.

The books are exceedingly neatly and apparently accurately kept, with the exception of the medical comfort book, but for reference to this see report from Mr. M'Alister (Appendix C). No stock book or stock list is kept, nor is there any delivery book showing articles distributed to inmates, and so, as stated with regard to Newington and George-street, when the Manager forwards goods for the use of the inmates he has no means of knowing whether the articles ever reach those for whom they are intended or not.

Rations.

These are ordered and weighed daily, as at George-street, and the matron states that there are seldom any deficiencies.

Servants.

These consist of paid inmates and others who receive extra rations or grog in remuneration for small services rendered in tidying and keeping the place clean. (Appendix G.)

Punishment.

There are no cells and no mode of punishment, except by expulsion or deprivation of gratuities and medical comforts.

Supervision.

The matron is supposed to supervise everything, and being solely responsible for whatever occurs within the walls of the Asylum, it will be necessary here to draw attention to the following extracts from the evidence taken before the Board. The whole of this evidence should, however, be most carefully read, as, if it be true (and the Board have no doubt of its truth), it discloses a most terrible state of things.

Robert Baird states (Q. 6500) that the food is of inferior quality; (Q. 6504) that in June, 1885, Henry Todd was turned out of No. 1 hospital ward and sent to the yard, being dragged about by the head wardsmen and another man from place to place for two or three days, and that he finally died from the effect of such treatment—his body was allowed to remain in the ward until it became offensive; also that Benjamin Isaacs, a wardsmen, mopped a man, who had only one leg, with cold water, and mopping up the excrement put it into the man's mouth; (Q. 6502) that they dared not report such cases for fear of "getting the gate," and that it was the clerk who told them that if they made complaints they would "get the gate"; (Q. 6507) that a man named John Cashin was forced on to a closet-box till his skin stuck to it, that he was afterwards tied down to his bed, and that his back was bleeding when he died; this man and several others were mopped down; a man named M'Innis was tied to his bed, the wardsmen using force; (Q. 6508) that this man M'Innis, an imbecile, received unnecessary rough treatment, and was given the needle by Cunningham every night. (Q. 6509) Athol Coy and others were also mopped down after soiling their beds. (Q. 6513) John Dowling was also treated in the same way; a wardsmen named Thomas Ashton deliberately hit Dowling in the eye. Walker, a cripple, was turned out of No. 2 hospital for singing and making a noise; he was dragged to his meals by two men, and died a week after having been again admitted to hospital. (Q. 6521) That James Marshall was turned out for refusing to take a letter after it had been opened; Christopher Gage was turned out for not letting the clerk keep a pound that had been sent him; and a German named Fiddler* was turned out for walking across the grass, and another man for loud talking.

H. Barber states (Q. 6583—4) that on the occasion of the visit of the ophthalmic surgeon in March the inmates were informed by the clerk that any of them asking Dr. Maher for medical comforts—flannels or socks—would be turned out; that the clerk gave this out in the mess-room upon two occasions, and that it was by the matron's orders.

J. Rooney states (Q. 6666) that John Dowling was ill-treated by the wardsmen, Thomas Ashton—Ashton dragging him from his bed by the hair, and, throwing him on the floor, would mop him down with cold water, and, by his (Ashton's) own

* Frequently the Board upon its visits found the dispenser's horse feeding over this grass plot. The dispenser is husband of the matron.

own admission, mopped up Dowling's filth, and stuck it in Dowling's mouth. (Q. 6667) States this on the authority of Ashton's own admissions. (Q. 6668) Ashton often struck Dowling on the face with his fist, also kicked him and beat him with the mop; he (Ashton) used to be quite exhausted after it. Mr. Cunningham showed Dr. Rowling Dowling's testicles and back, which were swollen and black. Dr. Rowling said, "No doubt he has been kicked or struck with something—that looks bad"; but it was hushed up. Brennan spoke out about it, and was turned out of the ward, although unfit to be out, which proved to us that if we complained we should be turned out. (Q. 6670-3) Wymise Bruce, an imbecile, suffering from diarrhoea, was also badly treated; he was put in a straight-jacket on his hands, and had a bed-pan tied to him, and allowed to remain so all night. When Ashton was made wardman he compelled Bruce to sit on an iron bucket until he fell off from exhaustion, when he was beaten with a mop. The night before Bruce died he was raving, and Ashton beat him unmercifully for making a noise. (Q. 6673) The doctor does not see the bodies of the dead, except he sees them in the dead-house. If an inmate dies before 9 p.m. he is removed at once; if after, he is left till 6 a.m. next morning. (Q. 6724) A man named Dempsey, in No. 3 hospital, suffering from diarrhoea, was allowed to remain in his filth twenty-four hours, only being cleaned at 6 every morning; the man was one mass of corruption from bed sores. It was reported to Cunningham, who showed it to Dr. Rowling, who said, "Cover him up," and that was all there was about it.

W. Roy states (Q. 6575-61) that a man named Bruce, an imbecile, suffering from diarrhoea, was cruelly treated, he being made to sit on an iron bucket till he fell off from exhaustion. (Q. 6765) The wardman named Ashton used to boast about how he had beaten him. (Q. 6767) Dr. Rowling did not, to his (Roy's) knowledge, see Bruce's body. (Q. 6769-71). Bruce also was mopped, the water being brought into the ward over night; his screams might have been heard all over the Institution. (Q. 6776-88) John Dowling, an imbecile, used to be frequently beaten and mopped with cold water, force being used, and have his head knocked against the wall when sitting on the bucket. Bolton was wardman then, and he struck Dowling in the eye, and told the doctor a fly must have stung him; that during May, 1885, seven inmates died in ten days, all of whom were mopped with cold water; and that if any of the patients said it was a shame the wardman threatened them with the same treatment.

J. Pryor states (Q. 7503-24) that he has been three years in the Asylum, and is suffering from paralysis; that he was a carrier at Gunnedah, on the Namoi; he has two brothers, selectors, and one living at Maitland; that he has lived on his brother's selection at Bando, and with his nephew; that he was never a drunkard; that he has been deprived of his extra bread which had been allowed him for two years, and that six or seven buckets of tea are thrown away which they would be glad of; that the best part of the soup is thrown into the pig-tub, which is emptied every day; that they never get any pork, nothing but the Asylum ration.

M. Brennan states (Q. 7367-98) he is suffering from paralysis, and has been in the Asylum three years; that he is 74 years of age; that he saw Dowling kicked by Martin Bolton and his mate hundreds of times; the doctor saw Dowling, and said, "The man has been kicked, but I do not know who kicked him"; that Dowling was an imbecile, and used to soil his bed, for which he was mopped with cold water and had his excrement thrust into his mouth, and was punched in the ribs with the mop-handle; that Dowling had to crawl on his hands and knees to get to the night stool, when Bolton would take him by the ears and hammer his head against the wall; that he did not complain about it to the matron.

H. Fitzpatrick (Q. 7023-46) states that James Rooney was turned out of the ward for complaining of the treatment of the wardman; that he has seen patients dragged out of bed and mopped; that a man named Bolton was badly treated, the wardman (Wallace) using all his strength to bend him straight, and strapping him to the bed with a sheet till he roared with pain, and that four or five hours afterwards he died; that Bolton had been a wardman, but was then a patient; that personally he had been well treated, being able to help himself; that the doctor just looks in, and that Monday is the day he examines the sore legs, but that he (Fitzpatrick) never hears him say anything except to Mr. Cunningham; that he has been in the country twenty-eight years, is a temperate man, and but for his accident would never have been there, as he owned a horse and dray, and had constant employment; that he formerly worked at Manilla, for Mr. Veness, Mr. Dickson, and a Mr. Baldwin of Dinnowarindie.

Henry Crozier (Q. 7647-68) states that he is 61, and that he remembers James Rooney being turned out for complaining of the wardman; that a Canadian named Johnson was forced on to the tub and his head knocked against the wall; that he has seen patients mopped for messing their beds, and that they were kept naked for half an hour; that he has seen a wardman (Wallace) put a mop between a man's legs at the back, and pull him backwards and forwards, and then throw him down on the bed; that he had been living at Bowral with four clergymen, one after the other, and did not complain, as he intended to leave as soon as possible; that the wardman had taken his clothes and hat from him.

W. Vavasour (7040-6) states that a man subject to fits has been appointed barber, and that he fell out of his chair on Sunday and smashed his face; that he used to be milker, but had to give it up on account of having those fits; that the old men get lousy, and get their tobacco stopped, from picking up old bits of rags to wrap round their feet, &c., as they are not allowed socks or flannels; that he (Vavasour) was a chief officer in the merchant service, holding a master's certificate; that he had to sell his instruments before he came to the Asylum, and that he has received scarcely any treatment since he came in.

J. Crighton states (7495-502) that he was in the erysipelas ward and saw a wardman strike a patient; that he did not know their names; that he was told it was no use complaining, as nothing was believed, and if they complained they would be turned out; that inmates were threatened to be turned out for walking on the grass; that he has always been fairly treated himself.

Your Board have quoted largely from the evidence taken at this institution, because, upon their final visit, it was sought by the matron to throw discredit upon the statements made by the various witnesses, and she even went so far as to say that none of them would dare to tell such falsehoods in her presence. Thereupon your Board called several of them into the Board room, and they reiterated, in the presence of the matron, every word of their former statements, which were read over to them. (Q. 8,315 *et seq.*) Now, as the matron avers that these persons conspired together to state things which were wholly untrue, it becomes necessary to see to what extent their evidence can be relied upon. Your Board has already stated that they are impressed with the absolute truth and sincerity of many of these witnesses, incredible as it may appear that no such statements had ever been made previously to any of the numbers of persons visiting. The residence in the latter case will, however, be accounted for by a perusal of the whole of the evidence, from which "the gate" is seen to have been constantly held over them *in terrorum*. The Chairman of your Board has for twenty years been engaged in taking and hearing evidence, and it cannot be denied that such practice enables an individual to develop a faculty for eliciting the truth, and recognizing it when it is spoken. In addition, the witnesses Pryor, Fitzpatrick, and Crozier were all known to him in their former lives outside the Asylum, and known as men of honesty and respectability. It seems to your Board wholly incredible that such men as these should deliberately conspire to make statements entirely without foundation. And this is inconceivable when it is borne in mind that they occupied different parts of the Asylum, and some of them had no means whatever of communicating or exchanging ideas with others. Your Board were favourably impressed also with the earnest and sincere way in which the evidence of Roy was given, as also that of Baird, Crozier, Vavasour, Rooney, and Brennan. Roy's case may profitably be examined as one of a type; and your Board are in possession of facts relating to the previous history and career of this man which render the probabilities of his conspiring or lying extremely remote. In a book, known to military authorities as a Soldier's Account Book, every private serving in the army has a complete record of his history while he remains in that service. His punishments, wounds, promotions, or distinguished conduct are all entered in the handwriting of the officer commanding the company, troop, or battery. From this book, which is in the possession of your Board, we gather—that William Roy, being then a baker, and a native of Dundee, in the county of Forfar, Scotland, enlisted at the age of 17 years, in 1870, in the 32nd Regiment of Foot. Information is also given, in as complete a manner as possible, of his appearance, which

which renders his identification easy. He was subsequently transferred to the 1st battalion of the 24th Regiment of Foot. He landed at Natal, in South Africa, on the 5th of July, 1871, and returned, landing in England on the 2nd October, 1879; and during this period, while engaged upon active foreign service, not one solitary entry against him for insubordination or misconduct of any kind is to be found; but on the contrary, your Board find that he was promoted to be a corporal, and under the hand of G. S. Browne, captain, we find the following:—

Date.	Campaign.	Medal granted.
22 January, 1879	Zululand	Distinguished services, Rorke's Drift, 22 January, 1879.

Your Board have also in their possession the medals gained in this campaign—one marked "for distinguished conduct on the field," and the other, with clasps, marked "South Africa." These, with a Bible containing her autograph, were presented to Roy, at Windsor, by Her Majesty, in December, 1879.* Your Board have been thus particular in giving Roy's previous history, because it has been stated (*inter alia* by Mr. Taylor, M.L.A.) that the inmates of these Asylums are the scum of the country, and that, therefore, their statements, no matter how firmly we may be impressed with their truth, should not be received or credited. Your Board, on the contrary, have found that many persons, as they have stated in an early part of this Report, are as much entitled to credence as any witness they have ever listened to. The courage with which Roy gave his evidence very favourably impressed your Board, and it is gratifying to find upon further inquiry that his previous history justifies that impression. Roy is now paralysed and blind, and has only a few months more probably to live. He was one of those witnesses called to confront the matron at her request; but he was so far from then retracting one tittle of the terrible evidence he had previously given that he added to it, and made further statements with regard to treatment he received after he had given evidence on the first occasion. These are perhaps the best examples we could give of the harshness and petty tyranny prevailing in this Institution. Your Board deem it advisable to reprint the whole of this evidence.

William Roy, 28 March, 1887, was called in and further examined:—

8326. *Chairman.*] You have given evidence before? Yes.
8327. Do you remember being in No. 3 hospital ward, and a man named John Dowling being there? Yes.
8328. At question 8776 you stated, "A man named John Dowling used to be beaten continually. He was an imbecile who did not know what he was doing. Sometimes he used to get out and sit on the stool, and sometimes he would not. Because he did not do that the wardman beat him unmercifully, pulling him out by his legs. He used force to him with the mop, and he beat his head against the wall when he was sitting on the bucket. The wardman used to come to me and boast that he had done that. I have often known the wardman regularly exhausted and winded through the effects of beating him." Do you recollect making that statement to the Board? Yes; I do.
8329. Is that true? It is quite true.
8330. *The Matron.* (through the *Chairman.*) Did you see it? I did not see it, but I heard of it. The wardman came down and boasted of it.
8331. How was it that you did not ask to see the matron and report it to her or to Mr. Cunningham? It was reported to Mr. Cunningham, and he reported it to the doctor.
8332. Do any ladies or gentlemen ever visit the ward, or other persons to whom you could make complaint? None; except they are sent for to officiate over a sick person.
8333. Do any ladies ever visit the ward? Ladies visit the ward once a fortnight.
8334. *Chairman.*] At question 6849 you were asked did you say that when the complaint was made to Dr. Rowling about Dowling's treatment Mr. Cunningham pulled the clothes over Dowling, and you answered he pulled the wardman back, and would not allow the wardman to show Dr. Rowling the marks of ill-treatment that Dowling received. Is that true? Yes.
8335. *The Matron* (through the *Chairman.*) Did you see it? The wardman told me.
8336. What was his name? Brown. I heard that the wardman told Mr. Cunningham to mind his own business before the doctor. I wish to speak of the way in which I have been treated since I was here before. Early in January Mr. Robison came down No. 3 ward and asked if there were any complaints to make about our food or anything else. The bread had been very bad for several days before this. I told him about it. The next day the porter the doctor allowed me was taken from me by the matron. I spoke to the doctor next day, and Mr. Cunningham told me in front of the doctor that I had made a complaint about the bread, and it was taken from me in consequence of that. With reference to the last question, the matron made the following statement:—"Roy having complained about the bread, the bread was laid on the doctor's table, and found to be perfectly good. The doctor inquired if Roy had any extras, and he immediately put his pen through the extras, and said he was to receive no more; but I neither saw the doctor nor took any other action in reference to the stopping of Roy's extras. I simply left the bread on the table for the doctor to see."
8337. *Chairman.*] The doctor stopped the extras because Roy made a complaint about the bread?
- (*The Matron.*) Yes, a complaint which was not true. Canon Gunther and the Inspector of Charities both examined the bread, and reported that it was perfectly good.
- (*The Witness Roy.*) The bread we had for breakfast was taken away, and I believe fresh bread was put in its place.
8338. *Dr. Ashburton Thompson.*] Can you bring anyone else that will say as much? The men have been shifted away; they have been distributed among the other wards.
8339. Did the assertion that the bread was bad rest entirely upon your opinion? There was no one else asked about it, but all the men were complaining about it. Dyer was complaining about the bread.
8340. On that occasion? Yes.
8341. Who else besides Dyer? If I am not mistaken, Baird complained about it too. As regards the porter, I knew nothing about it until the next morning, when Mrs. Cunningham told me that I had complained about the bread.
8342. Was it because you complained of the bread that these things had been stopped? Yes. When I spoke to the doctor Mr. Cunningham spoke up and said that Roy had been making a complaint about the bread, and that the porter had been stopped. The doctor said, "Well, if you make trouble like that, do not expect to get extras." He did not know anything at all about the porter being stopped. On the first of this month the ward was broken up—the ward I was in—and I was ordered upstairs into No. 2 ward to go to bed and to live up there. I have had the privilege of going out for exercise every day during the last two years by the doctor's order. By sending me up there my privilege was stopped. At the same time there was a little ward on the ground floor where I could walk in and out. I had either to go upstairs, or remain in the yard, and you can see, gentlemen, that I am not in a fit state to go into the yard.
8343. You cannot walk by yourself? I cannot walk at all by myself.
8344. And by going upstairs you were practically made a prisoner? The matron told me that I had to get to bed. I have witnesses to prove every word that I have said.
8345. Who will prove that? The man who brought me here in front of her, Barber.
8346. After you gave evidence last time, have you been talking matters over in the yard between yourselves? No one knows what I have said.
8347. The men who gave evidence did not tell each other what they had said? Some of them might; I did not.

8348.

* See Graphic for December 26th, 1879, which contains an illustration of the presentation, and states that Roy, being an invalid in hospital at Rorke's Drift when that building was in flames, broke through the wall, and while exposed to the enemy's fire succeeded in rescuing eight of his comrades. Four others were burned to death.

8348. Have you reason to think that anybody besides the Board knows what evidence you gave? I do not know, I am sure.

8349. Do you mean to say no? I have no reason to think that anybody knows what evidence I have given.

8350. How then do you come to say that these things were done to you because you had given evidence, since the persons who did these things could not know whether the evidence was favourable to or against them? I do not say that.

8351. (*To the Matron.*) You are aware, Mrs. Cunynghame, that this man has been in the habit of taking exercise in the yard? Yes.

8352. You are also aware that he cannot get up and down stairs by himself? Yes.

8353. Do you think it was a good arrangement to put him at the top of a flight of stairs? I do not know; but there was no other place for him. Every bed in the other place was occupied. The six beds there were occupied with very bad cases.

8354. None of those persons could be moved upstairs instead? There are twenty men in the same position; Roy's is not the only case.

From this it would appear that Roy, upon some alteration in the hospital arrangements, the necessity for which was not made clear by the matron, was ordered to occupy a ward at the top of a flight of stairs, or remain in the yard. He elected to go into the yard, thus placing himself entirely at the mercy of the charitably-disposed or sympathetic inmates, if such happened to be there, as he can neither walk nor see. To place him in a ward at the top of a flight of stairs, up and down which it would be necessary that he should be carried, would have been making him practically a prisoner, as he could not go out, unless with such assistance as he was not in a position to obtain; and so the unfortunate creature, if he had gone to this ward, would have been deprived of even the slight enjoyment of life which his pitiable condition had left him, viz., an opportunity of breathing comparatively fresh air, and talking with other inmates. The other matter to which Roy refers (Q. 8330), that in January last the Inspector of Charities, presumably in the discharge of his ordinary duties, as the Board was not sitting then, visited the ward, and asked Roy if there was any matter of complaint, and upon his replying that the bread was sour (which was a matter of common complaint), the next day his medical comfort, the porter allowed him by the doctor, was cut off. Here we have the case of an inmate invited by an officer holding a high position in connection with these Asylums to make a complaint, and when that complaint is made, we have the officer and visiting clergyman forming themselves into an irresponsible Board to inquire into the truth or otherwise of the complaint.* We have no evidence that the bread of which Roy complained was the same as that which formed the subject of inquiry; but we have evidence that Roy was a baker by trade, and possibly as capable of judging of the character of the food as either of the self-elected Board. We have still further evidence that when Roy complained to another high official, the medical attendant, the reply he received was (Q. 9342), "Well, if you make trouble like that, do not expect to get extras." Your Board cannot believe that the officer who first invited Roy to make any complaint or statement was in any way privy to the petty tyranny of depriving such a creature of his paltry medical comfort, because the latter complied with his request, the case rather showing the means taken by the permanent officers to stifle complaint.

The evidence of another witness, Vavasour, so far as your Board are aware, should be thoroughly reliable. He (see evidence quoted) was, when outside, a sailor, holding a master's certificate; was obliged to sell his nautical instruments to pay for medical attendance; and finally, when reduced to absolute penury, was compelled to seek the refuge the Asylum provided. Vavasour presents a remarkable complaint from the other inmates which is evidence of grave neglect in the management, and that is, that an epileptic inmate was appointed to shave the others (Q. 7040, evidence quoted). One can imagine the feelings with which a feeble, nervous old person would place himself under the hands of such a barber. Men of this type are not usually untruthful, and so your Board, with deep regret that such a horrible state of affairs ever should have existed in a charitable institution, feel bound to accept as literally and positively true the story of the inmates of the Macquarie-street Asylum at Parramatta.

COMMENTS.

Apart from the comments necessary and indispensable upon those portions of the Report dealing with the medical attendance, dietary, and involving credibility of evidence, your Board have hitherto contented themselves with a bald statement of facts. They have carefully refrained from commenting upon the horrors and miseries and the amount of human suffering endured for years in these Institutions; although the groans and cries of distress from the helpless creatures never appear to have reached official ears, or, if they did, those ears were so insured to agonizing appeals and so dulled to all sympathy with human suffering as to render the appeal unavailing. It is not now the purpose of your Board to dilate upon this subject; it is far too painful, and no pen is capable of exaggerating the horrible story of wretchedness and misery in a single detail. The evidence so simply yet pathetically given by those blind paralyzed witnesses, corroborated, as it is, over and over again by others, cries for alteration and amendment, and the cry should not be allowed to pass unheeded.

* * * * *

At Macquarie-street the evidence is incontrovertible of the gross brutalities practised upon helpless inmates by the wardsmen who were appointed by the matron.

It would be quite impossible to absolve from blame the matrons affected by the evidence of these atrocities. The wardsmen and wardswomen are all appointed by them. By no process of reasoning can your Board arrive at the conclusion that these matters were daily happening under the management of these officers and yet remain unknown to them, except on the assumption (which is equally discreditable) that they systematically neglected the work for which they were paid.

* * * * *

Again, at Macquarie-street, take, as an example, the case of Dowling, not because that particular case exhibits any peculiar or special cruelty of treatment, but simply because it is typical of a number of others. Here we have a helpless, paralyzed, and almost idiotic creature dragged out of bed on a cold winter morning, swilled over with water on the floor of the apartment; the excrement, which in his helpless condition he had passed during the night, wiped from his buttocks with a mop—the mop used to clean out the room—and thrust into his face by his brutal tormentor, who was receiving pay and extras from the Government to attend to the wants of those under his charge. In view of the existence of such atrocities as these, your Board therefore urge that immediate steps may be taken to better the condition

of

* Read Act 30 Vic. No. 19, defining the duties of the Inspector of Charities; also Q. 7233, asked by that gentleman. From these it will be seen that in constituting themselves a Board to decide a matter, where punishment of a helpless paralytic followed, he and Canon Guether were acting without authority.

of these unfortunates, and end a system of ill-treatment and neglect which, although existing under the name of charity, and in the midst of a Christian community, would be degrading to the most inhuman race of savages.

* * * * *

At Macquarie-street the space available for recreative purposes is less than that set apart for the accommodation of the matron's poultry; and while there is a green sward destitute of seats, which might be made available, the inmates are confined to that portion marked "drying ground" on plan, and to the shed; and evidence has been given to the Board of inmates (6583) having been expelled for merely walking upon this sward, while the horses of the matron's husband are allowed to feed over it.

* * * * *

In the Report of a Commission presided over by His Honor Mr. Judge Windeyer, in 1873, the following passage occurs:—

"A number of the men having made complaints to us respecting the management of the Institution, it appears that they were afterwards turned out of the Asylum by Mr. Dennis for having done so. This conduct on his part we consider highly reprehensible, and indeed cruel, as one of the men was blind, and utterly unable to obtain a living."

It does not appear that at that time any action was taken upon this conduct. Your Board have now to point out that a similar course was followed in the present case by Mr. King with regard to the witness Baird. Baird gave evidence first upon November 18. In January your predecessor in office, who had commanded this Inquiry, went out with the Ministry, of which he was a member. Immediately the Manager of Public Asylums repaired to Macquarie-street. Baird was brought before him, and was there and then ejected from the Asylum because, as Baird himself says, (8316), he was accused of collecting evidence for the Board, and of fomenting a spirit of insubordination; because, as the matron says (8188), there were several complaints about him, and (8183) he had been seen going about with his pencil and paper; and because, as the entry of the transaction in the matron's diary says, the Manager ordered it (8188), no reason being there assigned. Baird came to Sydney the same day and sought out your Chairman. The case being at once referred by him to your predecessor in office, that gentleman (who had not yet handed over his Department to you) immediately directed Baird's re-admission, and issued the very necessary order that for the future, and pending further instructions, no inmate should be discharged except upon his own request. Your Board are clearly of opinion that this is an instance of the manner in which "the gate" was habitually employed at this Asylum as a means of coercing and cowering the inmates; and, further, that its use in the case of a helpless cripple like Baird, who had given evidence in this Inquiry, is an offence from every point of view of the very gravest kind. This superior officer having been present on the occasion referred to, nothing can be said of any share which the matron may have taken in this proceeding; but other, and not less important matters, have now to be described, for which she is responsible. On March 30 a document, signed by 138 of the inmates, was obtained and forwarded to the Board. It certifies that the undersigned, having heard that a few of the inmates had conspired to make many false and exaggerated statements to the Board, especially with regard to the treatment of patients in the hospitals, wish to certify that, "until made known to us by the Superintendent, we were unaware of any such misconduct or cruelty had been carried on." (Appendix A, No. 69.) The same day this certificate was obtained, Baird (*loco citato*, No. 70) wrote to the Chairman, informing him that on the morning of March 30 all the more important witnesses before the Board, including himself, had been shut up in a dormitory while this certificate was being signed; and that they were induced to submit to this isolation on the understanding that they were waiting for the arrival of the Board to prosecute this Inquiry, although the matron knew the Board had concluded their inspection. Thereupon the Chairman repaired to Parramatta, and saw Baird, Roy, Fitzpatrick, Thompson, and two others, who corroborated Baird's statement; and at the same time he questioned three or four of those who signed the certificate, and these then averred that they did not understand exactly what it was they had signed. It seems reasonable to surmise that had the witnesses, who are the more courageous and intelligent of the inmates, been allowed to be present when the matron appealed to the rest to testify in her favour, they might have succeeded in explaining the true import of the document, and that then so many signatures would not have been obtained to it. A further certificate, that the attendance of various Protestant clergymen had been regular, was signed by eighty-seven inmates on April 4, and transmitted to your Board.* To both of these certificates, and in the same order in each, are affixed the following six names: John Johnson, Charles J. Olin, Joseph Lambert, James Burton, Albert Regamy, and Thomas Herford. In the document certifying that the undersigned had heard of no cruelty, &c., Olin's name alone may have been written by himself; the other five are in one hand, and, by the attachment to each of crosses, the owners are represented as being unable to write. But in the second certificate, while Olin again signs his own name (that is, while his name appears in the same hand as at first), the other five are respectively written in different hands, and by inept penmen. If those five men can write, why did they not sign the certificate which denies cruelty? Have they ever seen that document, or were their names and marks affixed without their knowledge? The certificate against allegations of cruelty bears nothing on the face of it to show that it was not spontaneous; but there is no doubt it was solicited by the officers of the Institution, of whom Mrs. Cunyngame (the matron-superintendent) is the head. She, therefore, is responsible for it. But Mr. Cunyngame must share this blame; for he, too, busied himself in obtaining signatures. Officially he is known to you only as the dispenser, and in that capacity fault need not be found with him; but he relieves his wife of much of her managerial work, and may be properly described as the *de facto* superintendent. And as for this officer's evidence, your Board are now obliged to say plainly that they feel unable to rely upon any part of it whatever; and this opinion was formed at the time it was taken.

* * * * *

We have the honor to be, Sir,
Your obedient servants,
T. KINGSMILL ABBOTT, S.M., Chairman.
J. ASHBURTON THOMPSON.

[NOTE.—The foregoing extracts are the only portions of the Report referring to Macquarie-street Asylum.]

* It may be worth while to remark here that no evidence had been given before the Board upon this subject; and the irregularity, or non-attendance, of spiritual advisers formed no portion of the Inquiry.

The third Member of the Board, the Inspector of Public Charities, having declined to sign this Report, for certain reasons stated in the minutes of the last meeting, his Anticipatory Report, dated 4th January, 1887, is appended hereto.
4/5/87. T.K.A.,
Chairman.

[Minutes referred to.]

WEDNESDAY, 4 MAY, 1887.

MEMBERS PRESENT:—

T. Kingsmill Abbott, Esq., S.M., Chairman.
J. Ashburton Thompson, Esq., M.D. | H. Robison, Esq.

The Chairman brought up his Report, which was read page by page.

The Chairman asked that the Report, as read, should be adopted.

Dr. J. Ashburton Thompson concurred, and had pleasure in seconding the motion of the Chairman.

Mr. Robison demurred, and said he should have time further to consider the Report; he had no objection to sign it, but desired, if he thought fit, after further consideration, to make such comments upon it as he might deem desirable.

The Board deliberated.

The Chairman eventually pointed out that the Board were already in possession of the views of Mr. Robison, conveyed in his Report, dated 4th January, 1887, and written in anticipation of that of the Board forwarded to the Colonial Secretary, and by that gentleman returned to the Chairman, and requested Mr. Robison to sign the Report now presented and agreed to by a majority of the Board, or, if he objected, his anticipatory Report could be printed as an *addendum*.

Mr. Robison declined to attach his signature to the Report presented, and agreed that the one written by him should be printed.

The Chairman then attached his signature to the Report, and Dr. Thompson having done so likewise, Mr. Robison was informed that his Report would be printed as an *addendum* to the Report.

ADDENDUM.

Report of The Inspector of Public Charities.

The views of Mr. Robison, as expressed herein, should be forwarded to the Chairman of the Newington Commission, who, I understand, is now preparing the report of the Board.—G.R.D., 13/1/87. The Chairman of the Government Asylums Inquiry Board.—C.W., B.C., 14/1/87.

Management.—The evidence goes to show: That, in regard to general cleanliness and order, little to be desired has been wanting, at the same time the personal comfort of the inmates has scarcely been sufficiently studied.

That in the distribution of extras, especially for the sick, economy has been carried to excess.

That the Manager has placed too implicit reliance on his officers, some of whom deputed to their subordinates duties requiring their personal supervision.

NOTE.—Applies to Newington and Macquarie-street, Parramatta.

That at the Macquarie-street Asylum, Parramatta, complaints against the medical officer and the matron were made to the Board—against the former for neglect, and the latter for having introduced a species of terrorism by expulsions, and for having allowed the chief wardman to exercise powers which it is said he has used in a tyrannical manner.

Dissatisfaction was also expressed at the quality of the food, especially the deficiency of vegetables.

That, in some of the Asylums, consequent on the matron being allowed to exercise the power of expelling inmates, acts of oppression, and even of cruelty, were alleged to have occurred, and that complaints were stifled by a fear lest the fact of bringing charges forward might render the complainants liable themselves to expulsion.

NOTE.—Extreme caution is necessary in accepting such statements, few of the inmates being scrupulous as to veracity.

It would be safer, unless under extraordinary circumstances, that expulsion should be made only after reference to the General Manager. At the same time it is very necessary that inmates not only submit themselves to authority, but that they acknowledge their obligation to assist in carrying on the work.

The charges of cruelty against some of the attendants referred to a time too remote to allow of their being properly investigated. It is not unlikely some of them were well founded, the duties requiring to be performed on behalf of the helpless and imbecile being often of a most repellent and disgusting character, and likely to irritate the person who renders them when resisted or accepted ungraciously by the patient.

To reduce this danger in the future to a minimum, extra precautions are necessary, both by a closer supervision and by providing trustworthy nurses of a higher grade of intelligence than can be selected from the general inmates of the Asylums.

HUGH ROBISON,
Inspector Public Charities.

NOTE.—The foregoing extracts are the only portions referring to the Macquarie-street Asylum.

1889.

—
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

PROGRESS REPORT FROM THE SELECT COMMITTEE

ON THE CASE OF

MRS. CUNYNGHAME, LATE SUPERINTENDENT OF
 MACQUARIE-STREET ASYLUM FOR INFIRM AND
 DESTITUTE, PARRAMATTA;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
 27 September, 1889.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

—
 1889.

1888.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No 54. FRIDAY, 5 JULY, 1889.

9. MRS. CUNYNGHAME, LATE SUPERINTENDENT OF MACQUARIE-STREET ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA:—Mr. Howe moved, pursuant to Notice,—
- (1.) That a Select Committee be appointed, with power to send for persons and papers, to inquire into and report upon the removal of Mrs. Cunynghame from the position of Superintendent of the Macquarie-street Asylum for Infirm and Destitute.
- (2.) That such Committee consist of Mr. Cass, Mr. Frank Farnell, Mr. Edmunds, Mr. Grahame, Mr. Hawthorne, Mr. Kidd, Mr. Nobbs, Mr. Ritchie, and the Mover.
- Debate ensued.
Question put and passed.
-

VOTES No. 55. TUESDAY, 9 JULY, 1889.

5. MRS. CUNYNGHAME, LATE SUPERINTENDENT OF MACQUARIE-STREET ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA:—
- (1.) Mr. Howe presented a Petition from Sarah Cunynghame, of Parramatta, praying that she may be heard by Counsel or Attorney before the Select Committee appointed to inquire into and report upon the matter of her removal from the position of Superintendent of the Macquarie-street Asylum for Infirm and Destitute.
- Petition received.
- (2.) Mr. Howe (*by consent*) moved, without Notice, That the prayer of the Petitioner be granted.
- Question put and passed.
-

VOTES No. 62. FRIDAY, 19 JULY, 1889.

3. MRS. CUNYNGHAME, LATE SUPERINTENDENT OF MACQUARIE-STREET ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA:—Mr. J. P. Abbott (*by consent*) moved, without Notice, That Mr. Crick be appointed a Member of the Select Committee now inquiring into the case of "Mrs. Cunynghame, late Superintendent of Macquarie-street Asylum for Infirm and Destitute, Parramatta."
- Question put and passed.
-

VOTES No. 67. TUESDAY, 30 JULY, 1889.

3. MRS. CUNYNGHAME, LATE SUPERINTENDENT OF MACQUARIE-STREET ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA:—Sir Henry Parkes presented a Petition from Sydney Maxted, Director of Government Asylums and Boarding-out Officer, of Sydney, referring to the appointment of the Select Committee on this subject, and to the fact that Mrs. Cunynghame had received the consent of the House to be heard by Counsel or Attorney before such Committee; and praying that Petitioner may, in his official capacity, also be represented by Attorney, with the right to call witnesses and adduce evidence, and to examine and cross-examine such witnesses as may give evidence before the Committee.
- Petition received.
- Sir Henry Parkes (*by consent*) moved, without Notice, That the prayer of the Petitioner be granted.
- Question put and passed.
-

VOTES No. 68. WEDNESDAY, 31 JULY, 1889.

4. MRS. CUNYNGHAME, LATE SUPERINTENDENT OF MACQUARIE-STREET ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA:—Mr. Howe (*by consent*) moved, without Notice, That the Return to Order laid upon the Table and ordered to be printed on the 2nd May, 1889, respecting the removal of Mrs. Cunynghame, late Matron-Superintendent of Parramatta Asylum, be referred to the Select Committee now sitting on the subject.
- Question put and passed.
-

VOTES

VOTES No. 72. WEDNESDAY, 7 AUGUST, 1889.

4. MRS. CUNYNGHAME, LATE SUPERINTENDENT OF MACQUARIE-STREET ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA :—Mr. Howe (*by consent*) moved, without Notice, That the Select Committee now sitting on the case of "Mrs. Cunynghame, late Superintendent of Macquarie-street Asylum for Infirm and Destitute, Parramatta," be authorized to make visits of inspection to, and to hold inquiries at, the Asylum for Infirm and Destitute, Parramatta; and that the Committee have leave to sit during any adjournment of this House to enable them to make the said visits of inspection.
Question put and passed.

VOTES No. 98. FRIDAY, 27 SEPTEMBER, 1889.

5. MRS. CUNYNGHAME, LATE SUPERINTENDENT OF MACQUARIE-STREET ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA :—Mr. Howe, as Chairman, brought up a Progress Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this subject was referred on 5th July, 1889.
Ordered to be printed.

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1889.

MRS. CUNYNGHAME, LATE SUPERINTENDENT OF MACQUARIE-STREET
ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA.

PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly appointed on 5th July, 1889,—
“with power to send for persons and papers, to inquire into, and report upon,
the removal of Mrs. Cunynghame from the position of Superintendent of the
Macquarie-street Asylum for Infirm and Destitute,” and to whom was referred
on 31st July, 1889, “a Return to Order on the same subject,” and to whom
was granted on 7th August, 1889, “leave to make visits of inspection to, and to
hold inquiries at, the Asylum for Infirm and Destitute, Parramatta, with power
to sit during any adjournment, for the purpose of making such visits of inspec-
tion,”—have agreed to the following Progress Report:—

Your Committee having examined the witnesses named in the list*, have
resolved, owing to the advanced period of the Session, to report the evidence to
your Honorable House, and to recommend that the inquiry be resumed early next
Session.

JAMES P. HOWE,

Chairman.

No. 2 Committee Room,

Sydney, 27th September, 1889.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 16 JULY, 1889.

MEMBERS PRESENT:—

Mr. Howe, | Mr. Frank Farnell,
Mr. Ritchie.

Mr. Howe called to the Chair.

Entries from Votes and Proceedings appointing the Committee and granting leave to Mrs. Cunyng hame to be represented by Counsel, read by the Clerk.

Committee deliberated.

[Adjourned till Wednesday, 24th July, at *Half-past Two* o'clock.]

WEDNESDAY, 24 JULY, 1889.

MEMBERS PRESENT:—

Mr. Howe in the Chair.
Mr. Crick, | Mr. Ritchie.

Entry from Votes and Proceedings appointing Mr. Crick a Member of the Committee, read by the Clerk.

Present:—Mr. P. B. Bourke (*Counsel for Mrs. Cunyng hame*), instructed by Mr. John Herbert.

Mr. T. M. Williamson, Solicitor, informed the Committee that he appeared to watch the interests of Mr. Sydney Maxted, Director of Government Asylums, in this case.

Objection being taken to Mr. Williamson so appearing without leave of the House first having been obtained,—

Room cleared.

Committee deliberated, and decided that Mr. Williamson had no authority to appear before the Committee, inasmuch as Mrs. Cunyng hame was the only party to whom leave had been granted by the House to be represented by Counsel.

Counsel called in and informed.

Ordered,—That S. Maxted, Dr. Violette, Critchott Walker, F. Dyer, A. Hanson, C. Crawley, W. Stirling, and Attendants Edgar and Warner be summoned under the Parliamentary Evidence Act to give evidence at next meeting.

[Adjourned till Wednesday next, at *Half-past Ten* o'clock.]

WEDNESDAY, 31 JULY, 1889.

MEMBERS PRESENT:—

Mr. Howe in the Chair.
Mr. Crick, | Mr. Ritchie,
Mr. Kidd, | Mr. Frank Farnell,
Mr. Hawthorne.

Entry from Votes and Proceedings, granting leave to Mr. Sydney Maxted, Director of Government Asylums, to be represented by Counsel or Attorney, read by the Clerk.

Present:—Mr. P. B. Bourke (*Counsel for Mrs. Cunyng hame*), instructed by Mr. John Herbert; Mr. T. M. Williamson (*Solicitor for Mr. Maxted, Director of Government Asylums*).

Mr. Williamson took exception to Mr. Crick sitting as a member of the Committee on the ground that he was acting as solicitor for Mrs. Cunyng hame.

Room cleared.

Committee deliberated.

Mr. Crick having denied that he was acting as solicitor for Mrs. Cunyng hame, the Committee decided that he was properly sitting as one of its members.

Parties called in and informed.

Mr. Bourke addressed the Committee, setting forth the charges which had been made against Mrs. Cunyng hame, and which subsequently led to her removal from the office of Matron-Superintendent of the Macquarie-street Asylum for Infirm and Destitute, at Parramatta.

Sydney Maxted (*Director of Government Asylums*) called in, sworn, and examined.

Witness produced the "Prescription Book" of the Asylum, also "Daily Diaries" kept by the Matron-Superintendent.

Witness withdrew.

Committee deliberated.

[Adjourned till Wednesday next at *Half-past Ten* o'clock.]

WEDNESDAY,

WEDNESDAY, 7 AUGUST, 1889.

MEMBERS PRESENT:—

Mr. Howe in the Chair.

Mr. Crick,	|	Mr. Ritchie,
Mr. Kidd,	|	Mr. Nobbs,
Mr. Hawthorne,	|	Mr. Frank Farnell.

Entry from Votes and Proceedings referring the Return to Order in reference to the case of Mrs. Cunynghame to the Committee, read by the Clerk.

Printed copies of same before the Committee.

Present:—Mr. P. B. Bourke (*Counsel for Mrs. Cunynghame*), instructed by Mr. John Herbert; Mr. T. M. Williamson (*Solicitor for Mr. Maxted, Director of Government Asylums*).

Sydney Maxted called in and further examined by Mr. Bourke.

Witness produced book containing accounts of inmates' moneys.

Mr. Bourke objecting to the witness giving evidence in reference to a report of a Board of Inquiry into Government Asylums, dated 29 April, 1887,—

Room cleared.

Committee deliberated, and decided that the witness must confine his evidence to the charges contained in his report, and which led to Mrs. Cunynghame's dismissal.

Parties called in and informed.

Examination continued.

Cross-examined by Mr. Williamson.

Witness produced copies of testimonials as to his fitness for the position of Director of Government Asylums.

Witness withdrew.

Ordered,—That the Chairman obtain the necessary leave from the House for the Committee to visit and take evidence at the Asylum, Parramatta.

[Adjourned till Wednesday next at *Half-past Ten o'clock.*]

WEDNESDAY, 14 AUGUST, 1889.

MEMBER PRESENT:—

Mr. Howe.

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

WEDNESDAY, 21 AUGUST, 1889.

MEMBERS PRESENT:—

Mr. Howe in the Chair.

Mr. Ritchie,	|	Mr. Crick,
Mr. Hawthorne,	|	Mr. Grahame,
Mr. Cass,	|	Mr. Kidd,
Mr. Edmunds.		

Entry from Votes and Proceedings granting leave to the Committee to make visits of inspection to, and to hold inquiries at, the Asylum for Infirm and Destitute, Parramatta, and to sit during any adjournment for the purpose of making such visits of inspection, read by the Clerk.

Present:—Mr. P. B. Bourke (*Counsel for Mrs. Cunynghame*), instructed by Mr. John Herbert; Mr. T. M. Williamson (*Solicitor for Mr. Maxted, Director of Government Asylums*).

Sydney Maxted called in and further cross-examined.

Witness produced pay-vouchers of the Macquarie-street Asylum for the years 1884 to 1888, inclusive; also extract from the *Sydney Morning Herald* of 10th October, 1888.

Witness withdrew.

William Bradley Violette, M.B., called in, sworn, and examined.

Witness withdrew.

Resolved,—That the Committee at its next meeting proceed to Parramatta.

[Adjourned till Friday next, at *Half-past Nine o'clock.*]

FRIDAY, 23 AUGUST, 1889.

MEMBERS PRESENT.

Mr. Howe in the Chair.

Mr. Kidd,		Mr. Ritchie.
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Present:—Mr. P. B. Bourke (*Counsel for Mrs. Cunynghame*), instructed by Mr. John Herbert; Mr. T. M. Williamson (*Solicitor for Mr. Maxted, Director of Government Asylums*).

The Committee proceeded by train to Parramatta; and having arrived at Parramatta,—

Peter Christopher Abbott called in, sworn, and examined by Mr. Williamson.

Cross-examined by Mr. Bourke.

Witness withdrew.

The Committee having returned,—

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

WEDNESDAY,

WEDNESDAY, 28 AUGUST, 1889.

MEMBERS PRESENT:—

Mr. Howe in the Chair.

Mr. Ritchie,
Mr. Crick,

Mr. Kidd,
Mr. Edmunds,

Mr. Hawthorne.

Present:—Mr. P. B. Bourke (*Counsel for Mrs. Cunynghame*), instructed by Mr. John Herbert;
Mr. T. M. Williamson (*Solicitor for Mr. Maxted, Director of Government Asylums*).
William Bradley Violette, M.B., called in and further examined.
Witness withdrew.
Mrs. Sarah Cunynghame called in, sworn, and examined by Mr. Bourke.
Witness withdrew.

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

TUESDAY, 3 SEPTEMBER, 1889.

MEMBERS PRESENT:—

Mr. Howe in the Chair.

Mr. Kidd, | Mr. Crick,
Mr. Ritchie.

Present:—Mr. P. B. Bourke (*Counsel for Mrs. Cunynghame*), instructed by Mr. John Herbert;
Mr. T. M. Williamson (*Solicitor for Mr. Maxted, Director of Government Asylums*).
Mrs. Sarah Cunynghame called in and further examined by Mr. Bourke.
Witness produced certain account books and other papers.
Witness withdrew.

[adjourned till Thursday next at *Eleven o'clock*.]

THURSDAY, 5 SEPTEMBER, 1889.

MEMBERS PRESENT:—

Mr. Crick, | Mr. Kidd,
Mr. Ritchie, | Mr. Edmunds,

Mr. Hawthorne.

In the absence of the Chairman Mr. Kidd called to the Chair *pro tem*.
Present:—Mr. P. B. Bourke (*Counsel for Mrs. Cunynghame*), instructed by Mr. John Herbert;
Mr. T. M. Williamson (*Solicitor for Mr. Maxted, Director of Government Asylums*).
Mrs. Sarah Cunynghame called in and further examined by Mr. Bourke.
Cross-examined by Mr. Williamson.
Objection being taken to the cross-examination of witness as to evidence given by her before the Government Asylums Inquiry Board.
Room cleared.
Committee deliberated, and decided that reference to any evidence in the Government Asylums Inquiry Board Report, which bore upon the matter being dealt with by the Committee, and which tended to show the credibility of the witness, was admissible.
Parties called in and informed.

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

WEDNESDAY, 11 SEPTEMBER, 1889.

MEMBERS PRESENT:—

Mr. Howe in the Chair.

Mr. Kidd, | Mr. Crick,
Mr. Ritchie.

Present:—Mr. P. B. Bourke (*Counsel for Mrs. Cunynghame*), instructed by Mr. John Herbert;
Mr. T. M. Williamson (*Solicitor for Mr. Maxted, Director of Government Asylums*).
The Clerk submitted a letter from Mr. Frederick King, who had been summoned as a witness before the Committee, enclosing a medical certificate from Dr. Strong to the effect that Mr. King was unfit, mentally and physically, to attend and give evidence.
Mrs. Sarah Cunynghame called in and further cross-examined.
Witness withdrew.
In reference to the letter received from Mr. F. King, the Clerk was instructed to write to Dr. Strong requesting his opinion as to whether the Committee might examine Mr. King at his residence without danger to his health.

Resolved,—That the Committee, at its next meeting, again proceed to Parramatta.

[Adjourned till Wednesday next at *Half-past Nine o'clock*.]

WEDNESDAY,

WEDNESDAY, 18 SEPTEMBER, 1889.

MEMBERS PRESENT:—

Mr. Howe in the Chair.

Mr. Kidd, | Mr. Grahame.

Present:—Mr. P. B. Bourke (*Counsel for Mrs. Cunyngame*), instructed by Mr. John Herbert;
Mr. T. M. Williamson (*Solicitor for Mr. Marted, Director of Government Asylums*).

The Clerk submitted a letter from Dr. Strong stating that he was of opinion that Mr. Frederic King might give evidence at his residence without danger to his health.

The Committee proceeded by train to Parramatta; and having arrived at Parramatta,—

Mrs. Sarah Cunyngame called in and further examined.

Witness withdrew.

Peter Christopher Abbott called in and further examined by Mr. Williamson.

Witness withdrew.

Philip McAuley called in, sworn, and examined by Mr. Williamson.

Cross-examined by Mr. Bourke.

Witness withdrew.

James Rooney called in, sworn, and examined by Mr. Williamson.

Cross-examined by Mr. Bourke.

Witness withdrew.

Dixwell Jones Cadogan called in, sworn, and examined by Mr. Williamson.

Cross-examined by Mr. Bourke.

Witness withdrew.

Thomas Ghost called in, sworn, and examined by Mr. Williamson.

Cross-examined by Mr. Bourke.

Witness withdrew.

Thomas Edgar called in, sworn, and examined by Mr. Williamson.

Cross-examined by Mr. Bourke.

Witness withdrew.

Resolved,—That the Committee at its next meeting again proceed to Parramatta.

[Adjourned till Wednesday next, at *Half-past Nine o'clock*.]

WEDNESDAY, 25 SEPTEMBER, 1889.

MEMBERS PRESENT:—

None.

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

THURSDAY, 26 SEPTEMBER, 1889.

MEMBERS PRESENT:—

Mr. Kidd, | Mr. Ritchie.

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

FRIDAY, 27 SEPTEMBER, 1889.

MEMBERS PRESENT:—

Mr. Howe, in the Chair.

Mr. Kidd, | Mr. Nobbs,
Mr. Crick.

Clerk submitted claim from Dr. Violette for expenses as a witness before the Committee, same considered and agreed to.

Committee deliberated.

Chairman submitted Draft Progress Report.

Same read and agreed to.

Chairman to report to the House.

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1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

MRS. CUNYNGHAME, LATE SUPERINTENDENT OF MACQUARIE-STREET ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA.

WEDNESDAY, 31 JULY, 1889.

Present:—

MR. HOWE,
MR. CRICK,
MR. HAWTHORNE.

MR. FRANK FARNELL
MR. KIDD,
MR. RITCHIE.

JAMES PETER HOWE, ESQ., IN THE CHAIR.

Mr. Bourke, instructed by Mr. Herbert, appeared as counsel for Mrs. Cunyngame.

Mr. T. M. Williamson appeared as solicitor for Mr. Maxted.

Sydney Maxted called in, sworn, and examined:—

1. *Chairman.*] What position do you occupy? Director of Government Asylums and Boarding-out Officer.
2. *Mr. Bourke.*] What position did you hold before? Boarding-out Officer of the State Relief Board, and Chief Inspector.
3. For how long? Eight years.
4. What position did you hold before that? Master of the Protestant Orphan Asylum.
5. How long have you been in the Service? I suppose about eleven or twelve years altogether.
6. Was there any similarity between your position before you were appointed Director of Government Asylums, and the position that Mrs. Cunyngame held, which would have given you an insight into her particular duties? Yes; at the time I was Master of the Protestant Orphan School, Mr. Dennis died, and I expected that I would succeed him, and I therefore took trouble at that time, and also since, to make myself sufficiently acquainted with asylums and other institutions connected with the charities generally.
7. You had no practical experience? I had practical experience of an orphan institution.
8. But Mrs. Cunyngame's institution was a hospital? No; Mrs. Cunyngame's institution was an Asylum for the Infirm and Destitute, to which there were attached chronic hospitals. I wrote a series of papers on those institutions.
9. What practical experience had you of an institution like Mrs. Cunyngame's? Only the experience which came from visiting.
10. From natural wisdom, I suppose? No; which came of visiting, and I read a great deal on the subject.
11. In your report of the 14th November, 1888, you make four charges against Mrs. Cunyngame, the first is a charge of harshness to inmates? Yes.
12. On what date were you first appointed Director of the Government Asylums? August 1st, 1888.

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S. Maxted.
31 July, 1889.

13. The first charge you make is, "Soon after my appointment as director I ascertained that the superintendent disallowed the issue of tobacco to all hospital inmates for no other reason than that they occasionally spat upon the floors,"—are you aware that there was no general order allowing tobacco (until you issued one) to the hospital inmates? Yes.
14. Why did you make a charge against Mrs. Cunynghame that she disallowed tobacco when no order existed for issuing it? Simply because I spoke to her; noticing that at other institutions it was allowed to hospital inmates, I asked why she did not allow it; she said they spat on the floor. I said it must be allowed.
15. You are aware that there was no order, no general order, before for the issue of tobacco to hospital patients? Yes.
16. You are aware that it was only issued to hospital patients when the doctor ordered it? No.
17. You are aware that there was no general order for the issue of tobacco? I was not aware until I put the question to Mrs. Cunynghame.
18. Were you the first to make the general order? Yes.
19. Then how is it that you make it a charge against Mrs. Cunynghame that she did not issue the tobacco before there was any order? This is the explanation I wish to give: I knew that the superintendents did as they liked, and I asked Mrs. Cunynghame, seeing that the patients at the other hospitals were allowed tobacco, why she did not allow the inmates to have tobacco in her institution; then I said, "You must let them have it," and she said she did not because they spat upon the floors; I said, "You must let them have it." I remember her saying, "Who is to clean up?" I said, "That is for you to arrange, not me." I directed three times before this was carried out.
20. Then you say, "I found that for most trifling offences men were sent up daily to the visiting medical officer for transmission to me for punishment?" Yes.
21. Can you give us any instances; you make charges against Mrs. Cunynghame, but why do you not give names or dates? From memory, I do not remember instances, but I can procure instances from this very asylum.
22. Are you prepared to procure them for the Committee? I think Dr. Violette can give the names. I simply at last said to Mrs. Cunynghame, "I will have no more of those men brought up."
23. You made those charges against Mrs. Cunynghame; you are here to substantiate them, and you ought to be prepared? I understand perfectly the position I am in. I will throw as much light on the subject as I can. It has been no pleasure to me to remove Mrs. Cunynghame. She and her husband have been old friends of mine, and it has been the most painful duty I have ever had to do in my life.
24. You say that you noticed that Mrs. Cunynghame's demeanour towards the inmates was universally harsh and tyrannical? Yes; so much so that I declined to allow her to come round the yards with me.
25. How many times did she go through with you? She says once; I say three times. I have seen the pamphlet she has published.
26. Do you say that on the three occasions you mention her demeanour was very tyrannical? Yes; a man would come up to make some complaint, or to mention something that he wanted, and her demeanour was simply brutal, I considered.
27. In what way? She would not listen to him; she would pass on.
28. Do you say that is brutal? It is one of the instances of brutality.
29. *Mr. Crick.*] Were you present on any occasion when this conduct took place? Yes. I was present with her three times when this conduct took place.
30. Did you stop and listen to the complaints which she refused to listen to? Not at the time. I went on; but I spoke to her in the office about it. I said she had better see the man in the office.
31. *Mr. Bourke.*] Did you not know that Mrs. Cunynghame had all the rest of the day to listen to those men? Yes.
32. How could it be brutal for Mrs. Cunynghame to pass on when she had many hours afterwards to hear the complaints? She would answer them cruelly too.
33. Do you remember any of the cruel answers? I remember particularly the case of a man named White; he wanted to make some complaint to her; she said, "I will not believe a word you say White." I remember that perfectly well.
34. Is that the only example? I can bring evidence enough from the institution.
35. With regard to the man Hayselder—his case is one of the charges of harshness—Mrs. Cunynghame says that he was drunk. Evidence of that can be given by the assistants Hanson and Blencoe? You will hear something about Hanson.
36. *Mr. Crick.*] Did you write a letter on September 4th beginning "My dear Mrs. Cunynghame?" Yes; I know the letter.
37. Had you any complaints against Mrs. Cunynghame when you wrote that letter? I think I had one or two complaints. I can scarcely remember, but I know that for two or three weeks I thought Mrs. Cunynghame was doing very well, and I said to Mrs. Dennis, one of the superintendents: "If you do as well as Mrs. Cunynghame, you will get on very well."
38. *Mr. Bourke.*] Were you perfectly satisfied for some time? For two or three weeks I was. When I made the remark I have mentioned to Mrs. Dennis she did not say anything, but her reply to me now is that she thought she would leave me to find out Mrs. Cunynghame.
39. What led you to think that Mrs. Cunynghame was so satisfactory? A man who took charge on the 1st August could not possibly find out everything in connection with the institutions in two or three weeks. I had other places to visit as well.
40. Do you not seem to have found out things very quickly? I was very energetic.
41. But at this time had you not had charge for a little over a month? I had spoken to Mrs. Cunynghame about her general want of oversight on a great many occasions before I actually quarrelled with her about it. I advised her, and said that I hoped we would get on well together. I had been told that she had not been going around the wards, the sick wards especially, and I drew her attention to it, because I had seen the report of the Commission appointed to inquire into the Public Asylums that some horrible things had been reported, and I wished to find out from personal observation if it were true. I asked her particularly to go through the wards. I found out afterwards that she did not do so, and I can produce evidence to prove it.
42. Did those horrible reports refer to asylums generally? No; only about her asylum and Newington.

43. *Mr. Crick.*] Was that a written report? It was a printed report, laid on the Table of the House. I discussed it with Mrs. Cunynghame, and said I could not conceive that anything of the kind could go on; her reply was that they were all telling lies, and she asked me if I saw her reply. I said "No," and she gave me a copy.

44. *Mr. Bourke.*] Did you investigate those charges? No; those charges had already been investigated by a Commission appointed by the Government, and consisting of Mr. Abbott, Dr. Ashburton Thompson, and the then Inspector of Charities.

45. What was the result of that inquiry? The result was very bad, as will be seen from the papers.

46. *Mr. Crick.*] How long ago was that? 1886 and 1887.

47. Long before you took charge? Not very long. It was in consequence of that that Mr. King retired on a pension, Mr. Robison, the Inspector of Charities, went out on an allowance, and Mrs. Hicks went out on a pension.

48. *Mr. F. Farnell.*] By whom was the original report made on which the inquiry of the Commission was based? I think some charges were made in the House.

49. *Mr. Hawthorne.*] About the management of Newington and Hyde Park Asylums? Yes.

50. *Mr. F. Farnell.*] Was a ladies' committee appointed? Yes; I believe that was the first step.

51. *M. Crick.*] I understand that certain charges were made, the Government appointed the proper officers to make inquiry, and, having that report before them, the Government did not think fit at that time to take any action against Mrs. Cunynghame;—therefore is not that a matter now which has been dealt with? My memory is perfectly clear that I laid that report before Mrs. Cunynghame with reference particularly to visiting the hospital division. I asked her to keep her own eyes on that division, and not trust to inmates and attendants.

52. *Mr. Bourke.*] Up to the time that you brought up the report of the 4th September, were you friendly with Mrs. Cunynghame? Yes, fairly friendly.

53. You did not give her any intimation? Yes, I did, because she objected to carry out some dietary arrangements which I thought ought to be carried out, and I had some very warm words about it.

54. *Mr. Kidd.*] You seemed very well satisfied up to the 4th September? No.

55. *Mr. Bourke.*] You say that you were fairly friendly? Yes; I suppose for three weeks or a month.

56. You have said that you were fairly friendly with her up to the time that you wrote the report of the 14th November? No, not at all; I did not mean up to the date of my report to the Government, but of my letter of 4th September.

57. You wrote a letter on the 4th September of a friendly character—how soon after that did you become enemies? At that time I was not friendly with her.

58. Although you wrote a very friendly letter? I was disappointed with her after the first three weeks.

59. You have mentioned the case of Hayselder as an instance in support of your charge of harshness against Mrs. Cunynghame; the charge is that Mrs. Cunynghame behaved harshly in sending him back to the lock-up; Mrs. Cunynghame says that he was drunk when he was brought to the asylum, in your report you say that he was not;—what evidence have you? I have the evidence of the police officer, the lock-up keeper, the sergeant of police, and the magistrate who saw the man.

60. Who was the magistrate? Mr. Hugh Taylor. It is a common practice for these old men and people who want to get children put into orphan schools, to go to Mr. Taylor, who is rather noted in connection with that sort of thing. I think the police showed this man to Mr. Taylor as the nearest magistrate.

61. *Mr. Kidd.*] I notice that those applicants have to be provided with an order for admission, and that this old man had lost his order? I will explain. Mrs. Cunynghame and others had been served with a notice from the office that they were not to reject any person apparently in distress, because it was done once there before. The man was taken to the lock-up, and he died. My instructions in writing were that they were to take in any case of apparent distress, to report the case to me immediately, so that I might have it inquired into; but they were to reject nobody who in their opinion was in distress.

62. *Mr. Ritchie.*] Was it also within your rules to admit a drunken man under those circumstances? Certainly not; he should be handed over to the police. If I had been the superintendent in a case of that kind I would have detained an old man like that, he being an imbecile, and I would have sent round for a police constable.

63. But suppose the case of a man who was drunk and also in distress? I would send for the police.

64. Suppose he was in a state of destitution and very much emaciated? In a case like that, even if he were drunk, I would admit him.

65. Was this man emaciated or diseased? On the report of the Government medical officer he was suffering from imbecility and senile decay. It was a very bad case indeed.

66. *Mr. Bourke.*] Seeing that the man came without an order, would it not be for the superintendent to exercise her judgment as to whether or not she would admit him? She had a positive instruction.

67. Had she not a discretionary power? Of course she had, in a general way.

68. After all, then, at the very most, this would only be an error of judgment? I should call it harshness, most decidedly.

69. But other persons besides Mrs. Cunynghame say that he was drunk? I understand.

70. The second case which you mention in support of your case of harshness is that of William Bannan? In reference to the case of Hayselder, I wish to say that Inspector Latimer, the sergeant of police, the lock-up keeper, and the magistrate are prepared to give evidence as to his condition, and they say he was not drunk.

71. But do you not say that the police are not on good terms with Mrs. Cunynghame? They have complained of her obstructing them in the execution of their work.

72. You know they are unfriendly? I do not know that.

73. Do you not charge it here? Inspector Latimer, I believe, is not friendly, but I do not believe that the others care one way or the other.

74. Have you not charged it here, that they have quarrelled? Yes; I know several police officers have.

75. With regard to the case of Bannan, you say that when he was brought to the asylum Mrs. Cunynghame declared him to be drunk, and put him in the refractory ward? Yes, I call it the refractory ward; but I believe that Mrs. Cunynghame calls it the seclusion cell.

76. Mrs. Cunynghame says that she placed him in No. 3 Hospital ward. There is a memo. by the doctor with regard to this man, stating that he was suffering from "alcoholism," and that he should be put in the isolation ward? Dr. Violette says that he made that entry upon Mrs. Cunynghame's statement. I can tell

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S. Marted.
31 July, 1889.

Mr.
S. Maxted.
31 July, 1889.

tell you that the entry was "alcoholism." I do not remember the date, because up to a certain point I did not take any step to record my observations in books at the asylums. Since then I have put a book in each of the institutions, in which I make all entries, so that there shall be no mistake whatever about what occurs there.

77. But you have not mentioned dates or given names? I can produce the people, but I cannot produce the dates.

78. Would it not have been fairer to Mrs. Cunyngame in the first instance, when recommending her removal, if you stated the dates and names of the persons? She has answered this report, and she did not plead any inability on that account, else probably it would have been taken into consideration and the information given. She was not dismissed before the report was replied to. I saw the man in the Isolation Ward and I did not think there was anything the matter with him.

79. Is it not for the doctor to make any orders about a man who is unwell, and would it not be Mrs. Cunyngame's duty to carry out any order he might give? Yes, any order with reference to the medical department of the institution.

80. *Mr. Crick.*] Are you prepared with any other evidence of cases of harshness to inmates that are not disclosed in this report? I can produce instances if they are necessary. I spoke of harshness which I observed in Mrs. Cunyngame's general demeanour to the inmates. I will give you another instance of harshness. A pair of slippers were ordered for a man suffering from horrible feet. I saw that man walking about the yard with half the sole of a boot tied on one foot with rags and the other foot was tied with rags only. I said to him, "What is the matter with you"; he said, "The doctor ordered me slippers and Mrs. Cunyngame will not give them." Mrs. Cunyngame can tell you the name of that man. I said to the man, "Are you sure you have asked Mrs. Cunyngame?" he said, "Yes." I found that the doctor had ordered the slippers and applied for them and she refused them because she had none in stock and it was not a general custom, but she had only to send out for them. That was a very bad case.

81. *Mr. F. Farnell.*] You say that she could have sent out for slippers; had she money placed at her disposal to provide articles of that sort? If necessary she could get the slippers on credit as other things were got.

82. *Mr. Hawthorne.*] Was it usual to get things on credit? Yes; small things.

83. Clothing? No; but I am sure there were slippers in stock.

84. *Mr. F. Farnell.*] Did you see the slippers in stock? I saw a number of slippers in stock.

85. Why did you not go and order the slippers to be supplied at once? I said she must give the man slippers, and she did so eventually.

86. *Mr. Bourke.*] This case appears to be ten times worse than those you have mentioned; why did you not mention this case? I did not specify instances, I said in a general way that her demeanour to the inmates was harsh. I mentioned the case of this man, Hayselder, because I knew the police would have to give evidence.

87. *Mr. Crick.*] You said that you knew there were slippers in stock; did you go as the superior officer and take a pair of the slippers and give them to this man? Would you do such a thing yourself?

88. I am not here to answer questions? I beg pardon for having asked the question; my proper duty is to tell the superintendent—everything must go through her. It would upset discipline if I went behind her back.

89. You did not? No; I dare say that if I had done so I would have had a great many others applying for slippers unnecessarily.

90. *Mr. Ritchie.*] You would not have time to do such things? No; but that did not enter my mind. I made it a point not to receive communications behind Mrs. Cunyngame's back.

91. *Mr. Bourke.*] In that case who supplied you with the evidence of all those charges? From my own observation from the paid assistants, and in several cases from the inmates.

92. You say that you never went behind her back; were those statements made in her presence? No, but I did not go behind her back, the evidence was proffered to me I listened to it and I spoke to her about it.

93. *Mr. Ritchie.*] Some little time ago you spoke of reports outside against the conduct of the asylums; you do not refer to that just now do you? No; I have declarations from all those people, and they will be called.

94. Were those reports not behind Mrs. Cunyngame's back, and not in front of her? They were of course behind her back.

95. What action did you take on those reports? Those reports did not come to me until after her dismissal; you will see that from the dates of the declarations.

96. I thought that you referred to those reports as leading you to a close inquiry and criticism of Mrs. Cunyngame's conduct; I thought they were immediately prior to your accepting office? I may say that the particular reason for my close inquiry was the report of the Commission of Inquiry into Public Asylums to which I called Mrs. Cunyngame's attention at the time when I took office. I do not wish to be asked the names of the people outside who gave me the evidence, though—if it is necessary—I will give them. Some of them are officials connected with other institutions, and it might be very unpleasant for them if their names were mentioned.

97. Your charges were not based upon outside talk? Partly, also upon that. In two cases, I had information from persons in very responsible positions—in fact, I may say that one of them is at present the superintendent of one of the other institutions.

98. *Mr. Bourke.*] When people in the institution made complaints to you, as they did, did they not? They did.

99. Did you investigate them in Mrs. Cunyngame's presence or behind her back? No, I called her in. Mrs. Cunyngame will particularly remember one case, which took nearly a whole day—a charge preferred against her by a man named Hall of misappropriating provisions.

100. You exonerated her on that occasion, did you not? I said that I did not believe that she had deliberately done so, but that she had shown a singular want of discretion, and I gave her directions for her future guidance.

101. *Mr. F. Farnell.*] Who was Hall? A man who lived there, and who came to the Sydney office and asked if I could get him work. I am not sure whether he was employed by Mrs. Cunyngame. I telegraphed to the Macquarie-street Asylum, "Kindly let me know Hall's character while he was with you."

you"; to which Mrs. Cunyngame replied, "Very good, indeed." I then took down Hall's statement. The declaration was made before Mr. Redgrave, at the Central Police Court.

102. *Mr. Bourke.*] The result was that you exonerated her? I did not.

103. You asked Mrs. Cunyngame about John Hall's character? I think that was the man.

104. Do you remember the reply which Mrs. Cunyngame gave to you? Yes, if the man was Hall, it was certainly good.

105. Simply that he had transgressed once when he was out? I think so.

106. You are sure it was Hall who made these charges, not Chrevelyer;—you took him up there to make the investigation regarding the rations? I think it was Hall; I can tell you by referring to my books. As I say, I came to the conclusion then that Mrs. Cunyngame had been very careless, and I wrote a minute for future direction.

107. *Mr. F. Farnell.*] Hall was not then an inmate of the asylum, but employed there as an attendant? He had been an inmate. I had a reason for asking about the man's character, because there is a general impression, and Mrs. Cunyngame herself has said, that it is impossible to believe what any of the inmates say. I know that this is true in many cases, but there are many of the inmates whom you can believe.

108. *Mr. Bourke.*] A good many came to you in Sydney and made complaints? They are always doing it.

109. You say you did not exonerate Mrs. Cunyngame? As far as direct misappropriation goes, I did; but I said that she had been very indiscreet.

110. You say, "My inquiry fully exonerated Mrs. Cunyngame from the charge of directly misappropriating Government stores?" Yes; will you read a little further?

111. "My inquiry fully exonerated Mrs. Cunyngame from the charge of directly misappropriating Government stores; but she has been indiscreet in her method of rationing men whom she has employed in her private kitchen, and the practice she has adopted must be discontinued. They appear to have been allowed to go into the general kitchen and select their own meat without check of any kind. The superintendent does not herself know the quantity of meat which these men (usually four in number) have received daily, but it is variously stated from 14 to 8 or 9 lb."

Do you know by whom that was stated? It was stated before Mrs. Cunyngame, and she did not deny it.

112. By whom? By three witnesses.

113. They were inmates, I suppose? The people who went from her kitchen and took the meat. You see what it means. If the provisions were dealt out in that way, some of the inmates must have gone short.

114. Supposing the man in Mrs. Cunyngame's kitchen took 10 lb. one day, have you any evidence to show that he took that weight every day? It was stated so, and the statement was not denied.

115. They were entitled to 4 lb. and you say they took from 8 to 14 lb.? I caught them in the act.

116. They must have had very good appetites for sick men? These were not sick men; they were men employed in Mrs. Cunyngame's kitchen.

117. They were old men, and supposed to be incapable? They were not incapable. You will have the doctor's opinion on the subject.

118. Why were they there then? There were certain men kept about the institution to do work. Mrs. Cunyngame kept a number of these men in her own private kitchen—and I am sorry to say this, because it reflects upon Mrs. Cunyngame's honesty—rationed them from the Government stores. She put them down on the pay-sheet as holding fictitious positions. For instance, her cook was put down as the head wardman, a position which he never filled. This was the plan adopted. There was a man in the institution named Thomas Ghost. That man, between the years 1885 and 1888, was put down on the pay-sheet and paid by the Government £19 15s. 5d. He is variously named on the Government pay-sheet as cook, as having charge of the reading-room, as a deputy in No. 4 hospital, as gate-man, and soil-heap man; yet he states that he never held those positions, but was employed in Mrs. Cunyngame's kitchen during the whole of the time.

119. During the whole time? Yes. He was entered on the pay-sheet as cook. He was then entered as having charge of the reading-room at 6d. a day.

120. *Mr. Ritchie.*] What had he as cook? 3d. a day.

121. In Mrs. Cunyngame's kitchen? In the institution. He was then entered as a deputy in No. 4 hospital at 2d. a day; then, as having been a gate-man at 2d. a day; and lastly, as having been a soil-heap man. For that he was getting 2d. a day, making in all £19 15s. 5d. He was entered on the Government pay-sheet, on which people are paid, as holding these positions; but during the whole of that time he never held one of them. He has made a declaration to that effect—I can only go on that.

122. Upon what date did he enter upon his first occupation as cook? In March, 1885, and his employment terminated in July, 1888.

123. During the whole of that time he was never acting in the capacity for which he received payment? He says that he was never acting in any of those capacities. He has made a declaration to that effect; but he will be here to give his evidence himself.

124. What was he doing then? He was occupied principally as cook in Mrs. Cunyngame's private kitchen. He states that on oath; I shall bring him here.

125. Did he within your knowledge do so? No; I bring it in now, as justifying the action I took.

126. *Mr. Bourke.*] In what way does that reflect upon Mrs. Cunyngame's honesty? Simply that she sent in what I call, and what the Audit Office will consider, fraudulent pay-sheets.

127. Did not the man get those payments? Yes; but he was employed in her kitchen.

128. Did you not charge her with employing a man named Cummins? Yes.

129. Has she had two cooks? She has had many cooks. The following have made statements to me:—Hugh Farley; William Miller, now in Liverpool Asylum; Thomas Ghost, who, I believe, is now in George-street Asylum. He was employed as Mrs. Cunyngame's butler. I think it is necessary that you should understand the point. The pay-sheets represent that these men are employed in certain capacities, and are doing a certain kind of work for the Government, but instead of that they never filled those positions, but were employed in private positions by Mrs. Cunyngame, and paid and rationed by the Government.

130. *Mr. F. Farnell.*] Did they do any other work on behalf of the Government in the institution? On oath they stated that they did not. It is for the Committee to judge as to the truth of their statements.

131. *Chairman.*] Are these old men? Fairly old men—50 and 60 years of age, or a little older.

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132. *Mr. Bourke.*] Are you not aware that these men are simply put down on the pay-sheets as a matter of form, and that it is impossible to specify the occupations in which these men are engaged? It is not done in any other institution. Whilst this was going on Mrs. Cunyngame asked me if she might have one man as a servant.

133. Will you go on with the names now—you can tell us about that afterwards? John Pearman, then there is a man who is dead. I had perhaps better give you all the names, because I can produce secondary evidence, that of the man who paid them.

134. What is the name of the man who is dead? James Heathcote. Then there is Felix Cummins.

135. He is in Liverpool? Yes. Henry Elmrick, at the Macquarie-street Asylum; Thomas Beale, he can be produced. That is all I can produce now. I can go back further, and you would find that the same thing had been going on then, but I did not, because I thought it would be sufficient to prove what had been going on recently.

136. *Mr. Williamson.*] Were all these men working in the institution, or on Mrs. Cunyngame's farm? Alexander Thompson was working on the farm, I think. I am in a position to show that he was rationed from the institution.

137. *Mr. Hawthorne.*] Has Mrs. Cunyngame a farm of her own? Yes; a private farm a few miles out of Parramatta.

138. *Mr. Crick.*] This is evidence which you have brought out after the Committee was appointed. You were not aware of these facts at the time you made the charge on the 14th November, when Mrs. Cunyngame was removed? I was not actually aware of them, but I had a very strong suspicion, and I did not want to go further.

139. You were not aware of them? No, I had not proved them, because I deliberately did not seek into them. I had been told of them. I did not seek into them, because I saw what they would ultimately lead to.

140. *Mr. Williamson.*] At that time you had no evidence? No.

141. *Mr. Bourke.*] You "saw what they would ultimately lead to." What do you mean by that? What might possibly happen to Mrs. Cunyngame if I pursued these frauds to the bitter end.

142. Frauds? I call them frauds. But any man has a natural disinclination to pursue a woman. If it had been Mr. Cunyngame I should have done it.

143. You say that all of these men have been paid? They signed the pay-sheets, and they will swear that they have been paid.

144. How then can there be any fraud on Mrs. Cunyngame's part if the men have been paid? In paying her own private servants from the Public Treasury, and putting their names upon the Government pay-sheets as holding fictitious positions.

145. Are you not aware that in institutions similar to that which Mrs. Cunyngame was superintending, the superintendents and others make use of the people for their kitchens? Occasionally; but they do not pay them from the Government Treasury. If it was authorized in this case, it is not done in any other of the institutions under my control.

146. As a matter of fact, do you not know that it is very often done in these Government institutions; that they regard it as a right, if there is an inmate who is strong and willing to do anything about the place? And then put him down as the head wardman, and pay him from the public treasury? I say it is not done.

147. Although the pay-sheets are made up, a man's position may be altered two or three times a week? These men declare that they never held any of these positions at any time; that they were always privately employed by Mrs. Cunyngame. All of them say that. You will get evidence on that point that will astonish you.

148. How many men were employed at a time by Mrs. Cunyngame? I think she says herself, never more than three. When she asked me whether she might have one man, she had four.

149. Say there were three, and that they were getting 2d. or 3d. a day;—do you know whether they were doing any work in the asylum besides what they were doing in Mrs. Cunyngame's kitchen? They declared on their oaths that they were not. I have their declarations, stating that they never held those positions.

150. In paragraph 4 of your report, you charge Mrs. Cunyngame with "neglect of duty," and in support of that you say, first, that Mrs. Cunyngame did not go through the wards at night time;—are you not aware that the doctor recommended the appointment of two paid warders in the hospitals? I am perfectly aware of it.

151. And that it was their duty to go through the wards at night time, and report anything to Mrs. Cunyngame? I told her, especially after the report of the Royal Commission, that their supervision was not sufficient and that she would have to go through the wards herself to see that the patients got the comforts ordered by the doctor. I was aware that two attendants had been appointed to look after the hospital wards; but after reading the report of the Royal Commission, I did not consider that superintendence sufficient, and I told Mrs. Cunyngame that she, as superintendent was responsible for everything, and that she should make it her duty to go through the wards at night.

152. Every night? Every night, to see that the men got their medical comforts. It would not take half an hour.

153. Do you say that she never did this? I was there twice when she did not do it, and I have it on the authority of the attendants and patients that she never did.

154. *Mr. Crick.*] You were only there on two occasions? At night. It is impossible for me to prefer charges excepting upon hearsay evidence or personal observation. When I had hearsay evidence, I spoke to Mrs. Cunyngame about it. Patient after patient complained to me that they never got their medical comforts, and afterwards it transpired that they did not get them.

155. *Mr. Bourke.*] Supposing a complaint were made to you in September last, and you investigated it, you came to some conclusion about it? I did, and spoke to Mrs. Cunyngame about it.

156. Would you consider the matter closed then? If I told Mrs. Cunyngame? Certainly not. I remember the case of a man named Cadogan particularly who complained, but not on his own account. He said that the man opposite had not had his comforts. I sent at once to Mrs. Cunyngame about it. I called her in, and she frankly admitted that she did not know whether he had or not. She said that she had to rely upon the attendants, I told her often that she must do that duty herself.

157. You expected her to do everything? I did not. I expected her to go through the wards and see that things had been done which were ordered. I did it myself, and it is not a duty which I ought to be expected to do. I took what is called the hospital card. On it a man might be set down as having perhaps, beef-tea, milk, and brandy. I would go to that man's bedside with the card, and say, "What have you had to-day?" By doing that from time to time, I found out whether these men got their comforts, and it was only that, that I wanted Mrs. Cunynghame to do.

158. But Dr. Violette is supreme in the hospital? It is for him to issue directions, and for Mrs. Cunynghame to see that they are carried out.

159. But complaints are made to Dr. Violette, if the comforts are not supplied? They have complained to me mostly. They have power to complain to him.

160. *Mr. Crick.*] Would they see Dr. Violette more often than they would see you? They would see him every day.

161. They would have a right to complain to him? Yes.

162. It is the rule, you say, for him to give instructions, and for Mr. Cunynghame to carry them out? He puts his directions in the prescription book, and she is supposed to see that they are carried out.

163. The attendants were appointed on Dr. Violette's recommendation, and he gave the orders more especially to them? He would enter them in the book, and the medicines would be made up by the dispenser.

164. But the usual course would be for a complaint to be made to Dr. Violette? I do not know so much about that. No; I will tell you why. I think those men, as a rule, thought I took more personal interest in them than anyone else had done before, and they were therefore more inclined to report complaints to me than to the doctor, because they related to the superintendent's neglect, and they invariably said it was useless to complain to her.

165. *Mr. Bourke.*] You are prepared to call witnesses to prove that Mrs. Cunynghame never went through the wards at night? I was informed by them that she never went through the wards at night. She has admitted that in her reply, and has attempted to put the responsibility upon the attendants.

166. Your second statement in support of your charge of neglect of duty is that Mrs. Cunynghame trusted to the inmates to pass the stores;—what evidence have you to prove that? I shall call the clerk at the institution, and on three occasions I myself was present when Mrs. Cunynghame was not there, and stores were received. Once that happened with the meat. The meat was just being cut up for the pot when I got there, and Mrs. Cunynghame had not come from her bedroom on that morning.

167. You arrived at the institution between 6 and 7 o'clock? At 7 o'clock.

168. Do you know that the train arrives at Parramatta at 6:30 a.m.? I leave Sydney by the 6:30 train, which gets to Parramatta at 7:10, I think.

169. But at that time the train used to arrive in Parramatta at 6:30 a.m.? I am not prepared to say. I saw the meat passed in one particular morning, and I waited nearly half an hour for Mrs. Cunynghame to come out, but she did not come out. The meat had then been accepted.

170. You gave Mrs. Cunynghame orders that if she did not come out the meat could be left, and it could be passed when she did come out? I said further that a responsible attendant should take it. On this particular morning no one seemed to know how the meat got in.

171. You complained about Mrs. Cunynghame putting a memo. in the diary to the effect that the meat was bad? I did not complain of it.

172. You did? No; I complained about her making memos. about the meat, and not about the other stores. I have correspondence to show you the reason of my complaint.

173. Do you remember that a memo. was put in the diary about the meat being bad on a certain day, and you complained that Mrs. Cunynghame did not also write a memo. to say that the groceries were bad? I quite remember that.

174. You know Mr. Hugh Taylor? Very well; he is one of my dearest friends.

175. Did he ever complain to you about Mrs. Cunynghame? Never that I can recollect. In fact if you look at the report of the Royal Commission you will see that he gave evidence most strongly in her favour.

176. Do you know that Mr. Taylor's sons really supply this institution with meat, although the nominal contractor is R. L. Dunn? I believe for a time they did; in fact I know that for a time they did. Taylor Brothers is the name of the firm. I know nothing about Mr. Dunn as a "nominal" contractor.

177. *Mr. Crick.*] For how long? That is more than I can tell you.

178. *Mr. Bourke.*] You say that Mr. Taylor never made any complaints to you about Mrs. Cunynghame? Yes, I do say that; and I say more, that when it was coming to a climax he and his brother and another gentleman were the only three people who tried to save her. I know what complexion is being put upon this, and that is why I make the statement. His own words were, "For God's sake, Maxted, do not do anything about those defalcations, or else you will put that unfortunate woman in gaol."

179. *Mr. Ritchie.*] Who said this? Mr. Hugh Taylor.

180. *Mr. Bourke.*] The defalcations are those alluded to in your report? Yes, and many others, as these vouchers will show.

181. Another charge you make is that Mrs. Cunynghame did not report thefts of medical comforts from the sick, and in one grave instance she connived at the escape of a thief named Cooke who had throughout several weeks stolen porter, spirits, and wine from hospital patients? Yes.

182. How did Mrs. Cunynghame connive at his escape? Simply because, when she found out what had been done, she let the man out. The complexion I put upon it is this, that she was afraid. There had been so many instances in which the food had been found fault with that I suppose she was getting afraid. The complexion I put upon her not reporting to me was this: She discharged the man from the institution, as I am informed—in fact, she did not deny it when I told her—and told him to go to the Sydney office, as much as telling the man to hand himself over to the police. I was not informed of it until one day going through the ward one of the patients told me about Cooke, and then I initiated an inquiry, and found that the comforts which I had asked him to see were given to the sick had been stolen wholesale.

183. You appear to have given a tremendous lot of attention to this hospital? Not more than to the others.

184. You gave a great deal of attention to it, at any rate? Yes, I did; I was new to the thing, and it was natural that I should do so.

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S. Marted,
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185. Was it your habit to look into the diary when you went there to see what took place in your absence? I did not every time; I used to do it, I suppose, twice a week.
186. Are you aware that there was an entry in the diary with reference to Cooke, and an inquiry being made? That was after it was all done.
187. Did you see a memorandum in Mrs. Cunynghame's diary, which you were supposed to read whenever you went to the institution, with regard to Cooke? No; I did not see it till afterwards. My reply to you is that the mischief was done then. The man was gone; the man ought to have been handed over to the police; there is no question about that.
188. You made this matter of Cooke's a very serious one in your report? It seemed to me to be a very serious one. The men who had had certain comforts prescribed for them had been having them systematically stolen from them.
189. In a letter you wrote to Mrs. Cunynghame on the 7th September regarding this matter of Cooke's, you appear to have dealt with it, and to have regarded it as past and finished;—you did not report it to Mr. Crichton Walker or anything of that sort? If I had reported such a thing as that to Mr. Crichton Walker, and asked that the superintendent should be dismissed on that alone, I should have been laughed at. It is a succession of things I complain of. For instance, following that, I gave very specific directions about seeing personally that these comforts were distributed, and they were never carried out.
190. But here is your letter in which you appear to deal with the thing finally, and yet a couple of months later you drag it up as a serious charge against Mrs. Cunynghame;—this is the letter dated the 7th September, 1888:—

Madam,—Be good enough in the event of anything far less serious occurring than the robbery of patients' medical comforts to report it to me at once. Although the men have doubtless exaggerated a good deal in Cooke's case, there is no doubt in my mind that the man has been a brute and a thief; and it shows a great weakness of system that his misdoing could have continued so long under the very eyes of a paid wardman without discovery, notwithstanding the silence of the inmates themselves.

The safest plan now will be not to allow any inmate to occupy a post in which he can misappropriate property or comforts or ill-use the men. Whatever paid help may be necessary to prevent these scandals shall be given. I want you to send me a description of Cooke. He ought to have been given in charge at once. If I can find him now I will as a warning hand him over to the police upon his own admissions to you.

In that you seem to have dealt finally with the case. You do not charge Mrs. Cunynghame with anything? Good gracious me! She is supposed to have supervised the whole thing, to see the thing was carried out, otherwise what was the use of her being there?

191. Speaking of this man, Cooke, you say she ought to have given him in charge—that she connived at his escape, in fact? I say that.

192. Are you aware that Mrs. Cunynghame and Dr. Violette made an investigation into Cooke's matter, and the result was that they suspended him from his duties and put him in the yard pending your arrival? Yes, I am aware of that.

193. And yet you charge Mrs. Cunynghame with conniving at his escape? She put him into the yard, but how long did she keep him there?

194. But she had no power to keep him there? Putting him into the yard simply meant turning him out of the place, as he could escape at any time.

195. Is the asylum a gaol or not? Of course it is not.

196. Had Mrs. Cunynghame power to keep any man there against his will? She had power to send him down to the police.

197. Do you tender the following entry in the diary on the 3rd September to show what action Mrs. Cunynghame took with regard to Cook, at whose escape she is charged with conniving:—
“In consequence of a statement made by Phillip M'Carthy to hospital wardman Edgar, the charge being laid against John Cook, wardman of No. 3 Hospital, of robbing the patients of their medical comforts, viz., rum, porter, and eggs, and selling the first-named. The superintendent made a thorough inquiry into it in the presence of Edgar, and so serious did she consider it that she asked the doctor to assist her in the investigation. In the afternoon, which she did, with the result that Cook was discharged from the ward pending the Directors' sanction, and William Harding was appointed in his place?”
I do.

198. Do you know who are the principal witnesses with regard to this matter of stolen comforts? I think so.

199. Who informed you? I think it was Cadogan.

200. I suppose you investigated the matter up there? I did. I spoke to Edgar about it.

201. To whom else did you speak? I spoke to Mrs. Cunynghame. I told her exactly what I had done and what I thought she ought to have done.

202. What witnesses did you examine? I examined Edgar, Cadogan, and the man next to him.

203. Was it Jorginson? No; a man lying near the corner who saw him climb up and pass it from the window ledge of No. 3 ward to the apartments occupied by Mrs. Cunynghame. I assume that he passed it through for the purpose of selling it in the yard; I do not assume that he passed it through for her use.

204. Do you remember two men named M'Govan and Jorginson? Yes.

205. Were they not two of the principal witnesses? No.

206. Dr. Violette says that M'Govan was? He may have said so in connection with his inquiry.

207. Is not M'Govan an imbecile? I should not call him an imbecile, he is not a man to whose word I should attach much credence; he is of rather weak intellect; he is capable of talking coherently sometimes. I should not be surprised to find that he was an imbecile now. He had nothing whatever to do with my inquiry. Edgar, Cadogan, and another man, whose name I do not recollect, were the first to tell me of the matter.

208. The charges against Mrs. Cunynghame are, first, that she did not take action in the matter; and, secondly, that she connived at Cooke's escape? Yes.

209. Are you aware that she put Cooke in the yard to await your arrival? I was not aware of anything of the kind, it is a matter of such serious importance that a man should not be allowed to leave the yard.

210. I read your letter of September, and in that letter you appear to have dealt finally with the matter? There can be no dealing finally with these cases by me. It was a succession of cases which induced me to send in this complaint to the Government.

211. The object of my question is to ascertain whether you did not report that at the time, you report many things which are not serious enough to warrant dismissal? I do nothing of the kind. 212.

212. You are, after all, only a Branch of the Colonial Secretary's Department? If I were to report every little disagreement which has been dealt with in that way to the Colonial Secretary's Department, I should be considered simply a nuisance, and unfit to hold the position I occupy. If you call Dr. Manning he will tell you the same thing. I did not think it sufficiently serious of itself to refer it to the Colonial Secretary's Department.

Mr.
S. Maxted.
31 July, 1839.

213. You say here that you previously instructed Mrs. Cunynghame not to entrust stimulants to the inmates? I did.

214. When? Very soon after my appointment.

215. Are you positive about that statement? Perfectly positive. It is based on one of the cruelties alleged in the Report of the Royal Commission. My first duty was to take the report, and go in to the actions which were alleged to have taken place.

216. That is, that the patients did not get their medical comforts? Yes, and other things of that kind. I took them in detail, and I asked her to keep a special watch over them. I wanted to introduce certain reforms, which have since been introduced and very successfully carried out. I selected Mrs. Cunynghame first, as having control of the smallest institution, and next, because I considered her to be one of the smartest officials. I said to her, "I see by the Estimates you are only getting so much per annum; now if you will enable me to show by your actions that these reforms can be carried out, I will see whether I cannot have your salary brought up to the same amount as that of the other superintendents."

217. The reforms were principally of a dietary nature? That is one of them.

218. Did she not give you every assistance with regard to the new dietary scale? She did not. That was the cause of the first difference between us.

219. Did she not draw up a bill of fare at your request? Yes; but not until I had to force her into doing it. She said that it could not be done; but I told her that it must be done, and it was done. I first submitted a dietary scale, which I drew up after consultation with Dr. Manning and Dr. Kenwick, which had reference to the same sort of dietary scale as that set forth in the report.

220. Did Mrs. Cunynghame, at your request, draw up a dietary scale? She did.

221. Did you accept that scale? I did, with variations from others which I had.

222. It was satisfactory to you, with some modifications? Yes.

223. It was under her control and management that it was carried into effect? It was under my constant supervision.

224. Was Mrs. Cunynghame there as superintendent? She was there nominally as a superintendent; but what I complain of is that she was practically not a superintendent.

225. You have acknowledged that she drew up a dietary scale, that it met your wishes, and that it was satisfactorily worked under her management while she was there? Yes; while she was there, but not under her direction. I was continually dodging up and down to see that it was being carried out. I remember one day seeing the pudding, the potatoes, the meat, and the vegetables all scrodd together—a mess not fit to give to a pig. I called Mrs. Cunynghame in, and she admitted that she had not seen it. The men were about to sit down to dinner. I made her alter the system, and go round herself.

225½. On what date? I do not remember the day, but Mrs. Cunynghame must remember the occasion, because I made her remove the pudding from the meat and vegetables.

226. *Mr. Ritchie.*] Was it long before she was dismissed;—was it on the 20th October, the feast day? No, it was not the feast day.

227. *Mr. Crick.*] Was that after the new scale was introduced? Yes.

228. It would be on a Tuesday, as it was the only day they had pudding? It might be. I have not the details at the present time; but I will bring the minute under which I instructed the superintendents that they might vary the diet, so long as it was made substantially the same, because it might not be convenient on certain occasions for the contractors to supply certain provisions.

229. *Mr. Ritchie.*] Was there an objection to that mode of serving up the food? Yes.

230. It should have been served in separate courses? Yes.

231. Had you given any instruction prior to that time that the food should be so served? No, I had not.

232. Do you know if it was the habit to serve the food in that *holus bolus* fashion? I never saw it done except at this institution. I gave instructions that it should not be served in that way again. I cannot say whether the instructions were carried out or not; but they might have been, because I know nothing to the contrary.

233. You are not positive whether it was carried out afterwards during her management? I cannot say.

234. *Mr. Bourke.*] It occurred only once to your knowledge? Only once to my knowledge.

235. In the fourth paragraph of your report, in regard to charging Mrs. Cunynghame with neglect of duty, you allege that a patient was dying for two days, and that she knew nothing about it, but you do not give the name of the patient? The man's name was Kilmar. I think you will find the matter entered in the diary on the 7th of October. Another case is that of a man named Elmas.

236. Is that the case of a man who, you say, was for three days without medical comforts? Yes.

237. How did you know? Because I was informed.

238. By whom? I could not find any record of the man having received medical comforts for three days.

239. *Mr. Williamson.*] Have you the book here? Yes, it is here.

240. *Mr. Bourke.*] Who orders the medical comforts? Dr. Violette.

241. *Mr. Kidd.*] You have given evidence in regard to Mrs. Cunynghame's attention being directed to the fact that a man was dying;—did the doctor visit the patient when he was dying? Yes.

242. Is it not possible that a man might be in a dying condition and that the doctor did not draw the attention of the superintendent to the fact;—how do you know that Mrs. Cunynghame had a knowledge that the man was dying for two days and neglected his case? The custom is for patients who wish to see the doctor to be asked whether they so wish. I instructed Mrs. Cunynghame to ask if any patients wished to see the doctor; but she delegated that duty to the inmate wardman, and the consequence was that this man was not asked, and the doctor's attention was not drawn to him.

243. To ask whom? To ask the inmate whether he required to see the doctor. An inmate may be too far gone to complain, and it would be for a trained woman like Mrs. Cunynghame to see his condition at once and speak to the doctor.

244. *Mr. Bourke.*] Is not this the case; if an inmate feels unwell he reports it either to Mrs. Cunynghame or to one of the wardmen? No. A man might come in almost *in extremis*. I gave positive instructions

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to Mrs. Cunyngame when I found out the defects of the system under which inmate wardsmen asked patients whether they wished to see the doctor. I told Mrs. Cunyngame that I wanted her to do that duty herself, and to personally go through the hospitals, as she was a trained nurse, and whenever she thought it was necessary to direct the doctor's attention to a patient who had not complained.

245. *Mr. Ritchie.*] Did you give these instructions in writing? I did not.

246. Was it not usual to give instructions in writing? I did not give any instructions in writing. I trusted to the honor and honesty of the superintendent. It is not usual to give instructions in writing. I should consider it almost an insult to a superintendent to give him a written instruction about a trivial matter.

247. *Mr. Bourke.*] You have given some trivial instructions, as regards the diet, for instance? I do not think so.

248. *Mr. Kidd.*] Is it not possible that a patient might be in a dying condition, and that even an experienced nurse in some cases would not be able to realize that such was the case? I can hardly undertake to answer that question. It would require a medical man to give the information.

249. *Mr. Crick.*] Is it not possible, where there are so many patients, that occasionally a person may be dying, and that even the doctor, without a daily examination, would not be able to tell? I can quite realize that.

250. Is it not probable that it might have happened in this case? Not in a case extending, I should say, over two days. This man was suffering from pulmonary consumption.

251. How did you come to learn that he had been suffering for two days? I inquired, seeing the state he was in, how long he had been like that.

252. He was in a fearfully low condition? Just at the last moment, at the end of the two days.

253. How did you gather that it was two or four or six days? Because I inquired.

254. How did you arrive at the conclusion that the man was in this condition for two days? I went to the wardsmen and I said, "How long has this man been like this?" He said, "Two or three days;" and I said, "He is dying;" and then I sent for Mrs. Cunyngame. It turned out that he was dying. He would have died if he had been left another few hours without sustenance;—there is no question about that.

255. *Mr. Kidd.*] I suppose the doctor can give evidence in this case? Yes, if he is asked. I do not know what evidence he will give for I had no conversation with him. The superintendent was so shocked that she ejaculated, "That man is very bad." I asked her if he had any medical comforts. She answered, "I do not know." I asked, "Don't you think he ought to have some brandy or wine." She answered, "Yes, I will go off and get him some at once," and she went off and got him some. The man was placed in the hospital, but no record of medical comforts was entered in the hospital books at the time.

256. *Mr. Bourke.*] You mentioned the case of a man named Kilmar, will you be good enough to confine your remarks for the present to his case? Kilmar was admitted into the hospital, I saw him, on the 6th of October, and he died on the 8th. The medical entry was "omit wine, brandy four ounces." I saw this man on the 7th of October. My attention was specially directed to him because there was a screen around him. I went over and looked at the man; he was in No. 3 bed in the upstairs' ward, near the door. He then seemed to be dying, and as a matter of fact he was dying, because he died two days afterwards. I went down stairs then. I did not tell Mrs. Cunyngame then that he was in a dying state, but I questioned her about his case. I had so little faith in her at that time that I had to descend to the meanness of questioning her to see whether she knew anything about the matter.

257. *Mr. Williamson.*] Did you mention his name to her? I did. I also mentioned the bed he was in.

258. What did you say to her? I think I said "How is Kilmar to-day?" she said, "Oh, getting on first-rate." I said "Has he taken his food to-day?" she said, "Yes." I said, "When did you last see him?" she said, "Two or three hours ago." I said to her, "How can you say that, go up and look at him." I charged her then distinctly with lying to me; and she admitted that she had not seen the man. The man died on the 8th of October.

259. *Mr. Bourke.*] What time of the day was that? I cannot quite remember.

260. Was it in the morning or the afternoon? It would be after the morning. I cannot remember whether it was in the afternoon or in the evening.

261. Your charge against Mrs. Cunyngame is that this man was dying for two days, and that she did not know anything about the matter? Exactly. I questioned her as to how long he had been in that condition. I think the doctor can give the same evidence.

262. *Mr. Crick.*] Was the doctor present when you charged Mrs. Cunyngame with telling a lie? No; I did not say she was telling a lie. I said, "You are deceiving me, and you know it. I am getting quite sick of it."

263. *Mr. Bourke.*] Your charge is that Mrs. Cunyngame had not seen the man for two days before he died;—can you prove that she did not see him the day before? I simply told her that I had been informed that she had not seen him for two days.

264. That is all the evidence you have to give? Yes; excepting her own admission.

265. That is only for one day; your charge is in regard to two days? I charged her with neglecting this man for two days, and although she denied at the time, she eventually admitted the fact and asked me to overlook it.

266. You have no evidence to offer about the previous day at all except that you were informed? No.

267. Who informed you? The attendant at the time.

268. What was his name? I do not know. I charged her with neglect of duty, and she denied it. I said, "How can you say so when you have not seen the man for two days?"

269. Did she acknowledge that? Yes; she asked me to overlook it. I then said, "I have had so much of this kind of thing that I am quite sick of it."

270. The man was in the hospital at the time? Yes.

271. With regard to the case of the man Elmas, you say in your report that he had not received medical comforts for three days? I will show you the entry in the doctor's book.

272. Is it not for the doctor to order the issue of medical comforts? Yes; but I say it is for the superintendent to look at each patient and see whether he is receiving medical comforts. It is quite possible that a superintendent, seeing a man sick in the yard, may direct him to be taken into the hospital, which is frequently done, and unless she or the inmate attendant reports the matter to the doctor the man may be overlooked.

273. *Mr. Ritchie.*] Is it your duty to see that the doctor, the matron, and all other subordinates do their duty? It is.
- 273½. You do not interfere with the doctor in the practice of his profession? I would not presume to do so.
274. Still you would consider it your duty, if you saw it was necessary, to report that he was not attending properly to his duty? Yes.
275. *Mr. Bourke.*] Is not the doctor in full charge of the hospital branch of the Asylum? No one is in full charge of any branch of the institution except myself. The doctor is simply visiting medical officer.
276. Is he not independent of Mrs. Cunynghame in the matter. Does he not issue his own orders? Yes, certainly.
277. *Mr. Ritchie.*] Was Mrs. Cunynghame bound to obey his orders? No; she was bound to obey my orders, except with regard to medical comforts.
278. If the doctor were to prescribe certain medical comforts or medicines for a patient was she bound to obey them? Undoubtedly.
279. Without referring to you at all? Exactly; and if she saw that all was not right it was her duty to report the matter to me, as she and her husband did untruthfully in more than one case.
280. *Mr. Bourke.*] All complaints about the hospital are first made to the doctor? Certainly not; they should be made to the superintendent.
281. Is it not the case and has it not been the case for some time whenever there is anything wrong at the hospital for the complaint to be made first to the doctor? I understand your question now. It would be by the hospital attendant, either Edgar or Warner. If anything occurred during the doctor's absence it would be the attendant's duty immediately to report it to the superintendent, who would send for the doctor.
282. If Elmas was so bad for three days that he required medical comforts it is the doctor's fault? No; it is not. I have no doubt in my own mind how it happened. I have no doubt from the records as to how it happened.
283. Was the doctor there during these three days? He visits every day.
284. You acknowledge that the doctor orders the medical comforts? Yes; but I have also explained the system under which cases are reported to him. I repeat that it is the superintendent's duty to go through the hospital wards every morning and see how the patients are, and also to see what medical comforts they are to get for the day; otherwise how are the medical comforts to be given out?
285. The doctor leaves the orders? Yes; in his book. In such a case as that of this man named Elmas, who was placed in the hospital, it would be the superintendent's duty to know that he required something, and, at any rate, to report his case to the doctor.
286. Did the doctor go there every day? That does not affect the question at all.
287. But it does affect the question? The doctor might come and the man might be dying, but the case might not be reported by the superintendent to the doctor, who might never see the man.
288. Does not the doctor come in and go round the wards? He does not go round every bed-side; he could not do it; it would be impossible to do it.
289. He is paid for doing it? It is impossible to do it. He has, I suppose, between 600 and 700 people to see.
290. *Mr. Kidd.*] How many patients would there be in the hospital of this one institution? He would have about 60 patients there.
291. And the doctor would not go round each sick-bed unless his attention was called to each case? That is the fact.
292. *Mr. Bourke.*] Yet it was on his orders that the medical comforts were distributed? Yes, under the system I have just explained to you.
293. *Mr. Crick.*] Was there anyone else besides Mrs. Cunynghame whose duty it was to report a case of sickness to the doctor? Yes.
294. *Mr. Bourke.*] Two paid attendants? Yes, while the doctor was visiting.
295. Who were appointed on the recommendation of Dr. Violette? Yes. They simply report to the responsible head of the institution, whose duty it is to see that all the duties of the subordinate officers are carried out.
296. *Mr. Crick.*] Who were the two attendants when the man was in this dying state? Edgar and Warner.
297. Where are they now? They have been subpoenaed as witnesses.
298. Are they still at the institution? Yes.
299. You have not ordered their discharge? I will explain that to you: I asked Edgar whether this case had been reported, and he said it was no use reporting it to Mrs. Cunynghame because to use his own words he got no satisfaction.
300. *Mr. Kidd.*] The doctor goes round every day? Yes.
301. These two attendants have charge of the sick patients? Yes.
302. Is it not the duty of each attendant to go round his ward and point out each case to the doctor himself, even though he should also report to the superintendent? I will have to answer "no" first and then explain the weakness of the system. You see these two paid attendants are not constantly in the wards. Inmates are paid to overlook the wards and they are called "inmate attendants." It is the duty of the paid attendants to go through the wards and see that things are all right, and also to go through the wards with the doctor.
303. My question is, are they supposed at all times to go round with the doctor? Yes.
304. How can it be possible that a case is overlooked if these men in charge of the sick beds are aware of the inhumanity, so to speak, of the superintendent—if they are humane enough to draw the doctor's attention to that particular case? That has been the system. They trusted to paid attendants, who in their turn trusted to inmate warders to report the cases of those patients who asked to see the doctor. The effect of the system has been that the superintendent has shunted her responsibility in the matter on to the paid attendant, and the paid attendant has shunted his responsibility on to the inmate attendant.
305. *Mr. Bourke.*] How do you know that? From my own observation.
306. In Dr. Violette's second report, in reply to your inquiry of the 6th November, he says:—

"Many

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"Many complaints have been made to me with regard to the distribution of medical comforts in the hospital ward. The supervision of the inmate attendants was so unsatisfactory on my taking over medical charge of the institution that as soon as I became acquainted with the defects of the system I applied for two paid wardsmen to supervise the inmate attendants and to instruct them how to discharge their duties as well to care for the more urgent cases. These wardsmen were ordered to be engaged by the Colonial Secretary, Sir Henry Parkes. The matron's duties now are consequently those of superintendent alone, no work in the wards being necessary on her part." Is this correct? My directions to the superintendent were not actually to do the work, but to see that it was done. She was the head of the institution, and to whom could I look but her? It was of no use punishing a warder.

307. In the matter of medical comforts you do not blame the doctor nor the two paid attendants appointed on his recommendation, but only Mrs. Cunyngame? The doctor's duty is simply to prescribe.

308. He did not prescribe? Because it would appear that the case was not pointed out to him.

309. Do you think Mrs. Cunyngame ought to have pointed it out to him? Yes, I think she ought to have known the physical condition of every inmate of that ward.

310. *Mr. Crick.*] Then it does not matter what dereliction of duty there may be on the part of those paid attendants, you do not hold them responsible in any way, but throw the whole of the blame on the superintendent? I do say that she is primarily responsible, and it is her duty to see that the work is done. If she had pointed out to me that an attendant was not doing his duty I would have dismissed him on the spot. I can only find out through the superintendent whether the wardsmen were doing their duties.

311. Do you think the paid wardsmen did not do their duty in the case of the man who was dying? I do not think they did their duty.

312. And they are still in the institution? Yes, for the reason I have stated.

313. *Mr. Bourke.*] The wardsmen did not do their duty in the case of the man Elnas? The man had not any medical comforts provided; they were not prescribed by the doctor until attention was called to it.

314. You say that the doctor was content to do double duty. What do you mean by that? He was doing duty which I considered the superintendent ought to have done, as well as doing his own duties.

315. What was that? I understand that he was really acting practically as superintendent as well as medical man.

316. But then he had nothing to do with the rest of the Asylum—only the hospital? Only the hospital, and overlooking and going through the sheds. I have seen him doing it myself.

317. Had he any right to do that? No, he had no right to do it.

318. Don't you think he was exceeding his duty? Yes, to prevent general neglect.

319. *Mr. Ritchie.*] Is it not the duty of the doctor to superintend the sanitary arrangements? It is.

320. Then he would have to superintend the place generally? What I mean by general management is that he would have no power to interfere with the men and to give directions as to their general conduct.

321. But as far as the cleanliness and the sanitary condition of the place are concerned, he would have ample power to give direction to the matron superintendent if necessary? Yes.

322. *Mr. Bourke.*] In doing that he would not be doing double duty would he? No.

323. Then that matter of double duty falls to the ground? I do not see that it does. The doctor complained to me that he could not get his orders carried out unless he waited and saw to it himself.

324. We have not any substantiation of that? The doctor said that in addition to doing his own duty he had to see that what he ordered was done, that is what I mean by double duty.

325. *Mr. Hawthorne.*] Would that be the fault of the wardsmen or of the superintendent? I say it is the fault of the superintendent, it is her duty to report to me.

326. You look to the superintendent alone to see to everything being carried out that is recommended by the doctor not to the wardsmen? Yes, she says in her own statement that she takes the responsibility; things could not work otherwise.

327. *Mr. Bourke.*] The charge you make against her is that of repeated disobedience of orders; in paragraph 5 you say that she asked you to allow her to have an able-bodied inmate as her own private servant; did she not ask you for a female help for herself;—did she not say that the other asylums had matrons and sub-matrons? She never asked me for one at all or I should have recommended it. You will see that she objected to a female servant on certain grounds.

328. That is to a female servant, but a sub-matron is a different thing? She never asked me.

329. *Mr. Kidd.*] You say that if Mrs. Cunyngame had asked for an assistant matron you would have been very glad to have appointed one? I should have been very glad.

330. You knew the duties she had to perform and seeing that you would have acted in that way; was that not recognizing that Mrs. Cunyngame had too much to do? The question never entered into my mind.

331. But you say as to your own knowledge, admitting that she had too much to do, that you would have granted her an assistant matron if she had asked for one? Yes.

332. Is that not an admission that she had too much to look after? I do think that there was too much.

333. *Mr. Bourke.*] Do you know Dr. Ashburton Thompson? Yes.

334. Did he tell you that Mrs. Cunyngame was overworked? No. You are coming now to the question of Dr. Ashburton Thompson. I had a consultation with him when he was the visiting medical officer, and he concurred with me that Mrs. Cunyngame was not fit for the office she held. I am going to call him.

335. You say that you declined to give an able-bodied inmate for a servant; then you say, "The request could only have been made to mislead me, as at that time she concealed from me that she had four inmates exclusively employed as private servants, one as cook, one designated as butler, and two at general house-work?" The cook was a man named Cummings, and the butler a man named Helmrich, and the names of the two others I can get.

336. Do you say that she had four at one time? No; she had three at one time, and another one would come in at another part of the day; there were generally three.

337. Are you aware that the man who cooked in Mrs. Cunyngame's private kitchen cooked also for the inmates? He declares that he did no other work.

338. You say that frequently a fifth inmate was similarly employed;—five at one time? Generally there were three, very frequently there were four, and often a fifth was called in.

339. *Mr. Kidd.*] Were there four or five employed at one time? Four or five generally.

340. *Mr. Crick.*] Were there four or five? Take it as four if you like.

341. *Mr. Bourke.*] Generally there were three? Generally three.

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342. You say, "And these men were allowed to ration themselves from the Government stores without oversight under a system which, when I discovered it, had for a long time led to serious misappropriation of provisions." In your letter of the 24th to the Under Secretary you exonerate Mrs. Cunynghame? I did not exonerate her; what I did was to exonerate her from deliberately misappropriating provisions, but I, at the same time, stated that she had been very indiscreet. I gave her positive instructions as to the course she was to adopt for the future, and on calling some days afterwards I found that she had not taken the slightest notice of my instructions.

342½. Did you give her instructions that those men were not to go to the kitchen any more to take the rations? Yes.

343. And they were not carried out? No. I went and saw a man taking away meat, and had it weighed for the number of men he said it was for, and it was exactly a double ration.

344. On the 24th October you make a report on that, and you give her certain instructions, which she says she carried out, and then considered the matter closed? I say that she did not carry out the instructions. I went four or five days afterwards and saw the same thing going on. At 7 o'clock in the morning I saw a man going with the meat, and when he saw me he stopped. I said, "Do as you have been always doing." He cut the meat off, and I said, "Is that what you take for that number of men?" I had it weighed, and it was a double ration.

345. *Mr. Hawthorne.*] Your object in going at seven in the morning was to prove whether your instructions were being carried out or not? I went in regard to the provisions, and to see how things generally were going on in reference to the breakfast.

346. *Mr. Bourke.*] You mentioned another case of disobedience;—you said that Dr. Violette directed that an inmate named Cumming should be sent to the hospital for consumptives, at Liverpool, for special treatment;—there is an entry in the book about that? I will show you how the doctor was induced to make that entry.

347. The doctor ordered that this man should go to Liverpool? Yes; the man was in a very bad state; he was taken out of the hospital without the doctor's instructions; and the doctor found him acting as cook in Mrs. Cunynghame's kitchen, and the doctor ordered him to Liverpool.

348. If she sent him away in the first place it would have been in obedience to the doctor's orders, would it not? Yes.

349. Then in accordance with a further order, she kept him there? I directed her then to send him; he was cook in Mrs. Cunynghame's kitchen, and not a hospital patient. Mrs. Cunynghame knew that I was the person to send him away; she disobeyed my orders in that respect.

350. What was she to do between you and the doctor? I am the person to be obeyed in everything, except hospital matters.

351. *Mr. Crick.*] Did you attach much importance to it? I did; it was a repetition of disobedience of hers which had been going on for some time. She asked whether she might have one man in the kitchen, and at the time she had three or four men there, this man being one of them.

352. Was it not on account of this order of Dr. Violette that you sent the man to Liverpool? Yes.

353. Then you did not allow him to remain? I said to the doctor, "Is that man a hospital patient?" and he said, "Of course not; he is employed as her cook;" then I said, "Very well, I will deal with the matter." Then I went to Mrs. Cunynghame.

354. Then you told her one thing, and the doctor told her another? Yes. She knew that my authority was supreme in this matter, and she ought to have obeyed me. I insisted on the man going before the lapse of the month.

355. Did you insist on it? I said to Mrs. Cunynghame, "You had no right to persuade the doctor after I had given you positive orders."

356. The fourth charge is that of untruthfulness, and in support of that there are two allegations; the first being that Mrs. Cunynghame reported that she passed the provisions herself, and you say that she did not? I say she did not; I can only swear to four occasions, but I have evidence on the point.

357. You said three this morning? No; if I said only three I made a mistake; there was once the meat and three times the groceries.

358. The second charge was with regard to general untruthfulness, you say that Mrs. Cunynghame supplied a paragraph to the *Herald*, what evidence have you about that? It was a paragraph about something that was being done, and I did not want anything to be made public about it until we had ascertained the results.

359. *Mr. Crick.*] Did you attach much importance to it? Not at all, except that I was told an untruth about it; if she had admitted that she did it there would have been no more about it.

360. *Mr. Hawthorne.*] What was the paragraph about? It referred to certain changes which were made by me, and carried out by Mrs. Cunynghame. The paragraph said how admirably they were working, and so on. I had asked her to keep the matter dark until we saw how it answered; not to let it get into the newspapers.

361. *Mr. Kidd.*] Then you had some idea that she was going to send the information to the newspapers? Yes; I know that she does that.

362. *Mr. Bourke.*] You found the charge of untruthfulness on that? Yes, and upon other things, what she said about having gone through the wards.

363. *Mr. Ritchie.*] Did Mrs. Cunynghame ever admit, after having denied it, that she had sent the paragraph to the *Herald*? She admitted having signed it. A clerk there wrote it for her, and she signed it. She told me at first, when I asked her, that she had nothing to do with it; she said it came solely from the inmates.

364. Are you sure that you did not directly or indirectly sanction it? No; I was rather strong on the point.

365. Yes, after it appeared, but it is possible that a man may approve of a thing beforehand but not approve of it afterwards when he sees it in print. You did not approve of it directly or indirectly? I can show that I immediately investigated the thing, and that I sent a telegram to Mrs. Cunynghame about it.

366. *Chairman.*] What was the puff? There was nothing objectionable in the paragraph, but supplying it to the papers was a deliberate act of disobedience, as I had asked her to keep the matter as quiet as she could.

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367. *Mr. Ritchie.*] Did you ever get hold of the manuscript afterwards to prove that she signed it? No.
368. How do you know that she signed it? I was told.
369. *Mr. Bourke.*] By whom? By a person connected with a newspaper.
370. *Chairman.*] Did you make inquiries at the *Herald* Office to ascertain? No; I made inquiries at Parramatta of the assistant editor of a newspaper. I was told that I could, if I was mean enough to do it, have got possession of the manuscript. Mrs. Cunynghame does not deny that she signed the paragraph.
371. *Mr. Bourke.*] She says it emanated from the inmates? By signing it, knowing what it was intended for, she accepted it as her own.
372. What she said was that it emanated from the inmates;—is that not so? Yes.
373. *Mr. Kidd.*] I should have thought it would be gratifying to you to have a notice of the institution in the press? I did not want it done then.
374. *Mr. Ritchie.*] You would not take the insertion of a paragraph to be a very great offence? I should not have troubled about it but for the fact that one thing following on another showed that she was deliberately disobeying me.
375. *Mr. Bourke.*] Immediately on Mrs. Cunynghame being suspended Mrs. Brooke was put in? Yes, temporarily.
376. And she has since been appointed permanently? Yes; but I am not sure that was intended originally. Dr. Violette and I were so struck with her good management that we recommended it. Mr. Fosbery, Mr. Street, Mr. McMillan, Mr. Inglis, Dr. McLaurin, and others also recommended it.
377. How long was it before she was permanently appointed? I think the papers will show you that.
378. Is she not separated from her husband? Yes, and it is a very painful story. She is about as cruelly-used a woman as I ever came across.
379. You had only a slight acquaintance with her? Only a slight acquaintance.
380. Had she had any experience of such institutions? I will tell you how she came to be appointed. There were a number of applicants, and I think I selected her just to put her in temporarily, and to tell you the truth I did not at that time contemplate her permanent employment. I thought it would be but a lift for her.
381. *Mr. Crick.*] Is she a friend of Mr. Hugh Taylor's? As far as I know, she is not.
382. *Mr. Bourke.*] Is she a friend of Mr. Critchett Walker's? Not particularly, I think. It was Mr. Inglis who sent her to Mr. Walker. I do not think that I saw Mrs. Brooke six times before she went there; then it was only when she was applying for employment.
383. I suppose you have many other persons of experience? I have not; they seem to be able to get employment readily enough. There was one person whom I thought of trying, but her character was too bad.
384. You have none on your list who have had experience? Yes, I have some.
385. Yet you select a woman with no experience at all to fill an important position like this in a place where there are 300 men. You know I may have heard a great deal about this woman? I have been told that a great deal of mud is to be thrown.
386. I want to know whether Mr. Walker recommended her? I do not think so; it was the gentleman I have named; and I believe that Mr. Inglis introduced her to Mr. Walker.
387. Did Mr. Walker introduce her to you? I think he spoke to me about her in a general way, as he usually does about applicants; but I knew her previously.
388. Do you know what she was doing before she went to this place? She was living at either Strathfield or Burwood; I do not know which.
389. Was she in or out of employment? She was out of employment. You can have her here, and I think she will tell you a story that will have your sympathy at once.
390. *Mr. Ritchie.*] When she sent in her application, did she send any testimonials? Yes, from Mr. J. R. Street, Mr. Fosbery, Dr. McLaurin, Mr. McMillan, M.P., and Mr. Gotthelf.
391. Was her appointment made upon your recommendation? Yes.
392. Did you have any pressure beyond those testimonials brought to bear on you by anyone else outside these testimonialists? No pressure whatever.
393. No persuasion? No persuasion.
394. *Mr. Hawthorne.*] Simply those letters of recommendation? Yes; I knew that the woman was a business-like person.
395. *Mr. Ritchie.*] Has she given you anything like satisfaction since she was appointed? Yes. I venture to say that none of the institutions, especially those having hospitals, have been attended to better than that has been.
396. You said that Mr. Walker had spoken to you—one might infer from that that he knew her? He asked me what I thought of her testimonials. I do not know exactly what he said, but he did not bring anything like pressure to bear upon me.
397. You would infer that he had some knowledge of her? Yes, but only from her applications for employment.
398. Had you any idea of appointing Mrs. Brooke before Mrs. Cunynghame's suspension? I would have given her an appointment if I could.
399. *Mr. Crick.*] So you knew her before the suspension? Yes; I have already said so.
400. Had she an application in before that date? No, I think not.
401. Did you tell her to put in an application? I did not. I think she had a sort of general application at the Colonial Secretary's office for employment—a verbal application I think it was. It was then that Mr. Walker spoke to me about her; she had gone and asked for work, being in distress.
402. That is a very unusual course, is it not? No; many women go there and do that.

WEDNESDAY, 7 AUGUST, 1889.

Present:—

MR. HOWE,	|	MR. FRANK FARNELL,
MR. CRICK,		MR. KIDD,
MR. HAWTHORNE,		MR. RITCHIE,
MR. NOBBS.		

JAMES PETER HOWE, Esq., IN THE CHAIR.

Mr. Bourke, instructed by Mr. Herbert, appeared as counsel for Mrs. Cunyngame.

Mr. T. M. Williamson appeared as solicitor for Mr. Maxted.

Sydney Maxted called in and further examined.

403. *Mr. Bourke.*] I wish you to explain how it is that in the third paragraph of your report you charge Mrs. Cunyngame with sending a number of men up to the doctor for transmission to you for punishment, while at the end of the seventh paragraph you say that one of your charges against Mrs. Cunyngame is that it was no use of the warders making any complaint to her, because she would not take notice of them? I said they complained so to me.

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404. But how do you reconcile these two contradictory statements? I do not see the discrepancy.

405. In the third paragraph you say:—"Then I found that for the most trifling offences men were sent up daily to the visiting medical officer for transmission to me for punishment, until he protested, and I refused to receive further complaints." Then, in the seventh paragraph, you say, "The paid subordinates have informed me that they have been afraid to report instances of neglect and unkindness in the sick wards on the part of inmate-attendants, because the superintendent has practically shown them by her treatment subsequently that such information was not acceptable." I understand your meaning now. Edgar, Warner, and paid inmates, when I have complained to them about not reporting cases to Mrs. Cunyngame have told me that they did not care about doing it because, to use Edgar's expression, "she marked them."

406. That does not explain the discrepancy between those two statements? It does. Cases might have been sent to the doctor, and the doctor might have done as I have described there, and still attendants might be afraid to report to the superintendent. I cannot see any discrepancy between the two statements. One instance, in reference to the attendant Edgar not reporting a case to Mrs. Cunyngame has just occurred to me. It was the case of a paralytic patient found in a corner of the hospital ward unable to get on to his bed. Edgar, the wardman, was in charge at that time, and a man named Drew had got drunk on that day, and I discovered that this paralytic patient had been for some time in a very painful position in the room whilst this man Drew was said to be drunk; I said to Edgar on that occasion "Why did you not report it to Mrs. Cunyngame?" His reply was to the effect that latterly he had not reported to Mrs. Cunyngame because he had found that when he did so she marked him.

407. Still you complain in the third paragraph of your report that there were too many reports coming to you, and that they were rather trivial? That is a different kind of thing altogether. I complained of very trivial complaints but surely the matter which I have just explained cannot be characterized as trivial.

408. *Mr. Crick.*] I understood that Edgar admitted that he did not report that case to Mrs. Cunyngame? Yes.

409. *Mr. Bourke.*] The first charge made in your report on the 4th December, really amounts to a charge of misappropriation of money on the part of Mrs. Cunyngame? Yes.

410. Do you remember that shortly after you were appointed Director of Asylums, when you went to Parramatta early in August, Mrs. Cunyngame showed you a despatch-box, with books and bills and money in it belonging to the inmates, and asked you for instructions as to what she would do with them? She did nothing of the kind. My explanation of that is, that seeing that the other superintendents had passed in moneys of this description to the office, and being struck on reference to the office books with the fact that Mrs. Cunyngame had never passed in any moneys of this kind, so far as I could trace, I asked her if she held any such moneys.

411. You say Mrs. Cunyngame never passed in moneys? Not so far as I could trace from the books at the office. I ascertained when I took office that from the time when Mr. King left, and, so far as I could discover, previously, no moneys of this character had been passed into the office. Being struck by the books with the fact that no moneys of this description from old men had come in from Mrs. Cunyngame—certainly from the time when Mr. King left (I am in a position to produce evidence on that point), and there was an interregnum of eleven months between that time and my appointment—and seeing that other superintendents had passed in moneys, I asked her if she held any such moneys as these; any inmates' moneys, that is the expression I used.

412. When did you ask that? I think that was on my first or second visit. Her reply to me was that she had not. I told her then that all moneys collected by her in future must be sent in at once to the office, and she was written to twice subsequently, I believe. My books will show that after that these moneys did come in, but no return whatever was made to the office of the moneys referred to in my report.

413. That is, the moneys received between Mr. King's retirement and your appointment; you say there was no return made then? Yes; and there would be some of these which were received previously.

414. But there were some moneys sent in after your appointment? Yes; moneys received by her afterwards. But no reference whatever was made to the moneys which at that time she held, some of them being the moneys of a number of men who were dead, and those were moneys which certainly should have gone into the Treasury at once.

415. *Mr. Crick.*] Under what regulation was Mrs. Cunyngame required to send those moneys to the Treasury;—is there any printed regulation? Not that I am aware; but it is a requirement from every public officer on the part of the Treasury.

416. There is no regulation, you say? No printed regulation that I know of. It is a generally understood custom.

417. *Mr. Bourke.*] These were not public moneys, were they? These were inmates' moneys. Certainly the moneys belonging to dead men immediately became public moneys, and ought to have been passed in at once.

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418. *Mr. Williamson.*] Mrs. Cunynghame had been doing so eleven months previously to your appointment—sending the moneys in when she was first appointed? No.

419. *Mr. Bourke.*] For those eleven months you say there were no moneys sent in? Not any.

420. Will you swear positively that on your first or second visit to the asylum Mrs. Cunynghame did not show you a despatch-box and say that it contained moneys and accounts concerning the inmates' moneys? I did see a despatch-box there, and she said she had some documents in it, but made no reference to books or moneys.

421. Now you are coming to it? I am anxious to give you the truth, and nothing but the truth. I asked her, as far as my recollection serves me, if there was anything that it was necessary for us to discuss, because we were going into a lot of other matters, and she said there was not. I know what you want to arrive at. You want to arrive at whether I saw that small account book which was taken out of the box after Mrs. Cunynghame's suspension. I can produce evidence that I never saw it until after that time.

422. You do acknowledge that you saw the despatch-box? Yes; Mrs. Cunynghame told me that she had public documents in a despatch-box, together with her private papers, but that there was nothing of any importance.

423. I will ask you the question again: Did Mrs. Cunynghame, soon after your appointment, show you a despatch-box, and tell you that there were books and documents in that despatch-box relating to the inmates' moneys? I again answer "No."

424. You saw the despatch-box, and were told that there were some documents in it, but you were not told what they related to? She said she had a lot of her own private accounts and other documents mixed up with some unimportant official letters, as I have already told you.

425. You acknowledge that you were shown the box, and told that there were some documents in it, but you were not told that they related to the inmates' moneys? Yes; I distinctly say that no reference was made to inmates' moneys, except when I asked her whether she held them.

426. *Mr. Kidd.*] Had you a knowledge that Mrs. Cunynghame had some money in her possession belonging to the inmates of the institution at the time when you gave her instructions to send on all moneys from that time? No, I had not.

427. What induced you to give those instructions? Because I saw that there were no moneys coming in, and I said, "If you collect such moneys, send them on."

428. But did you not suspect that she must have had moneys at that particular time before you thought of giving these instructions? I did not suspect that; I did not suspect her of dishonesty.

429. I do not want to imply that there was any dishonesty; I simply wish to ask you what induced you to give those instructions? Because I saw that no moneys had been coming in from her. I was told that in Mr. King's time—Mr. Rossiter told me—she had collected and sent in moneys, generally, I think he said, by her own cheque, and it struck me as being peculiar that during the whole time she had been there between Mr. King's time and my own appointment no moneys had come in, while there had been some from another institution.

430. But seeing that eleven months had elapsed, during which no moneys had been sent in, did it not strike you, when you gave instructions that they should be sent in in future, that she must have had moneys in hand? No; I have already answered that. I asked her if she held moneys, and she said no, she did not.

431. That was prior to your giving her instructions to send moneys in? Yes—any she might collect in that way in future.

432. *Mr. Bourke.*] You asked her if she had any inmates' moneys, and she said no? Yes.

433. *Mr. Crick.*] Would it be at all out of place for Mrs. Cunynghame if an inmate made her a present of this money to accept it? I should think it would be a very great impropriety on the part of any public officer to do such a thing. I should be very sorry to do it.

434. *Mr. Kidd.*] However, you admit she accounted for all the moneys from the time you gave her instructions? Yes.

435. And you do not know in what way she has accounted for the other moneys? I do not.

436. You do not know if she has accounted for them up to the present? I am sure she has not.

437. *Mr. Bourke.*] Have you ever seen that book—did Mrs. Cunynghame ever show it to you? I never saw it before; but it has been explained to me by the clerk Abbott that this was taken out of that box by her with some other books.

438. Did you see any books on that occasion, and did you say to Mrs. Cunynghame that they were so nicely kept that she had better go on as she had been going on before? No. The only book I saw on that occasion was a book I have here. It is really a copy of the pay-sheets.

439. You have a book now which contains an account of the inmates' moneys? Yes.

440. Did you see that book at the time of which I speak? I never saw that book until after Mrs. Cunynghame's suspension.

441. Do you know that these moneys were taken from the inmates by Mrs. Cunynghame at their request to be paid back to them in sums of 1s. or 2s. per week, just as they required it? Yes, I think it is very probable. Mrs. Cunynghame has stated already that she was instructed by the manager to send all sums above £2 to the Pitt-street office. Here is one dead man named Maltby who has £4 17s. 6d. to his credit.

442. *Mr. Crick.*] I understood Mr. Bourke to refer to amounts given by people living in the institution to be returned to them as they required it? The rule was to deduct £2, to be given out to them in small sums and to send the balance to the Pitt-street office.

443. *Mr. Bourke.*] What was it sent there for? To be paid into what was called a trust account—an account opened at the bank into which the moneys of these men are to be paid for safety and kept until they leave the institution or die.

444. *Mr. Crick.*] Then there was no regulation, but it was simply a matter of custom? That is all, so far as I am aware.

445. *Mr. Bourke.*] Mrs. Cunynghame need not have taken these moneys unless she liked; she only did it at her own option, and to oblige the old men? She need not have taken them certainly.

446. Sometimes pensioners were sent to the Parramatta Asylum? Yes.

447. And in their case half of their pay, or £2 per month, or something of that kind was deducted and sent to Sydney and the other half was kept by Mrs. Cunynghame for the use of the pensioner—is that so? Yes, that was supposed to be the custom.

448. Then this regulation you speak of related only to pensioners' moneys, did it not? Not at all. It related to people who went into the institution having money in their possession which they handed to Mrs. Cunyngame and others to keep for them.

449. But there was a regulation about pensioners' moneys? No, there was no regulation whatever dealing with any matter concerning the institution. It was simply a matter of instruction from the Sydney office, and it is the same with regard to all the other institutions.

450. But is there a rule that when a pensioner goes to one of these asylums you deduct something from his pension towards his maintenance? Yes. It depends, of course, on the amount of his pension. If a man gets 1s. a day, we deduct 6d.; but if he only gets 4d. we let him keep it to buy little necessaries and luxuries with.

451. If the pension was 1s. a day or over, you generally deducted half? Yes; the rule was understood by all the other superintendents, and the money was regularly forwarded by them.

452. After Mrs. Cunyngame was suspended, you sent to her for this book, showing an account of the inmates' money? Yes, I did.

453. And you say she sent a slip of paper representing that she held moneys belonging to men then in the asylum, then amounting to £83 7s. 9d.? Yes.

454. You see there are seventeen sums named in the margin? Perhaps I may be allowed to explain why I sent for that book. I was asked by Abbott, the clerk, if I knew of this book and of these moneys, and I said I did not. He said then, so that he might be clear, he must tell me. Then he said Mrs. Cunyngame had taken that book. She had applied to be allowed to take some private documents from this despatch box, and I sent up a clerk from the office to hand over the private documents. The acting superintendent was then present to let Mrs. Cunyngame take her private documents. Among her private documents, among what she took, Abbott told me, was a book which he himself had kept showing what is described here in the report in reference to these moneys. I sent to her for the book, and she refused to give it up. She sent on that occasion a slip stating that she held moneys to this amount. I then asked her if she would come into the office.

455. This was after she was suspended? Yes, I spoke to her, and told her that for her own sake she had better give up this book. She replied that it was a private matter between her and the inmates, and the Government had nothing to do with it.

456. In connection with that book your charge against Mrs. Cunyngame is that the slip sent to you did not show a sum of £13 17s. 8d. belonging to dead inmates? Yes.

457. *Mr. Kidd.*] Is this money of the character which you have previously described; that is to say, money which she might have held in trust for the inmates so as to give them a shilling or 2s. when they required it? Yes, of that character—inmates' money.

458. *Mr. Bourke.*] The second charge in your report of the 4th December is that a paralytic patient has been cruelly ill-used in hospital by a warder named M'Phee;—from whom did you get your information about that? I was going through the ward, and one of the patients, whom I do not recollect now, spoke about the matter to me. I do not remember his name, but I can produce evidence in reference to this.

459. This was told to you by a patient when you were going through the wards? Yes.

460. *Mr. Crick.*] Did Mrs. Cunyngame ever advance any moneys of her own for the benefit of the institution, in advance of the money she got from the Government? I am unable to tell you. The custom was this:—I have here what is called a petty cash account; for instance, the petty cash account for October amounted to £5 3s. 4d.

461. Would that be money paid by Mrs. Cunyngame and afterwards repaid to her by the Government? Some of the items would be, and others not.

462. You are satisfied that Mrs. Cunyngame did advance some petty cash? Occasionally. It was the custom of superintendents to do that occasionally and be reimbursed at the end of the month.

463. *Mr. Kidd.*] Is £5 3s. 4d. about the average amount of petty cash a month? Yes, that would be about the average.

464. *Mr. Bourke.*] Your next charge is that you gave some directions as to poisonous lotions being left about in the hospital wards? Yes.

465. Was that not a matter for Dr. Violette to give directions about? Not at all; as I said before, he prescribes and there his duty ends. I should not consider, however, that he would exceed his duty if he gave such an instruction; but I gave the instruction and it was not obeyed. That is my complaint.

466. Dr. Violette was visiting the place every day, and he had two experienced men under him, and yet he never gave such an order? I know nothing about Dr. Violette in the matter. He may or may not have given such an order. My complaint is that I gave the order and it was disobeyed.

467. Was it not a matter for Dr. Violette—it was a matter of ordinary hospital management, and Dr. Violette was then the head of the hospital? I should not think so. I have given the same order at the Liverpool Asylum and it has been obeyed. I found the same danger existing there.

468. In the latter part of paragraph 4 in your report you say you gave the superintendent orders to superintend the application of these lotions; how do you know that Mrs. Cunyngame did not constantly superintend the application of these lotions? From the information of the wardman.

469. What wardman? The wardman who was there at the time. I can get his name by reference to the book.

470. This wardman complained to you? No, he did not complain; I asked the question. I may explain that dealing with these cancer cases is a very horrible thing, and I knew very well that the man might like to get out of administering the lotions if he possibly could. I simply asked that Mrs. Cunyngame should occasionally go in to this ward.

471. And are you prepared to give us evidence that she never did go in? I taxed her with it afterwards—with not going into the hospital.

472. To superintend the application of these lotions? Occasionally only. You see I used that word; I would not expect her to do it every day.

473. Your charge is that she never went? Yes, that is my charge. When I taxed her with it she told me that it was not her duty; that she thought it was the duty of the paid attendants.

474. Don't you think it was their duty? I think it was her duty also, because an inmate wardman would not consider the instructions of a paid attendant of very much weight. If Mrs. Cunyngame had gone in twice a week to see the lotions administered the inmate wardmen would have been sufficiently afraid not to have neglected the patients.

Mr.
S. Maxted.
7 Aug., 1869.

Mr.
S. Maxted.
7 Aug., 1893.

475. You speak particularly now of the cancer patients? Yes.
476. How many of those were there? I suppose on an average seven or eight.
477. And do you not think that paid wardsmen were sufficient to look after the cancer patients? No, I would trust no supervision to wardsmen.
478. These are paid wardsmen, men of experience? Whether or not I would trust no supervision to subordinate officers.
479. Then you expected the superintendent to do everything? The superintendent has already admitted before the Public Asylums Inquiry Board that she was responsible for all supervision.
480. *Mr. Crick.*] Are you referring now to the Inquiry Board whose report was printed some time ago? Yes, in 1886 or 1887, I think.
481. *Mr. Bourke.*] The next charge is about the disposal of refuse and meat bones, contained in paragraph 5 of your report of the 4th December. You say there that you had questioned the superintendent as to the manner in which the meat bones and provision refuse were dealt with and that she assured you that they were required and had always been used at the institution's farm? Yes, and that, under the new dietary arrangement, the refuse was so small as to be worthless.
482. What is this institution farm? It is the garden—a large garden attached to and where they grow the vegetables for the institution. It is part and parcel of the institution.
483. You say in your report that you have since discovered that both bones and refuse were regularly disposed of to her tenants at her farm? Yes, and that no return whatever had been made to the Government. I should like to explain that I do not mean by that that they were sold. She gave them to him. I have since got £28 a year for them.
484. From whom? From this tenant, until he failed and went out of the place.
485. For how long did you get that? For several months, until he failed. I could not tell you without reference.
486. Can you tell us how long ago it is since he failed? I fancy about three or four months, but I cannot say exactly. I called for tenders, and he, knowing what it was worth, tendered at £28 a year for the refuse only.
487. *Mr. Crick.*] You say she did not sell this refuse? I did not intend to convey that she sold it.
488. She did not personally benefit by what she did? I am unable to say.
489. Can you say she did? I cannot say she did. I can only say that it is a very suspicious circumstance that this tenant of hers who got the stuff immediately afterwards, knowing the value of it, undertook to pay £28 a year for the refuse only.
490. This was a tenant of hers—he had the use of the land? Yes; he rented a farm from her.
491. She gave him this stuff? Yes.
492. Can you say that she got any higher rent by giving him this stuff? I cannot say.
493. Can you say that she derived any personal pecuniary benefit by it? No; but I say that she might have sold or disposed of it to the advantage of the Government.
494. *Mr. Bourke.*] You put it rather insidiously in your report. You say she disposed of it to her tenants? I did not intend to put it insidiously. Disposing of it does not literally mean selling it.
495. In paragraph 6 of your report you say that Mrs. Cunyngame disregarded your order against using the labour of the inmates? Yes.
496. How long was it from the time you gave her the order until you made this report?—You gave the order on the 24th October, in writing, did you not? Yes.
497. And she was suspended on the 19th of the following month? Yes.
498. That would be a little less than four weeks? Yes.
499. Do you not think that Mrs. Cunyngame might have been allowed that period of four weeks to have rearranged matters with regard to these servants and so on? This thing had been going on for some time, and my complaint is that even after her suspension Mrs. Cunyngame so utterly disregarded my order that she still kept these men about her.
500. After her suspension? Yes.
501. But we are not dealing with what Mrs. Cunyngame did after her suspension. You complain that up to the time of her suspension she still had these people there. Of course after her suspension you put Mrs. Brooke in charge? But Mrs. Cunyngame still kept these men in her kitchen.
502. But you know that she was suspended and had no power in the place? Still it shows what a recalcitrant woman she was and how utterly disobedient.
503. *Mr. Crick.*] Could not Mrs. Brooke have sent those men away? She was acting superintendent and could if she had chosen; but you can understand that she would have some delicacy in interfering with Mrs. Cunyngame under those circumstances. You see that notwithstanding everything that had occurred there was still a continuation of disobedience.
504. *Mr. Bourke.*] Then you would not give Mrs. Cunyngame three or four weeks to reorganize matters, and get one or two female servants? You know it is very difficult to get female servants to go into an institution like the Parramatta Hospital? I do not know anything of the kind.
505. You say in your report that these inmate servants were sent for their meals to the institution mess-room? Yes.
506. Your orders were obeyed in that particular? Yes; I have explained why I inserted that paragraph—simply that it all tended to show how utterly disobedient Mrs. Cunyngame was, and how she disregarded all my orders.
507. In paragraph 7, another very peculiar charge is made. You say “I also directed the superintendent to allow the inmates to use occasionally, for recreation purposes, the grass plats within the quadrangle, instead of keeping so many men confined throughout the day in the unhealthy and limited space of the shelter shed.” You say that that order has been disregarded? Yes, it was disregarded. This was a matter to which the Asylums Inquiry Board attached very great importance.
508. You say that your order was disregarded; how do you know that? By the evidence of my own eyes, I saw it.
509. What was the evidence of your own eyes? That the men were never there.
510. But did the superintendent, to your knowledge, ever issue an order that they were not to go there? She disobeyed my orders in not informing them that they might use the plats. It has been a matter of constant complaint.

511. Did Mrs. Cunyngame ever issue any order that the men were not to occupy these grass plats? How can I tell that. Inferentially she did, because they did not use them after they had asked leave that they might use them, and I had directed that they should.

512. *Mr. Crick.*] You cannot say that she did issue an order prohibiting these men from going there, for there was nothing so far as you know to prevent them from going there? No, except that I told her to order them to go there.

513. You would not expect that she should carry them there if they did not care to go? She will not deny what I have said. Will you allow me to explain what happened to a man who did go on that grass? I have it on the most reliable information.

514. What was the result of your own observation; tell us what you saw yourself? I saw nothing myself because I was not there. I have it on the most reliable information that a blind man named Burns was lying down on the grass plat one warm day and fell asleep. Mrs. Cunyngame came up to him and struck him twice violently with her umbrella. I will produce evidence of this. The man hastily jumped up and became abusive, as a man suffering from his infirmity naturally would under the circumstances, and she at once put him in what I call the refractory cell.

515. *Mr. Bourke.*] You say in your report "This order has been disregarded, but the grass plats have been used as a grazing ground for the superintendent's horses." Do you know whether these plats were used for the purpose of grazing cattle belonging to the institution? I cannot say that. I think I saw a cow there once.

516. How did you find out that horses were there and not the cattle belonging to the institution? I have seen the horses there myself. In fact one morning I turned them off myself.

517. Did you see the cow there more than once? Only once. I have seen horses which belonged to Mrs. Cunyngame there a number of times.

518. The eighth charge is that you had ordered Mrs. Cunyngame not to supply the newspapers with any paragraphs, and afterwards traced the authorship of a paragraph to her. How did you trace that to her? I do not think I ought to be asked to answer that question. I swear it upon oath and I have no doubt whatever about it. As I said before with reference to that paragraph, it is not a matter to which I attach very great importance, except that it tends to show that there was a succession of acts in disobedience of my orders.

519. Do you think you had any right to give such an order to Mrs. Cunyngame? Certainly; in anything connected with or referring to the institution, I think she should obey me.

520. You are not prepared to give any evidence with respect to this charge? No; I will not betray my authority.

521. Your ninth charge is that you directed Mrs. Cunyngame to make monthly musters of inmates, and that she did not do so;—do you remember when you gave that order? I do not remember now.

522. Some time in September, was it not? I think it was in September. If it is a material point I can trace it.

523. Did you not get an account on the first of the following month of a muster made by Mrs. Cunyngame? I never received any such account. I have asked at the office and have been told that no musters were received.

524. You have thoroughly searched for the paper? I asked the gentleman in charge at the office, and that was the information I received. I might have been misinformed; I cannot say.

525. Is the diary here? It is in possession of the clerk of the Committee.

526. You say that the reason why you directed those musters to be made was to enable you to check the numbers with the ration lists and see that men whose maintenance was charged for were actually in the institution, as at another asylum you had found names on the books of persons who had not been inmates for years;—can you tell us where that happened? It happened at Newington. I am informed by the superintendent of the Newington Asylum that there were eight such cases.

527. Did this happen at Newington since your appointment? No, before my appointment. I gave instructions to have these musters made, so that I could check the number of men. Supposing that eight people were charged for in the ration list who had been dead for years it meant a charge of £15 per annum to the Government for people who had never been there? The object of the musters was to prevent that.

528. This did not occur during your term of office? No.

529. Do you know a Mrs. Fletcher? Yes; very well.

530. Do you remember telling her that Mrs. Cunyngame was a first-class officer? I may have done so, because as I have told you, I said to Mrs. Dennis, "If you all get on as well as I think Mrs. Cunyngame will it will be all right"; because she struck me as being a particularly clever woman; in fact, I have no doubt she is a very clever woman.

531. And you found the place when you first went there very well managed? Yes, to a superficial eye.

532. You have often commended Mrs. Cunyngame for her good management? No.

533. Never? I have told you already; I have answered that very fully already. If Mrs. Cunyngame had managed as I am sure she can manage this would not have happened.

534. *Mr. Williamson.*] When you were examined on the last occasion you said that when you took charge of the Macquarie-street Asylum you interviewed Mrs. Cunyngame, and called her attention to the report of the Public Asylums Inquiry Board;—will you take that report and tell me what portion you went into in reference to the management and conduct of the institution? Yes.

535. *Mr. Crick.*] Have you seen the part of the report contained in the papers referred to the Committee on the motion of Mr. Grahame? Yes.

536. Is the part of the report you went into with Mrs. Cunyngame contained in those papers? Yes, some of them. You will see that the man Roy gave evidence there.

537. Then you went into parts of that report other than the parts contained in the papers? Yes.

538. *Mr. Williamson.*] This was a matter affecting the good government and supervision of the institution? Yes; it dealt with various matters.

539. Is it not a fact that you stated in your last examination that you went into the report with Mrs. Cunyngame? Yes, I did. I said I took it with me as the basis of my instructions from the head office in regard to all the asylums.

540. At your first interview with Mrs. Cunyngame you went into the report of the Inquiry Board and pointed out certain things that should be remedied? Yes; I asked her questions with reference to several

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several matters. For instance, with reference to her disposal of fat for soap, I remember that. I did that, because there was some very nasty things said about the institutions generally with reference to these particular things. It was supposed, in fact, that the superintendents were making something out of them, and I wanted to get at the bottom of the matter.

541. Then, as a matter of fact, when going into this report, you called her attention to certain portions of it, and asked her to see that they were not continued any longer? Exactly.

542. And, as a matter of fact, some portion of those directions have not been carried into effect? Certainly they have not.

543. Will you kindly look at the report of the Inquiry Board and point out to the Committee what you first of all called her attention to? The first thing, to which I drew her attention was the evidence of the three witnesses Roy, Baird, and Rooney.

544. What did you say to her? I asked her if she had read it.

545. What did she say? She said she had, and that they were all telling lies; and I also remember she said that they were men that could not be relied on. Then she asked me if I had seen her reply. I said I had not, and she got me a copy of her reply—a printed paper.

546. Then did you give her certain directions? Yes, I did.

547. What directions did you give her with reference to the statements made by these three men? The directions I gave her were to watch the inmate-attendants carefully, and see that there was no recurrence of those atrocities, as I called them.

548. Did you go into any other portion of the evidence? I did. I spoke to her then about the fat for the soap. I referred to question 6393 in the report of the Inquiry Board and others following. I spoke about the fat in exchange for soap. I drew her attention to that. I asked her how she was disposing of the fat. She said she was getting soap for it from Messrs. Pritchard Brothers. Then I asked her if she did not think it would be better to take money. I remember telling her that I thought it was very unfair to the contractor, and I asked her if she did not think it would be better to sell the fat and get money—that it was unfair to the contractor to deprive him of his right in that way. I have since found that Mrs. Cunyngame did not get soap for the fat as she stated, but that she got cheques.

549. *Mr. Ritchie.*] Are you prepared to prove that? Yes; I am prepared to prove it by Messrs. Pritchard Brothers, and I am prepared to prove where the cheques passed through.

550. Will you give the number of the cheques? The first one was paid before the first sitting of the Inquiry Board. I pointed out to Mrs. Cunyngame that she had told the Inquiry Board that she had received soap always in exchange for the fat. I have ascertained since that a month before she gave that answer she received a cheque for £2 12s. 4d. from Pritchard Brothers for soap. I further ascertained that during the whole of the sittings of the Inquiry Board she took soap, and no money. After the Inquiry Board had completed its proceedings she commenced to take money again. I will give you the dates of the cheques—July 20th, 1887, cheque for £3 2s.

551. *Mr. Ritchie.*] When did she receive the cheque for £2 12s. 4d.? In the month before the Board commenced its investigations.

552. When was that? The Board sat from August, 1886, until May, 1887.

553. *Mr. Williamson.*] And during that time she took soap and no money? Yes. The next cheque was dated September 10th, 1887, and was for £2 9s. 7d.; the next was dated December 16th, 1887, and was for £2 10s. 5d. The others were as follows:—January 6th, 1888, £2 9s.; February 14th, 1888, £2 14s. 11d.; July 21st, 1888, £1 17s. 6d.

554. *Chairman.*] Was soap received between those dates from Mr. Pritchard in exchange for fat? Yes, three lots of soap were received.

555. *Mr. Williamson.*] How much? I cannot tell you the quantity. I think it was a box containing a hundred weight each time.

556. *Mr. Bourke.*] Did you say that Mrs. Cunyngame bought some soap? No.

557. *Mr. Williamson.*] Have you ascertained that these moneys have been paid into her credit? I have not ascertained that exactly. What I have ascertained is this, that they were passed through the Australian Joint Stock Bank at Parramatta where she kept her account; and then, of course, they were dealt with at Mr. Pritchard's own account in the Newtown Bank.

558. Have they ever been handed over to the Government? No.

559. *Mr. Bourke.*] You have not made any charge about this; it does not appear in your report? It is part and parcel of my charge of untruthfulness—untruthfulness in saying that she always received soap in exchange for the fat. She said the same thing to the Board, and that is how the question arose. These cheques have never been passed in to the Government.

560. When you asked Mrs. Cunyngame whether she had received money or soap did she specify any period? No; she said she had always been in the habit of doing it, and I pointed out then that it was unfair to the contractor.

561. *Mr. Williamson.*] What else did you speak to her about, anything in reference to the hospital? Yes, I asked her to supervise the hospital personally.

562. Did you call her attention to anything in the report of the Inquiry Board? I called her attention to the statements of the witnesses Rooney, Roy, and Baird, as showing the necessity for this supervision.

563. Did you call her attention amongst other things to the fact that she had already admitted before the Board that she had not been in the hospital for nine months? I cannot remember that I did that; if I had done so I should have remembered it.

564. Will you swear you did not? No, I cannot swear.

565. Did you refer to any evidence at all taken before the Board? Yes. She said the men would not say these things before her face, and I pointed out to her with reference to certain witnesses that she had an opportunity of being present. I then told her to exercise strict supervision over the hospital to prevent these things happening in the future.

566. I am referring to her evidence. Did you call her attention to the fact that she admitted before the Inquiry Board that she had not visited the hospital wards for nine months? I do not recollect that I did. If I had done so I should probably have remembered it.

567. When you say you refer to her evidence do you mean to say you referred to the whole of the evidence she gave before the Board? I did, and I told her that upon that it seemed to me that her supervision had been very lax. I did not say anything about that nine months business, I think.

568. Did you refer to anything else in the course of this conversation with her in reference to statements which she made before the Inquiry Board? I do not recollect that I did particularly. 569.

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569. Did you refer in any way to the fact of persons dying in the institution and she not being aware of it? No, that came in subsequently; that is part of my own observation.
570. Do you recollect anything further that took place? I do not recollect anything particularly now.
571. Is there anything in the report of the Board or have you any other papers that might refresh your memory as to anything further that took place at this conversation? No; I recollect asking her how the men were paid.
572. Do you recollect, among other things, calling her attention to the fact that she had a farm away from the institution? Yes, I remember that.
573. Will you tell us what transpired in reference to that—give us the substance of what you said? The substance was this, that I have seen from the report of the Inquiry Board that she had a number of men employed out there at different times—several men I think I said—there were five or six at different times. I said that that must not be continued. I think she said then that it was not going on, and I do not think it was going on.
574. Is there anything else you can recollect with regard to that first conversation? No. I recollect with reference to these men that I pointed out to her that it seemed to me a very improper thing that she had been keeping these men at work and, as I understood, rationing them from the Government kitchen.
575. *Mr. Bourke.*] You say it had been discontinued for some time? Yes. I am asked to say what I told her, and I told her that, and so far as I know, it was not continued after I told her.
576. *Mr. Williamson.*] After you had pointed out these defects and these cruelties to her, did she make any reply? Yes; she said they were all lies, and she gave me a copy of what she called her reply. She asked me if I had seen her reply.
577. That is all she said to you? That is all I can remember. We were on exceedingly friendly terms at that time. As I have explained, she and her husband were old friends of mine.
578. In answer to Mr. Bourke on the last day, you referred, amongst other things, to Mrs. Cunyngame employing people as her own servants, and rationing them from the Government store, and you said she put them down on the pay-sheet in fictitious positions? Yes; I have the pay-sheets here, and the names of the people.
579. Will you produce them? I produce the pay-sheets. This is an epitome for the information of the Committee. They go from 1883 up to September, 1888.
580. How many men are there? Eleven men.
581. *Mr. Bourke.*] Those are pay-sheets signed by the men? These are duplicates. I think they are signed by Mrs. Cunyngame. I can get the originals if they are required.
582. *Mr. Williamson.*] You have a synopsis of the pay-sheets? Yes; it is as follows:—Joseph Wallace, now in Macquarie-street Asylum, was employed as cook in Mrs. Cunyngame's kitchen in June and July, 1883; he was paid £1 9s. 6d. Government money, and was entered on the pay-sheet as a hospital wardsman. Thomas Beale, from February to May, and from August to October, 1883, was employed as cook in Mrs. Cunyngame's kitchen, for which he received £5 6s. of Government money, and he was entered on the pay-sheet as a hospital wardsman. H. Le Chong, whereabouts not known, was employed in Mrs. Cunyngame's kitchen as cook in November and December, 1883, and in January, 1888, for which he received £2 6s., and he was entered as a hospital wardsman on the pay-sheet. Hugh Farley was employed in Mrs. Cunyngame's kitchen from February to December, 1888, and in January, 1885; he was paid £9 3s. Government money, and was entered as a hospital wardsman on the pay-sheet. William Millar, now in Liverpool Asylum, was employed as cook by Mrs. Cunyngame from February to December, 1885, and from January to July, 1886, for which he received £13 13s. Government money, and he was entered as a hospital wardsman on the pay-sheet. Thomas Ghost was employed from March to December, 1885, as butler by Mrs. Cunyngame during those periods—from January to December, 1886; from January to December, 1887; January, 1888; from February to May, 1888; and June and July, 1888; for which he received £19 15s. 5d. Government money, and he was variously entered on the pay-sheets as third cook, as being in reading-room, as being a deputy in No. 4 hospital, as being a gateman, and as being a soil-heap man. Peter Bottana was employed by Mr. Cunyngame as cook—from August to October, 1886; from January to February, 1887; for which he received £3 15s. 6d.; he was entered as a hospital wardsman. James Heathcote was employed as cook by Mrs. Cunyngame in November and December, 1886, for which he received £1 10s. 6d. of Government money; he was entered as a hospital wardsman. John Pearman was employed as cook during half of March, 1887, by Mrs. Cunyngame; he received 7s. 9d., and is entered as a hospital wardsman. Felix Cummings was employed the other half of March, and from April to November, 1887, and also from February to June, 1888, as cook by Mrs. Cunyngame, for which he received £10 5s. 3d. Government money; he was entered as a hospital wardsman. Henry Halmariak was employed in January, 1888, and from February to August in the same year, as cook by Mrs. Cunyngame, for which he received £6 2s. of Government money, and he is variously entered as hospital wardsman, and as having had charge of the reading-room. These different amounts represent a total of £73 13s. 11d.
583. In answer to Mr. Bourke you stated amongst other things this morning that Mrs. Cunyngame received certain moneys from the inmates, some of whom are living and the others dead? Yes.
584. Can you give me the amounts she has received from those who are living? They amount to £33 7s. 9½d.
585. Will you look at your report of the 14th December, and at the list of names there. Are those the names of the persons and the amounts she received? Yes; so far as I can trace them. That is a copy of the slip handed to me by Mrs. Cunyngame.
586. Have you that slip? I cannot say; I think I have. It is just a little piece of paper 3 or 4 inches long.
587. Can you find any book showing a list of these names or how they were entered? This is the book. [*Book produced.*]
588. In whose handwriting is this book? Abbott's.
589. He is the clerk? Yes.
590. Was this book handed to you by Mrs. Cunyngame? No, it was handed eventually to Mr. Green.
591. Was this book kept under the supervision of Mrs. Cunyngame? It should have been. I never saw the book until after her suspension. I shall have to produce other evidence as to that. I do not know anything personally with reference to that book at all.

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592. And is this book still in use? No, I have kept it since locked up.
593. I see in this book a number of names with amounts set opposite to them and not crossed out? Yes, those would be the accounts of men who are still living.
594. And who are still inmates? That I am not prepared to say just now, but I suppose they are in some of the asylums, otherwise we should have had to get the money for them. I know as a matter of fact that some of them have been drawing small amounts on account of those sums.
595. Has any copy been made of this book? No, that is the only record of the transaction so far as I know.
596. I see in this book a large number of moneys apparently received during the time that Mrs. Cunyngame was superintendent. Has Mrs. Cunyngame in any possible way accounted to you for the moneys that are in this book? No; she has offered to do so since her dismissal, but not previously.
597. During the time of her suspension, did she furnish you with anything? She furnished me with a slip, as I have just explained.
598. That is the slip previously referred to? Yes; but it did not contain any record of these moneys to the credit of men who had died.
599. Has she furnished you with any slip or any statement of the moneys received beyond what you have already referred to in your report? No.
600. *Mr. Crick.*] How soon after her removal did she offer to account for these moneys to you? I could not tell you without referring to records; I think it was soon after.
601. *Mr. Bourke.*] Was it not the day she left? I am not prepared to say that. It was after her removal, and very soon after. I know I arranged to meet Mrs. Cunyngame up there and receive these moneys, but I was prevented from going; then another appointment was made, which I think Mrs. Cunyngame could not keep. Then as I had received no instruction to take these moneys it appeared to me, on considering the thing over, that it might be rather dangerous to take them.
602. *Mr. Crick.*] So that, as a matter of fact, you attach no blame to Mrs. Cunyngame for not having accounted for the moneys until after her removal? I did not say that. I say she told me she did not hold them at all.
603. *Mr. Bourke.*] There is a letter from you, of the 7th January, to Mrs. Cunyngame, asking her to meet you? Yes; I have no doubt whatever that, after her removal, Mrs. Cunyngame would have handed me over these moneys if I had met her.
604. There is a telegram from Mrs. Cunyngame to you, dated the 11th January, in which she says—"Am leaving. Will you appoint time to-morrow, at which matters referring to inmates' deposits may be settled"? I admitted that just now. I say that, immediately after her removal, I have no doubt she would have refunded these moneys if I had met her.
605. Then it was your fault, you admit, that they were not given up immediately after? I said I would not take them then. On further consideration I thought I ought not to take them.
606. You got £10 in the despatch-box belonging to Donald McDonald? That was handed to him.
607. That takes £10 off the amount belonging to the living inmates? Yes; but that was after her suspension. I forget how that came to be handed to him. Abbott, the clerk, knows about that. It was after her suspension.
608. There were two other sums, were there not, in the despatch-box? I cannot tell you that now; but those were the sums which Mrs. Cunyngame sent me on the slip as holding.
609. At the time of her suspension? Yes.
610. *Mr. Williamson.*] Will you look at this account in the book? I see entered in the book that the superintendent received from Francisco Palma—on September 5th, £1; paid him October 3rd, 2s. 6d.; received from him 23rd October, 10s.; on the 25th October, paid him 7s. 6d., and on November 3rd, received from him 10s., making in all, moneys received to the extent of £2, and paid away 10s.
611. And the account Mrs. Cunyngame has furnished you shows only a balance due to that man of 10s.? Yes. That looks rather difficult to understand from the way in which it has been kept; but the clerk who kept it is very clear about it.
612. *Mr. Bourke.*] It is in the slip that the discrepancy occurs? Yes.
613. Does the total amount in the slip agree with the total amount here? No.
614. What is the difference? I cannot tell you without looking at the book. It is not very material.
615. *Mr. Crick.*] Does it amount to £1? That is more than I can tell you without taking the book and checking it, but it is kept in such a peculiar way that it would take some time.
616. Will you also look at an account there of John Thompson? In the slip furnished, I find the amount stated at £1 9s. 6d.
617. Will you look at this book. You see that the amount received is £3 5s. 6d., and the amount paid away £1 2s. 0d.? Yes.
618. *Mr. Crick.*] Did Mrs. Cunyngame have that book when she sent you the slip? Yes.
619. When did you get possession of the book? The book was handed to Mr. Green, I cannot quite tell you the date.
620. *Mr. Bourke.*] On the 30th November? It might have been.
621. *Mr. Williamson.*] What is the amount purported to have been received? There is a balance left according to the book of £2 3s. 6d.
622. Have you any book showing the amount of moneys held by Mrs. Cunyngame belonging to men who are dead? That book does—those crossed out. Turn up Alexander Bowie.
623. Do you know when he died? The date is there.
624. On the 3rd of January, 1887? Yes.
625. The balance in hand would be £4 0s. 4d.? Yes.
626. Have you been able to trace any notification of the receipt of these moneys by the Treasury? They have never been passed into the Treasury. The next is Robert C. Brown.
627. Have you any idea when he died? No, the date is there.
628. On 12th December, 1886? Yes. The amount is 15s.
629. Has that ever been paid into the Treasury? I am informed not. That was before my time, but I am informed not, in fact I have no doubt it has not.
630. *Mr. Bourke.*] You do not know yourself as a positive fact whether it has or not? No; but I can ascertain.

631. *Mr. Williamson.*] Carl Egie—do you know when he died? The date is in that book.
632. No? Then I shall have to check that by another record.
633. Have you any idea when he died? I have not, without reference to records.
634. I see according to this book that the last sum he received was 2s. 6d., in January, 1887? It may be; of course the book will show.
635. W. Mashitaw—do you know when he died? No, unless the date is there. I can produce in half an hour the dates when these men died.
636. *Mr. Crick.*] Can Abbott give all this information? Yes.
637. *Mr. Williamson.*] Do you tender this book in evidence? Yes. [*Exhibit C.*]
638. *Mr. Bourke.*] Do you remember sending a form to Mrs. Cunyngame in which to enter the moneys belonging to the inmates? No, I have seen a statement about that, but no one connected with the institution can find any such form, or recollect anything about it.
639. *Mr. Williamson.*] When you were placed in the position of Director of Asylums, did you request Mrs. Cunyngame before her suspension to supply you with a list of the moneys she had? Yes.
640. And you took the position of Director early in the month of August? I told you this morning that I asked her if she held any inmates' moneys and she said no.
641. Did you have any further conversation with her in reference to that? Yes. I directed her to send me in future any inmates' moneys that might be collected, and I have taken inmates' moneys from her since.
642. Did you ask her to supply you with any list of moneys she had received? I simply asked her if she had any moneys, and she said no.
643. Can you tell me about the date? That was on either my first or second visit.
644. Would that be early in the month of August? It was during August. I was there every third or second day for some little time—there and at the other institutions too.
645. You requested her to forward any moneys on? Yes.
646. Did she forward any moneys on after you spoke to her? Yes.
647. What moneys? Moneys similar to those noted in the diary—inmates' moneys.
648. Have you a list? I have not a list here now. There are some amounts in the diary noted by me.
649. Have you the diary here? Yes. I only received one or two sums, and then I told her she had better send them to the office and get the usual receipt for them. On Monday, 6th August, she handed me £2, balance due to Studdart; then again she handed me a further sum of £4 17s., in favour of the Director. I am not sure whether one of those amounts was not sent to the office, and then I signed afterwards.
650. Whom was the second amount on account of? In favour of pensions. That would be deductions for the maintenance of men, as I explained this morning. That would be on the 6th August—about my second visit. Then passing on to the 4th of September, I see the superintendent drew out a cheque for £1 5s., in favour of the Director, in payment of money from John Lackey Ward, to be handed to him at his next visit. That would be a balance, I presume, due to the man who probably called at the office for it. If my memory is correct, I do not think I received any sums after that.
651. *Mr. Bourke.*] That man was a pensioner also? I could not say without reference; it may be so.
652. *Mr. Williamson.*] Beyond those sums received the rest of the moneys were to be forwarded on to the office? Yes.
653. Forwarded to your office and then transmitted to the Treasury? Yes; if they were trust moneys they would be paid into the trust account at the bank. If they were collections—as, for instance, for the sale of fat or anything like that—they would go into the Treasury.
654. After the moneys sent in in September did Mrs. Cunyngame open a trust account? No, the trust account is opened at the office.
655. Then of course your books will show? Our books will show what moneys were forwarded since then. I will have those books produced.
656. On the last day you were asked a question by Mr. Bourke in reference to a man to whom slippers were refused;—can you tell me the name of that man? Yes; I have been informed since that it was a man named William Stoddart. The doctor recollects it, and other people recollect it. That is the man I described as the man whose feet were in such a deplorable condition.
657. On the occasion you have described when you saw Stoddart walking about with rags round his feet and no slippers did you visit the cancer ward? I did.
658. Did you see a man named Peters in the cancer ward? I did.
659. In consequence of some complaint he made did you speak to Mrs. Cunyngame? Yes; I told her that Peters had complained to me that he had asked her several times for spectacles and she had told him there were none in stock—spectacles so that he could read; he was lying in a bad state and it was the only comfort he could have. His remark was that he had asked her over and over again.
660. You told her this? Yes, and her excuse to me, as it was to him, was that she had no spectacles in stock. I do not know whether she had or not. She said she had not. I told her she had better send and get a pair. She first denied that Peters had asked her. "Well," I said "it is strange, Mrs. Cunyngame, because there are people in the ward who remember it." The wardman particularly spoke about it. I think he is to be found at Liverpool now. Then she said she recollects, but she had no spectacles in stock. I said "In the case of a man like that it is the only comfort he has, and you ought to send out and get a pair at once; do it."
661. Did she obtain the spectacles? I saw them on the man subsequently.
662. Did she give any excuse for not paying any attention to the man other than that she had not the spectacles? No, except what I have said. I told her that I thought it was a case in which any person possessed of humanity would have attended to the wants of a man like that, who could not possibly live more than a few weeks, and probably only a few days. I know he did not live very long.
663. Did she say she had no money belonging to the man, or that she had no petty cash in hand? No, she did not say anything of that kind. Of course she knew that that would have been no obstacle.
664. Somewhere about the middle of August do you recollect visiting the hospital? Yes.
665. Do you recollect seeing a man there named Drew? Yes.
666. Did Drew make some complaint to you? No, he did not make a complaint; I asked him a question.
667. Did you subsequently see Mrs. Cunyngame and speak to her with reference to what you had been informed? Yes, I did.

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666. Will you tell us what you said to her? I have explained that already.
669. What Drew said to you in reference to the fact of her not visiting the ward? Yes.
670. About the same time that you spoke to Drew do you recollect a man named Holmes making a complaint to you? I do not know that it was at that particular time. As I was passing through the yard a man named Holmes did make a complaint to me.
- 671-2. When this man Holmes made a complaint to you did you see Mrs. Cunynghame? Yes.
673. Will you tell us what transpired between you and Mrs. Cunynghame? I told Mrs. Cunynghame that this man Holmes had complained to me that he had asked her several times to permit him to see his sick wife at Newington and that she had passed him by without taking any notice. She said that was not true. Then I said "Let the man go at once and see his wife." The man was eighty-two years of age and had been married fifty-five years, and he had only been separated from his wife for eighteen months, she being placed in Newington and he in the Macquarie-street Asylum.
674. *Mr. Crick.*] These seem to be facts that have come to your knowledge since your report? I had this knowledge at the time, but as I explained before I did not put all these facts in because—
675. *Mr. Williamson.*] It would have made your report too voluminous? Not only that, but I wanted to be as merciful as I could in dealing with this case.
676. *Mr. Bourke.*] You have been busy collecting information since—even since last Committee meeting? Why should I not collect evidence?
677. *Mr. Williamson.*] You told Mrs. Cunynghame to let the old man go at once? Yes.
678. Did you, several days afterwards, visit the institution, and did you see this man again? I did; and the man came to me crying.
679. In consequence of what he said to you did you again see Mrs. Cunynghame? I did.
680. What did you say to her? I told her that he had complained to me that he had not been permitted to go for some days after I gave the instructions, and that when he did reach Newington he found that his wife had died two days previously. So that in consequence of that disobedience of orders on the part of Mrs. Cunynghame the man never saw his wife. I explained that case to Sir Henry Parkes.
681. What explanation did she give of that? She had no explanation to give at all. As far as I can remember she did not make any explanation or defence about it whatever.
682. *Mr. Crick.*] You have just stated that you explained that case to Sir Henry Parkes. Had you some private interviews with Sir Henry Parkes in reference to this matter? No; none at all.
683. Then how did you explain it to him? I was consulting with him in reference to the establishment of cottage homes for aged and destitute couples, which I had recommended in consequence of this particular case. I had seen that nice old man visiting there, and I thought it would be a good thing to keep these old people together.
684. Was that subsequent to Mrs. Cunynghame's removal or before? It was before her removal. It was at my first interview with Sir Henry Parkes with reference to the establishment of these homes.
685. Can you give us about the date of that? I think it was just about the date of my appointment, or very shortly afterwards.
686. *Mr. Williamson.*] You had some further conversation with the old gentleman, and, in consequence of what he said, did you make any complaint to Mrs. Cunynghame in reference to a letter? I did. I told her that on the last occasion when I spoke to him he handed me a letter from Newington, which was dated five or six days previously, but which bore the Sydney post-mark of the day when I last spoke to Mrs. Cunynghame, and that he said that if he had received that letter at the time he would have known that his wife was dying.
687. What statement did she make in reference to that? Well, she simply said that the letter had only come that day.
688. It had taken five or six days to come from Newington? I am simply telling you what she said—that the letter had arrived that day, and that she had handed it to him.
689. You say that it had the Sydney post-mark of the previous Monday? It had the date of the previous Monday, from Newington. It was written at Newington on the previous Monday, but it bore, on the day he received it, the Sydney post-mark, and that was the day when he came crying to me and told me that his wife was dead.
690. *Mr. Bourke.*] It bore the Sydney post-mark of the same day on which he received it? That is what he said.
691. *Mr. Williamson.*] When you visited the institution subsequently, did a deputation of the old men wait upon you? Yes, five or six of them.
692. Did they make a complaint to you? They did.
693. In consequence of the complaint which they made to you did you interview Mrs. Cunynghame? I did.
694. What did you say to her? I told her that they had complained that when they were sent to bed at 6 o'clock they were not allowed to talk, and were kept there for twelve hours—that would be the whole night—without being permitted to say a word to each other. I told her also that they had further informed me that they had been punished for talking, by having their tobacco stopped.
695. For how long? That I could not tell you. I told Mrs. Cunynghame I thought they ought to be allowed the privilege of talking within reasonable bounds—bed-neighbours was the expression I used. I said, "I think you ought to allow bed-neighbours to talk so long as they do not make a noise." She very strongly objected to it, and I said I would consider the matter and let the men know on my next visit. I did give consideration to it, and when I visited the institution again I gave her an instruction that they were to be allowed to talk so long as they did not abuse the privilege. Her manner to me then was very insulting.
696. What did she say? She said I did not know the kind of men I was dealing with, that she thought her experience was better than mine in that way, and that if I made concessions to these men I would upset the whole discipline of the place.
697. Did she allow it to be done? I insisted upon the order being complied with, of course.
698. I believe you have a reading-room there, have you not? Yes.
699. Is that reading-room kept open at night time? Now it is.
700. Was it in Mrs. Cunynghame's time? I am not quite sure. I think I gave an order to keep the reading-room open until eight o'clock. In fact I know I did, I remember noticing afterwards how badly the gas was burning.

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701. In this reading-room were the men allowed to smoke and to amuse themselves with dominoes and so forth? Yes, I have no complaint to make about that.
702. Do you recollect going to the dining-room some time in the month of September? Yes.
703. Was the dinner being served up? Yes.
704. Was Mrs. Cunynghame there? No.
705. Did you send for her? I did.
706. When you sent for her did you make any statement to her? I pointed out to her that a man was handing round potatoes with his dirty hands and putting them on the tables by the side of the plates, and I at the same time pointed out to her that the potatoes were not fit for human food.
707. Did she make any reply to that? She admitted they were not.
708. The potatoes being part of the provisions supplied to the institution, was it her duty to inspect them as they were being sent in? It was.
709. Did you call her attention to any other provisions? Not on that occasion.
710. Did you at any other time? Yes; I called her attention to the tea.
711. To anything else? No; on this other occasion only to the tea.
712. What did you say to her with reference to the tea? I tasted it first in the coppers and then in the basins, and I said there was no flavour of tea about it and I did not consider it fit to give to the men. I also told her that I would take away two small bottles of the tea, one from the basin of a man who was drinking it, and another from the copper, and have it examined by the Government Analyst. I did so and I got his report.
713. Have you got his report here? I have the original report; it is on record.
714. Was the analysis condemnatory of the tea? The analysis was to the effect that it was utterly without powers of nutriment, and possessed none of the qualities of genuine tea.
715. Did you point that out to her? I did tell her of that subsequently.
716. What did she say to that? I cannot remember.
717. With regard to the tobacco, are the men allowed tobacco? Yes.
718. Did you see some tobacco? Yes; on more than one occasion I saw some very bad tobacco.
719. Did you point it out to her? Yes.
720. Did you also forward a sample of that to the analyst? I did.
721. And was his report of such a nature as to prohibit the use of that tobacco? Yes. He said there was no poisonous matter in it; but, apart from that, it was of a very poor quality indeed.
722. *Mr. Crick.*] These provisions—the potatoes and the tobacco—would be paid for by the Government on vouchers, I suppose? Yes; certified to by the superintendent.
723. She would benefit nothing by having an inferior quality of tobacco? No; of course she would not.
724. *Mr. Williamson.*] Not directly? No.
725. *Mr. Crick.*] What do you mean by "not directly"? I do not see how she would benefit at all. It shows a pure want of oversight in not seeing that proper provisions came in. I am certain in my own mind that Mrs. Cunynghame did not derive any benefit.
726. You hold as a complaint against her that she passed inferior tobacco? Yes.
727. *Mr. Williamson.*] And inferior potatoes and inferior tea? And inferior other provisions. I have a letter here.
728. *Mr. Ritchie.*] With regard to the potatoes, you said they were unfit for human food;—was that after or before they were cooked? They were all black; they were simply rotten potatoes.
729. Not the fault of the cooking? No; they were rotten potatoes, black right through.
730. With regard to the tea, you said the analysis was very bad? Very bad.
731. Was it Mrs. Cunynghame's duty to select that tea and inspect it? It was her duty to see that it was of a proper quality when it was passed in. That was my reason for asking her to see to it herself.
732. And the same way with the potatoes? The same way with everything.
733. Would you consider that a lady like Mrs. Cunynghame would be an expert judge of tobacco? No.
734. Then you would forgive her with regard to the tobacco? I should have called in one of the men or the attendants who smoked, and got him to give his opinion on it.
735. *Mr. Frank Farnell.*] You do not smoke? No; I myself had to call up an attendant to give his opinion on the tobacco.
736. *Mr. Ritchie.*] And the same may be said with regard to the tea? That is more than I can tell you. I can judge tea.
737. *Mr. Williamson.*] But there was no excuse, whatever, for the potatoes; she did not offer any excuse? No, she could not offer any excuse. Here is a letter which shows that complaints were frequent from the men.
738. Had you to complain of anything else with regard to the provisions? Not that I recollect. I hardly hold her blame-worthy with regard to the tobacco, I should like to say that.
739. Nothing with regard to the bread? Not that I remember.
740. *Mr. Crick.*] Was there any complaint about the meat? Several complaints were made to me about the meat.
741. Was that during the time that this nominee of Mr. Taylor had the contract;—did you not admit in your evidence that the meat was supplied from Mr. Taylor's shop during the time that Dunn had the contract? I know nothing of any nominee. I said the meat came from Taylor Brothers for a time, but I could not say for how long.
742. Do you know whether any of the bad meat that came there was supplied by Taylor Brothers through Dunn? That is more than I can tell you. I cannot tell you who it was supplied by, because I am informed that a man named Finlayson commenced to supply meat soon after I was appointed.
743. *Mr. Bowke.*] You admitted that you knew that Taylor Brothers supplied the meat? Yes; some of it.
744. *Mr. Williamson.*] During your time? I said that I had no doubt that during a portion of my time the meat did come from Taylor Brothers' shop. That is in my printed evidence.
745. There was no complaint about that? There were several complaints about meat. I could not say whether it was about that meat or about any other meat; but my instructions to the superintendents were always the same—to reject bad provisions. In fact the superintendents know their duty in that respect.
746. In paragraph 3 of your first report you say: "In one instance the tobacco of a blind man was stopped for a week by the superintendent's orders, and the punishment would have continued indefinitely

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if I had not discovered it, because an attendant had found a louse upon the old man's collar—an offence for which he should not have been held responsible, in view of his infirmity." With regard to that portion of your report, do you know the name of the man? No, I do not.

747. Did you see Mrs. Cunynghame in reference to it? I did. I went straight from him and complained.

748. What did you say to her? I told her that I thought it was an absurd and harsh punishment to inflict upon a blind man, because he could not tell whether he had such vermin about him or not; and I think she said in reply that there was a man appointed to look after him and keep him clean. "Then," I said, "you ought to have stopped the tobacco of that man, and not of the blind man."

749. What did she say? I told her to restore it.

750. How long had the man been kept without his tobacco? He informed me a week. I told her so, and she did not deny it. I told her to restore it at once, and it was restored.

751. Do you remember in the month of October the men complaining to you in reference to their pudding being stopped? Yes, I do.

752. Did you interview Mrs. Cunynghame in reference to that? Yes.

753. Will you tell us what transpired? She said she had stopped it because there had not been enough cooks, as far as I can recollect.

754. How long had the men's pudding been stopped? I cannot tell you. It had been stopped over a week at any rate. There would only have been one stoppage if it was only a week. It was a disobedience of strict orders.

755. In what respect? I gave her a dietary which she was to adhere to, and this was part of it.

756. And she excused herself by saying she had not enough cooks? Yes.

757. *Mr. Crick.*] What was the date of it? Some time in October.

758. *Mr. Williamson.*] In the beginning of the month of November, did you find that Mrs. Cunynghame was allowing stores to be passed in by the clerk instead of inspecting them herself? Yes; I was informed so, and I will produce the evidence. I cannot of course know except from hearsay.

759. Did you speak to her about it? Yes, I did.

760. When you challenged her about allowing stores to pass in without inspecting them, and delegating the work to the clerk, what took place? She said she was doing it, but she thought Abbott was quite competent. I did not believe her. I told her then that it was not a question of competency at all; that I could not look to Abbott, an inmate clerk, to be responsible for the quality of the provisions. This duty of looking over the provisions would not take ten minutes.

761. As a matter of fact, the building is facing Macquarie-street, a short distance from the footpath? Yes.

762. And the provisions pass the door of the Superintendent's office when they are being brought in? At any rate they were brought right round quite close to her quarters, where she could have come out and seen them without any trouble. I suppose it is not twenty yards from her quarters to the place where the provisions are passed in.

763. What did she say in reference to that when you complained to her? She replied that she thought that Abbott was quite competent.

764. What did you tell her? I told her that it was not a question of competency at all, and that I could not allow Abbott, an inmate clerk, to be responsible for the quality of these provisions, about which there had been so many complaints.

765. Did you subsequently find that, notwithstanding that warning which you gave her, she did not inspect the goods as they came in—after the beginning of November? Once only after that, I think. I know I did once with reference to the meat. I remember that occasion.

766. As a matter of fact, she was not there when the meat was passed in? I was there myself, and the meat had been passed into the kitchen and partially cut up, and one of the servants was in the act of taking a joint, and Mrs. Cunynghame had not come out.

767. *Mr. Bourke.*] That was the morning when you went out at 7 o'clock? It may have been 7 or after 7. It must have been after 7, because the custom is for the contractor to go first to George-street and then round to Macquarie-street.

768. *Mr. Williamson.*] So that she had paid no attention whatever to your previous instructions? No; apparently not.

769. Again, in the beginning of November, did you happen to make some inquiries concerning an attendant named Edgar, and as to the finding of a man suffering from paralysis lying on the floor? Yes. The case of Edgar finding the man in the ward was the case which I explained in this way: the wardsman Drew was drunk, so Edgar said, and a patient informed him that this man who was lying on the floor and struggling to get back into bed had been there for a long time. Edgar, when I spoke to him about it, said that he had been afraid to report the case the day that Drew was drunk; he was afraid to tell of this because, to use his own expression, she would "mark" him.

770. With regard to this man Drew, did you make any complaint to Mrs. Cunynghame about the matter? Yes.

771. Did you call her attention to the fact that it was self-evident that she had not inspected? I told Mrs. Cunynghame the whole thing.

772. *Mr. Bourke.*] Give us the name of this man who was struggling on the floor? I cannot; but I can produce the evidence of Edgar.

773. *Mr. Williamson.*] Did you make a complaint to Mrs. Cunynghame about Drew being drunk, and the man being allowed to lie in this state on the floor? She said she did not believe Edgar had told the truth, and she denied Edgar's charge of marking him.

774. Did this happen on the very day you visited the asylum, or had it happened in the morning? It was on a feast day.

775. Do you recollect the case of a man named Petersen? I think Petersen's case is one of the police cases. Of course I have only their statements about Petersen, but official records prove them to be correct.

776. On the last occasion you were asked with regard to some men working on Mrs. Cunynghame's farm—have you ascertained the names of some of them? I have ascertained the names of a number of them.

777. Being inmates of the asylum? Yes. The names are Brophy, Alexander Thompson, James White, Wensley, and Dyer. Of course this is only information supplied to me.

778. *Mr. Ritchie.*] Is it a general rule in the institutions under you not to allow the men to go out to work elsewhere? I have never allowed it to be done.

779. Not in any other institution? No; I never think of doing such a thing.

780.

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780. Was it a practice previous to that at any of these institutions? I cannot say.
781. You are not aware of any case? No.
782. *Mr. Williamson.*] Did you speak to Mrs. Cunynghame about these men? This was altogether before my time. I did speak to her, and told her that kind of thing must not go on; and she said then there were no men there. As a matter of fact there were not in my time; it was previous to my time.
783. *Mr. Ritchie.*] Can you give us any definite information as to when it was discontinued? No, I cannot; I have the men as witnesses.
784. *Mr. Williamson.*] You cannot fix any date as to when this was discontinued? You will find that some of these men were employed after the Inquiry Board reported. I am not sure, but I think so.
785. When Mrs. Cunynghame was suspended, would she be in charge of moneys received on behalf of the men? Yes.
786. Any men who came into the asylum during her suspension? No.
787. How many times did you visit the Macquarie-street Asylum between the time of your appointment and Mrs. Cunynghame's suspension? I suppose between twenty and thirty times.
788. On every occasion, were complaints made to you? Oh, no; not on every occasion.
789. Mostly? Many times.
790. *Chairman.*] How many times a week? It might happen in this way: I might go two or three times one week, and a week would elapse when I would have to visit the cottage hospitals in the country and other places. Then, when I had the time, I would visit these institutions again frequently, and then there would be another lapse perhaps of a fortnight before I went again. I have thirteen institutions under my direct control, apart from those which are subsidized. I mean institutions wholly supported by the Government.
791. *Mr. Williamson.*] Did you receive the Medical Officer's report in reference to Mrs. Cunynghame—was it forwarded to you by the doctor? Yes.
792. When you received the first communication from Dr. Violette, dated 22nd of October, 1888, did you see Mrs. Cunynghame? I did.
793. Did you hand her the letter? I told her exactly what the letter was, and she said it was not true, and I think she referred to some ladies who could state that it was not true. That is the letter in which he complains about the ale having been substituted for medical comforts.
794. Did you also specially refer to the case of M'Govern, mentioned in the doctor's letter? No; I did not specially refer to any case.
795. What did she say in reference to M'Govern? She did not particularize. She said that as the men had received the ale that day she did not think the medical comforts were necessary. That would be on the day of the feast.
796. Did she send you in any written report with reference to that letter of the 22nd October? No; I do not think so. You will find it referred to in the pamphlet.
797. Did you also receive a communication from Dr. Violette on the 8th of November? Yes.
798. Did it contain these charges: undue severity, arbitrary discipline and vindictive spirit, misappropriation of medical comforts, neglect in the care of the sick, no action to prevent a recurrence of the offence by superintendent, and that she was untruthful—eight charges? Yes; I wrote to him and asked him to supply me with information under certain headings. The headings were based upon my own observations, which I have explained throughout my evidence, of the way in which the place was conducted, and that was his reply.
799. Did you show that letter to her? I do not think I showed her that.
800. Did you speak to her in reference to the charges made by the doctor? No; I reported her soon afterwards. I gave her up as hopeless, to tell you the truth, just about that time. My report went in six days after I got that letter. I tried everything I could with her—coaxed her, bullied her, and threatened her, but to no purpose.
801. Subsequently she was supplied with a copy of Dr. Violette's report, and she forwarded him an answer? Of course that would all be done through the head office; but it is evident on the face of it that she was supplied with a copy.
802. With regard to these two reports of the 4th September, were they sent in on that day? Yes.
803. And was she on the same day removed from office? So the papers show.
804. Some reference has been made to your ability to occupy the position of Director? Yes; Mr. Bourke challenged that at the opening of this inquiry.
805. You were first master of the Protestant Orphan School? Yes.
806. How long? One year and nine months, as far as I can recollect. I was then appointed Boarding-out Officer and Chief Inspector under the State Children's Relief Act. I was appointed to administer that Act and to introduce the Boarding-out system—under a Board, of course.
807. How long were you in that position? I hold it still, in conjunction with my present office. I also had practical experience at the Sydney Benevolent Asylum, because I was there often selecting children, and that institution combines the elements of all these other institutions—men, women, and children.
808. As a matter of fact, in obtaining this position of Director of Asylums you had recommendations from the leading doctors of Sydney? I had recommendations from those gentlemen whose names you have there, and they are rather of a special character—they are not ordinary recommendations. They include recommendations from Dr. Manning, Dr. MacKellar, Dr. Renwick, Bishop Barry, Dr. Garran, the Hon. James Brunker, Mr. Street, M.P., the late Hon. W. B. Dalley, and the Rev. Dr. Jefferies. I got these testimonials because these gentlemen know my qualifications thoroughly; they were intimately acquainted with me.
809. When did you get these? In connection with the application for my present appointment. I would like you to see what Dr. Renwick says. He is a high authority in these matters.
810. They gave you these testimonials for the purpose of getting your present appointment? Yes.
811. These deal with your personal character and your ability to occupy the position? Yes.
812. If any doubt is raised as to your qualifications, I suppose you will have no objection to submit these testimonials to the Committee? No. [*Testimonials produced.*]
813. *Mr. Williamson.*] Since Mrs. Cunynghame has left the institution everything has gone along smoothly? Yes.
814. And satisfactorily? And satisfactorily.
815. No complaint of any kind? No; you will have evidence other than mine about that.

WEDNESDAY,

WEDNESDAY, 21 AUGUST, 1889.

Present:—

Mr. HOWE,
Mr. GRAHAME,
Mr. EDMUNDS,
Mr. KIDD,

Mr. RITCHIE,
Mr. CASS,
Mr. HAWTHORNE,
Mr. CRICK.

JAMES PETER HOWE, Esq., IN THE CHAIR.

Mr. Bourke, instructed by Mr. Herbert, appeared as counsel for Mrs. Cunyngame.

Mr. T. M. Williamson appeared as solicitor for Mr. Maxted.

Sydney Maxted called in and further examined:—

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816. *Mr. Williamson.*] Do you produce the original pay-sheets which were referred to in your last examination? I do. [*Pay-sheets handed in.*]

817. *Mr. Bourke.*] Do you produce an order for the admission into the asylum of one McDonald, who had £10 when he left? Abbott will know, and will produce that.

818. With regard to this man Donald McDonald, do you remember that in the despatch-box you got there was £10 belonging to him? I have explained that before. I said Abbott would be able to give you clear information on that point.

819. We do not want Abbott's evidence? Abbott handed in, I think, two £5 notes; they were handed to the man, I believe.

820. By you or by Abbott? I cannot recollect now; by one of us.

821. Do you remember that when he was coming into the institution you gave Mrs. Cunyngame an authority, on the back of his order, to receive this £10, and hold it for him? I do not recollect; the order will show. I have, I know, in special cases, given such instructions to the superintendents.

822. In answer to question 33 in your former examination, you said as part of the brutality charged against Mrs. Cunyngame, that she said to a man named White when he approached her to make a complaint, "I will not believe a word you say, White,"—do you remember that man? Yes; I remember the man White.

823. Do you remember whether he also made a complaint of Dr. Violette? No; I do not recollect that.

824. You do not recollect that he made a complaint about Dr. Violette's treatment? I do not remember.

825. This reply that Mrs. Cunyngame gave you—it was a printed copy, was it not? It was among the replies which the superintendents had made upon the report of the Asylums Inquiry Board.

826. *Mr. Williamson.*] Have you that reply? Yes; I can get a copy of it.

827. *Mr. Bourke.*] In your reply to question 61 you say, "The man was taken to the lock-up and he died"—was that Hayselder? No, I was not referring to Hayselder.

828. I forgot to ask you with reference to this man Bannan. It was one of the complaints against Mrs. Cunyngame that he was put in an isolated ward? Yes; I base one of my charges of deceit upon that.

829. It is a complaint against Mrs. Cunyngame, is it not, that he was put into the isolated ward? No, you misunderstood me there; he had no right to be there undoubtedly.

830. On the 10th October you sent the following telegram to Mrs. Cunyngame, "Respecting William Bannan, carry out my verbal instructions yesterday. Isolate man. Have him watched, and when he becomes violent send for Dr. Violette and Dr. Phillips, who will then certify that he is insane." Do you remember that telegram? Yes; perfectly well.

831. We should like to have that telegram, if possible? That is a copy of the telegram. I admit the telegram.

832. You say in that telegram that you gave verbal instructions yesterday;—then I suppose you saw Bannan the day before you sent the telegram? I gave Mrs. Cunyngame verbal instructions.

833. Did you see the man? Yes; I have stated in my evidence that I saw the man, and there did not appear to be anything the matter with him.

834. Notwithstanding that, you gave the instructions? Mrs. Cunyngame wrote that the man was insane, and I thought it better that another doctor besides Dr. Violette should see him.

835. *Mr. Williamson.*] He was afterwards sent to the Asylum for the Insane? I do not know. I know that Dr. Phillips refused to certify that he was insane.

836. In answer to question 95 you say you received certain information about Mrs. Cunyngame from people outside, some of whom were connected with other institutions;—was Mrs. Dennis, the superintendent of the George-street Asylum, one of those persons? With all respect to the Committee, I decline to say.

837. You say in your evidence that the superintendent of another asylum gave you some of this information;—did the daughter of one of the superintendents of another institution who gave you this information afterwards apply for Mrs. Cunyngame's position? No; I can honestly say that. There was no application from anybody for Mrs. Cunyngame's position.

838. You say Miss Dennis never applied? Never. In fact, I have been taxed since with having been very unfair in not offering the appointment to one of the sub-natrons, including Miss Dennis and Miss Burnside.

839. In answer to question 59 you referred to an investigation you made in Mrs. Cunyngame's presence with regard to the misappropriation of supplies; can you tell us now whether the man there referred to was Hall or Chrevelyer? I believe now that it was Chrevelyer. The clerk tells me still that it was Hall, but I believe it was Chrevelyer; although both of them were in it—both of them gave evidence.

840. But on this particular occasion there was only one man, and he went up from Sydney with you? He went up in the same train. I think it was Chrevelyer, but the clerk seems positive that it was Hall. I was myself positive that it was Hall until I came to think the circumstance over afterwards.

841. You said you could tell by referring to your books? I can find the information.

842. After investigating before Mrs. Cunyngame the complaint which Chrevelyer made, did you not say to him that you had a good mind to kick him, or something to that effect? Yes, I did say that to Chrevelyer.

Chreveleyer. I said he deserved to be kicked. I was rather inclined from what he said to attribute to him some filthy letters which Mrs. Cunynghame had picked up on the grounds referring to herself.

843. Then in your answers to questions from 99 to 106 Hall's name should be struck out, for it was really Chreveleyer who was referred to? No; they both gave evidence—they were both there.

844. On the same date? Hall was one of the witnesses; Hall made this declaration.

845. I am speaking of the man whom you took up from Sydney;—he went to the Sydney office and made a complaint, and you went out to Parramatta with him to investigate the complaint? I am not sure, but I will ascertain.

846. You were almost sure, I think you said? I think it was Chreveleyer. The clerk is just as positive that it was Hall.

847. In answer to Question 113 you say, with reference to the people who were served with meat in Mrs. Cunynghame's kitchen, that they had more than their share, and that the inmates must have gone short. Have you ever had any complaint about the inmates going short of food or not having sufficient? No, not on that account, but the fact speaks for itself.

848. There is another matter as to which I expected you would have refreshed your memory. It has reference to the man Kilmar, who was dying for two days. You were asked how you arrived at the conclusion that the man was in that condition for two days, and you replied: "I went to the wardman, and I said, 'How long has this man been like this?' He said, 'Two or three days,' and I said, 'He is dying,' and then I sent for Mrs. Cunynghame." Could you give us the name of that wardman? I think it was Drew. I can give you the name positively to-day, but speaking from memory I think it was Drew.

849. You said, in answer to Question 289, that the doctor had between 600 and 700 people to attend to. You did not expect the doctor to see every case? I did not.

850. When the doctor has to attend to such a large number of sick people, do you think he can do them justice? No, that is a matter I am at present discussing with the Government Medical Officer.

851. You have not, up to the present, reported on that matter? There has been no opportunity of doing so. I am discussing the matter with the Government Medical Officer, with the view of having a proper pauper hospital and a proper medical staff, and to separate these two classes of people. I do not think one man can attend properly to 600 or 700 patients. I had to take the matter at my hand and make the best of it.

852. You did not blame the doctor at all, you blamed Mrs. Cunynghame for any want of supervision in the hospital? Certainly I do, because there were only sixty hospital patients, and the present superintendent does it.

853. But you admit that one doctor cannot attend to 600 or 700 sick people in one day? No, I do not think he can; but I think the superintendents should, by their supervision, ascertain the cases which it is necessary to show the doctor. I have given that answer three or four times over.

854. I want to get names, if possible. I asked you this question (458), "The second charge in your report of the 4th of December is that a paralytic patient has been cruelly used in hospital by a warder named McPhee. From whom did you get your information about that?" To this you replied, "I was going through the ward, and one of the patients, whom I do not recollect now, spoke about the matter to me. I do not remember his name, but I can produce evidence in reference to this." Can you tell us his name now? I cannot. But I can state this, that when I directed Mrs. Cunynghame's attention to the matter, her reply was that it happened since her suspension. I then pointed out to her that it happened eight days before her suspension. I cannot give the name of the patient now.

855. You say you can produce evidence in reference to this; can you give us the names of the witnesses whom you intend to call? I am going to call Edgar in reference to this; I think I can find McPhee too.

856. Questions 468 and 469 are as follows:—

"In the latter part of paragraph 4 in your report you say you gave the superintendent orders to superintend the application of these lotions; how do you know that Mrs. Cunynghame did not constantly superintend the application of these lotions? From the information of the wardman.

What wardman? The wardman who was there at the time. I can get his name by reference to the book."

Can you give us his name now? I am going to call the man. I think his name is England; he was a dentist, and is from New Zealand. I had his name on my list of witnesses, but I cannot quite recollect it now.

857. I want to be quite clear in reference to the men who worked on the farm, evidence regarding which is on page 21. You have said that since you were appointed you do not think that Mrs. Cunynghame used any of this labour on the farm. You are quite sure about that? I do not believe she did. I said something more than that; that was not the whole of my answer.

858. That is all I want now. I want to be clear about that? Yes.

859. Referring to Question 670, can you tell us, as nearly as possible, the date when you first saw Holmes, and when he made a complaint to you? I do not recollect the date. I am going to call the man.

860. You were appointed Director of Asylums on the 1st August; it was soon after that date that you went up? I cannot recollect the date of Holmes' matter.

861. Can you recollect whether it was on your first or your second visit? I cannot recollect that; I am going to call the man.

862. You say that Holmes was 52 years of age, and had been married 55 years? That was his statement to me.

863. I have a memorandum here from the undertaker who buried Maria Holmes, who died on August 7th—seven days after your appointment—from which it appears that her age was 57; she must therefore have been two years old when she was married? I am only telling you what the man said to me.

864. There were a number of orders given to Holmes to go to Newington to see his wife;—will you kindly produce those? I have no knowledge of them. They may be up at the institution. You can have access to whatever documents you require.

865. With reference to these cottage homes; was it not Mr. John Tayob's land that was purchased for this purpose? Yes.

866. Can you give us the date of the circumstance referred to in Question 691 as follows: "When you visited the institution subsequently did a deputation of the old men wait upon you? Yes, five or six of them?" I cannot give you the date exactly. I am calling the men.

867. In answer to Question 728 you say that the inmates complained about the potatoes being bad? I saw the potatoes myself.

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868. I want to know who made the complaint about them to you? I saw them myself.

869. There was no complaint? I heard the men grumbling. I cannot tell you exactly who complained; there was a general grumble about them.

870. Were there any complaints made to you by the inmates about any other food besides potatoes? Not that I can remember. They complained occasionally about both the potatoes and the meat, and I think the vegetables also.

871. You said that the meat was bad at times, but you complained particularly about the tobacco and the tea—this was all from your own observations; there were no complaints made to you about those? Yes; the men grumbled as I passed through. They would say "The tobacco is bad to-day, sir," and I would break a piece off and smell it to judge if possible as to its quality.

872. Did they complain about the tea? Yes.

873. About the quality or the quantity? About the quality.

874. Did you take any action on their complaints against the contractors—did you write to the contractors? I produced you a letter the other day that was written to Mr. Kolly; but that is a matter I always expect the superintendents to deal with. I never go between them and the contractors if possible.

875. You did not take any action? Excepting to write. I have written to the contractors over and over again. My books are full of letters to the contractors.

876. *Mr. Kidd.*] I suppose you have a lot of trouble with contractors from time to time? Yes. They tender at rates that are too low and then try to run in all the rubbish they can.

877. *Mr. Bourke.*] Are there any rules for the guidance of matrons in the institution—any printed register? No.

878. Then I suppose that in most matters they have a large discretion? I have not allowed them very much discretion since I was appointed, because it struck me that it was being abused. I allowed them very little discretion.

879. But up to the time you were appointed? Undoubtedly; they were a law unto themselves.

880. But there are no written rules even at present? No. Dr. Manning and I are trying to separate the two systems before we bring in printed regulations. One set of regulations would not suit the dual system of dealing with these paupers.

881. At the end of your examination last week, you were asked three questions by Mr. Williamson with reference to the state of the institution since Mrs. Cunyngame left. I do not intend to go into the matter, but I think I am entitled on those questions to cross-examine you. You were asked "Since Mrs. Cunyngame has left the institution everything has gone smoothly?" and your reply is, "Yes." Are you aware that five boys at a feast one night at that institution became very drunk there, and that there was a police report about it? I am aware that that is absolutely untrue.

882. What about the police report? I have seen the police report. The police report was outside of the institution altogether, and it did not state five boys.

883. How many boys, then? As far as I could understand this happened—

884. You had better get the papers? I will get the papers, including the police report.

885. Are you aware that since Mrs. Cunyngame left the institution five men who were let out were locked up one night and fined? I am not aware of that; it may have happened. If the men go out they do get drunk. That was one of my reasons for trying to abolish the payments. They save up their threepences and sixpences and go out together and get drunk for three or four days or a week; then they become very low and we have to take them back. I regarded these payments as simply affording them the means of doing that sort of thing.

886. *Mr. Williamson.*] They do it in all the institutions? Yes; it happens over and over again. I could produce from fifty to one hundred cases in different institutions.

887. *Mr. Bourke.*] You said in your evidence that everything had gone on satisfactorily since Mrs. Cunyngame left? Of course you regard that as being very unsatisfactory, but it would not affect the internal management of the institution, and it is a usual thing.

888. I should like to be clear about another matter—with regard to the misappropriation of provisions;—you do not charge Mrs. Cunyngame with using the provisions of the institution in her own private house? I have not done so.

889. Except that she allowed the servants to ration themselves? How can I tell whether she used the provisions? I did exonerate Mrs. Cunyngame from any direct misappropriation of these provisions.

890. Do you charge her with using them in her own private house? Not these provisions.

891. Not the asylum provisions? Not in this particular case, I do not.

892. In any case? Yes. I shall bring evidence which will, I think, prove that, but it is not within my own knowledge.

893. Then your charge is this: First, that Mrs. Cunyngame used the labour of the inmates of the institution in her own kitchen; and secondly, that she allowed them to ration themselves from the asylum provisions? Yes.

894. But you have not charged her with using any of these provisions for her own private table? I have not.

895. Do you remember a man named Henry Allen, who was a wardman in the cancer ward; Mrs. Cunyngame brought him under your notice, or he came under your notice in some way for neglecting the patients? She ordered him out of the ward, if my memory serves me right.

896. You charged her with not attending to that ward and she turned him out for neglect; do you remember that you wanted to put him back again? Yes; I considered that the man was being ill-used. That was one of the things upon which I based this.

897. That she did not put him back? Yes.

898. Did you ever give the attendants permission to leave and return to the institution without obtaining Mrs. Cunyngame's consent? Certainly not; I would never do such a thing.

899. Did Mrs. Cunyngame ever ask you for rules and regulations to guide her in the management of this institution? I do not remember. Mrs. Cunyngame knew there were no rules.

900. Did you ever complain to Mrs. Cunyngame or anyone else of want of attention on the part of the doctor? I do not remember.

901. Or to the doctor himself? I have spoken to the doctor about things which have been said to me with reference to his attendance there by Mrs. Cunyngame.

902. Have you ever been there yourself when the doctor came? Yes, no doubt I have.

903.

903. Do you remember how long he stopped? That is more than I can tell you.

904. About the paragraph that appeared in the *Herald*;—that is part of your complaint;—will you produce that? I have told you that I do not attach much importance to the publication of the paragraph except that it was a portion of the disobedience that occurred from time to time. If Mrs. Cunynghame had asked me whether she might put it in at the proper time, I should have said "yes." [*Paragraph produced and read by the Chairman.*]

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905. Do you know Daniel Watsford who used to be a wardman? Yes.

906. He was put into the institution as a wardman was he not? He was put in there when the alterations were being effected to look after the men in the reading-room, and to see that the dinners were distributed.

907. Do you know what he was before he was put in there;—do you know that he was a "man milliner," whatever that might be? I do not know. He was put in at the instance of Mrs. Cunynghame, and one of her friends, Mrs. Fletcher.

908. Did Mr. Taylor recommend him? I do not remember. Mrs. Fletcher did. Mr. Taylor might have done so. It was Mrs. Fletcher who spoke to me first, and when I spoke to Mrs. Cunynghame, she said "Yes, she would be very glad to have him." He is there still.

909. With regard to this man Watsford, did you read a paragraph which he caused to be inserted in the *Mercury*, stating that he was librarian, and had charge of the reading-room? No; this is the first I have heard of it.

910. You saw the one he has imputed to Mrs. Cunynghame? I saw that, of course.

911. One or two questions about the cost of this institution. When Mrs. Cunynghame was there, up to the time you were appointed, she had only two paid assistants? Yes. I have changed the whole system of dealing with these things since then.

912. Then, after you were appointed, this man Watsford was put on, and that made three paid assistants? Yes.

913. And she had about 300 people there? That would be about the average. She dealt with them in this way: she took the labour of inmates for positions which I do not think they ought to be placed in. They all did this, in fact—not only Mrs. Cunynghame.

914. Will you tell us how many paid attendants are there now? I think there are five.

915. Do you think that institution could be properly managed with only two paid attendants, one of whom, you must remember, was a man milliner before he was appointed? I never heard any complaint from Mrs. Cunynghame about that.

916. But since she left you have put on two additional attendants? I have put in positions myself outside people who were before inmates.

917. You are sure there are only five paid men altogether now? Only five altogether.

918. That is to say two, in addition to those who were there when Mrs. Cunynghame left? Yes, so far as my memory serves.

919. You have made some reference to Peter Abbott, the clerk, who would bear you out in some of your evidence? Yes.

920. What is he getting now? Well, it is difficult to say what he is getting now. Seeing the position which he had in Mrs. Cunynghame's time and believing him to be a very valuable man, in fact I know he practically managed the institution for a very long time; I have discovered that since I have had opportunities of going more fully into the matter, I made him one of the paid attendants. Since he has become very ill and feeble he supervises and pays a portion of his money to somebody else.

921. How much does he get? £50 per year.

922. Since Mrs. Cunynghame left? Yes. In Mrs. Cunynghame's time he was getting £33.

923. Do you remember a circular you sent to Mrs. Cunynghame a few weeks before she was suspended, containing a list of those who were receiving pay at the institution and telling her that she was to reduce the pay in nearly every case, and amongst these was Abbott whose name appeared at 2s. per day, and you said that he was to be reduced to 1s. a day? Yes. I want to explain that. It is another evidence of what I call deceit. In going through this list when I wanted these inmates' moneys reduced, I asked Mrs. Cunynghame, as I naturally would, to let me know the extent to which reductions could be effected. I took down a list from her in which she reduced Abbott from 2s. to 1s. a day. Then Mrs. Cunynghame asked me this question. She put it this way to me, I cannot remember the exact words. She asked me, in order that she should not run against these inmates, whether I would send her up upon the basis of what we had been discussing a direction so that I should bear the responsibility, and I at once did it. She then, as I am informed ———

924. You must only state what you know of your own knowledge? The point I wanted to get at was simply that she had gone too far.

925. How do you know? I was informed so.

926. You cannot tell us what you were informed? Well I will say this: that at Mrs. Cunynghame's request I restored Abbott to 2s. a day afterwards.

927. Is that all in explanation about that matter? That is all.

928. I should like to know what you mean by deceit, and where it comes in? You stopped me when I was coming to that.

929. You must prove that by somebody else? I am going to prove what she said to Abbott about this reduction.

930. She first recommended to you that he should be reduced 1s., and then she afterwards asked you to make it 2s.? Yes, after something which had taken place with Abbott.

931. *Mr. Ritchie.*] What you state is that she did not wish it to appear that she recommended the reductions and wished you to give her a document directing that they should be made? Yes.

932. *Mr. Bourke.*] When Mrs. Cunynghame had charge of the institution, her quarters were very meagre, were they not? No; they were not in a good state of repair.

933. You did not think they were as they ought to be? I did not think they were as they ought to be, and I tried to get her a new house.

934. Are you aware that since Mrs. Brooke has gone there she has taken a part of the hospital that was formerly used for the patients? I directed myself that a rearrangement should be made.

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935. She has larger quarters than Mrs. Cunynghame had? No, she has not larger quarters. What I did was this: the attendants had two divisions which were down the yard, and which I am now using for hospital divisions. I took the attendants from those quarters and put them into the quarters that Mrs. Cunynghame occupied, because I could there secure additional store-room which I could not obtain in any other part of the building. Then I gave Mrs. Brooke the two divisions which had been used as hospital divisions in the main building, and an old office and store-room, so that she has four rooms for her quarters.

936. Has she any more rooms than Mrs. Cunynghame had? No, I do not think so.

937. But have you not spent or caused to be spent a considerable sum of money? No; the walls were scraped and painted.

938. How soon after Mrs. Brooke went there? I cannot tell you, but I could get the particulars. Mrs. Brooke was living in one room for some weeks. I did my best, as Mrs. Cunynghame knows, to get a new house for her.

939. *Mr. Ritchie.*] How long have you known the institution which Mrs. Cunynghame presided over of your own knowledge? About eleven or twelve years.

940. Nearly from the time she first took charge of it? Very nearly so.

941. Did you know the condition of the building at that time? I had no knowledge of it.

942. Did you know ten or twelve years ago? I did not; I had no active concern in it.

943. You know the history of the institution? Oh yes.

944. That it was first established as an Erysipilas Hospital? Yes, with half-a-dozen patients.

945. Do you know the history of Mrs. Cunynghame's management of that institution throughout? I have no knowledge of it at all.

946. How long have you known the history of that institution in connection with Mrs. Cunynghame and her management? I could only answer that by saying, since I took office myself.

947. But you have lived in Parramatta? Yes.

948. You were Superintendent of the Protestant Orphan School? Yes.

949. Had you no personal knowledge of the management of the institution then? Very little. I do not think I had any. I have been in and out once or twice and it appeared to be all right.

950. *Mr. Bourke.*] I suppose you know what reputation the institution had under Mrs. Cunynghame's management? No.

951. *Mr. Williamson.*] Not until after the report of the Asylums Inquiry Board? Yes; so far as I knew it was all right up to the period of the publication of the report of that Board.

952. *Mr. Ritchie.*] You know from the history of the place that the buildings were very old and dilapidated? Yes.

953. And that Mrs. Cunynghame took charge of it and managed it with considerable credit to herself? So far as I know to the contrary she did.

954. You never heard of or saw any report blaming her for want of capacity or attention to her duties? No. You asked me if I had known of any complaint being made. I have a letter here which shows that the late manager, Mr. King, considered things were very bad.

955. What date? The document is dated 6th of May, 1887.

956. When you took charge in August, 1888, had you any bias towards Mrs. Cunynghame from information you had received? No. My sympathies were rather with her, because I honestly thought that the Commission's report was overdrawn. She herself will admit that she and her husband were old friends of mine.

957. But you have stated in your former evidence that you received some outside reports which led you to an inquiry, was that prior to your taking charge or afterwards? Some were prior and some were afterwards. I spoke to several people who, I thought, might understand something about the place, because the men are constantly being transferred from one institution to another.

958. Then I suppose you will admit that, owing to these reports, you were a little extra critical? I was undoubtedly.

959. And hence had some bias? I do not admit that I had any unfriendly bias. I had none. I kept the same keen watch over other places.

960. You have made some reference to the mannerism of Mrs. Cunynghame towards the inmates, and of cruelty of disposition on her part. Can you describe an instance to the Committee? It is impossible to describe one. I have a number of witnesses who will give you evidence about it. She simply appeared to me to ignore them when they wanted to speak to her. I never heard her say a kind word to one of them.

961. But two men might differ with regard to an expression? I admit it may be a matter of opinion. In my opinion her manner was harsh as I have stated.

962. In Mrs. Cunynghame's defence, she gives the names of a number of persons who have given her certificates of character. Do you know Walter Brown, M.D., of Parramatta? I do.

963. Would you consider him a man capable of judging character, and judging of the management of an institution of the kind? He is a keen man. He is at present Medical Officer at Newington. He was not visiting Medical Officer at the Macquarie-street Asylum.

964. But would you consider him a capable man of judging? I should consider him a capable man undoubtedly.

965. He says in his letter, "I have known Mrs. Cunynghame, of the Asylum in Macquarie-street, for many years. I have also been in the habit of visiting the asylum, and I have reason for thinking Mrs. Cunynghame very attentive to the wants and comforts of the inmates." Do you believe that that is of any weight as coming from Dr. Brown? No, and I will tell you why,—because he had not any intimate acquaintance with the management of the institution. He was a mere superficial observer going in not on duty.

966. *Mr. Bourke.*] How do you know he was a superficial observer;—were you with him when he went there? I do not imagine that he was over the institution more than half a dozen times altogether, because he was not connected with the management of it. If he had been the medical officer I should have considered that his opinion had great weight.

967. *Mr. Ritchie.*] Then there is the Rev. W. J. Gunther;—he had opportunities of visiting the institution very frequently, had he not? Yes; please read what he said. I want to show you what he said to me. This is his letter:—

Dear Mrs. Cunyngame,

27 November, 1888.

I am so sorry to hear of your suspension, and send you a line to express my sympathy with you. I have known you ever since you came to the Asylum, and have always considered you attentive to your duties, and kind in your treatment of the men under your charge.

I trust your suspension will soon be removed.

Yours, &c.,
W. J. GUNTHER.

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21 Aug., 1889.

I want to show you what Archdeacon Gunther said in a letter to me on the subject.

968. Would you not consider Archdeacon Gunther a gentleman capable of forming a very good estimate of the management of the institution? If he gave close attention to it, certainly.

969. But was he not there very frequently? I cannot say. He has not been there much in my time.

970. Do you not think that Archdeacon Gunther would scarcely be likely to give a recommendation of this kind unless he saw some reason for doing so? He should not undoubtedly; no gentleman should. But I attach very little importance, I am sorry to say, to testimonials I get from clergymen in another department which we are carrying on.

971. With regard to the employment of inmates in the kitchen, is it not usual or had it not been usual for these institutions to employ the inmates in these places? Not in that way. What I complain of is that these men were employed in a private capacity by Mrs. Cunyngame, but were paid and fed from the Public Treasury, and were put on the pay-sheets of the institution as occupying fictitious positions—official positions which they never occupied at all.

972. Is it not a fact that in the institution in George-street, and at Liverpool, the inmates are employed in the kitchen? Occasionally they are, but not in that way—not paid by the Government.

973. Then the only impropriety that occurred was that they were entered on the pay-sheets as something else than what they were? They were entered as holding Government positions, and were used for private purposes, and paid from the Public Treasury; that is my complaint. I am asking the paymaster of the Treasury to give his opinion upon that.

974. In a letter written on the 4th of September, you commended Mrs. Cunyngame very highly for her conduct of the institution? No.

975. You wrote a letter on that date referred to in questions 86 and 87. You then thought that Mrs. Cunyngame was managing very well? I did not think so.

976. As this was about three weeks after you took charge you had then received the reports from outside? Yes, I had received those reports from outside.

977. And how do you reconcile your passing a compliment to Mrs. Cunyngame at that time when you had these reports in your mind against her? That I have already told you. I was not biassed in an unfriendly way by any of these reports. I judged mainly by my own observation.

978. What is Daniel Watsford doing? He has charge of the reading-room catalogue and issues the books, looks after the blind principally and sees that their provisions are properly provided, as they cannot provide for themselves. He earns his money.

979. He has nothing to do otherwise with the working of the institution? No, not in a general way.

980. With regard to the moneys received by Mrs. Cunyngame for fat and other things she sold, have you been paid all the moneys she received? No, I have not. I have not received any account of those fat moneys. That is one of my charges of untruthfulness. I have said before that I had no doubt that if I had not Mrs. Cunyngame after her removal she would have immediately paid me the inmates' moneys.

981. Can you bring any charge against Mrs. Cunyngame for the misappropriation of these moneys—the fat moneys? I cannot. I do not know what became of them.

982. Then you do not know whether or not she has paid them all in? Oh, yes, I know that she has not paid them into the office.

983. *Mr. Graham.*] Would it not be the duty of Mrs. Cunyngame to return a monthly statement of accounts? Undoubtedly it was her duty to return any moneys she received in that way so that they could be paid into the Treasury. Moneys received for fat in other places have been paid into the Treasury.

984. *Mr. Ritchie.*] You spoke of harshness on the part of Mrs. Cunyngame in not allowing a man a pair of spectacles. How do you prove any kind of harshness in that case;—this man was without spectacles for a day or two? I explained that the man said he had been refused spectacles. That is the man in the cancer ward.

985. He had made application for them? Yes; so he said to me, and he detailed what took place.

986. I suppose that during the course of a day, where there were so many hundred men, many applications of the kind were made verbally to Mrs. Cunyngame? I cannot say that.

987. You ought to know? I have no doubt many applications are made.

988. You can imagine, from your knowledge of institutions, that they have many wants during the day? Certainly, I can understand that.

989. And you will admit, from your knowledge of the institution, that Mrs. Cunyngame might have been asked for twenty or thirty, or even a hundred different things during the day? So far as I know she might have been.

990. And if that is the case would you consider that it was any neglect of her duty not to attend to the requests of these men? If I had been in her place I should not have allowed the man to remain in that condition for two hours without spectacles.

991. Not even if there were a hundred applications for different other things? I cannot say that, of course. I do not suppose there were a hundred other applications. It is not very likely.

992. *Mr. Edmunds.*] Some reference has been made to a certificate given to Mrs. Cunyngame by Archdeacon Gunther. Have you any letter from Archdeacon Gunther of a later date? I have a letter here of a later date.

993. *Mr. Crick.*] Is it in reply to a letter written to Archdeacon Gunther? No. It arose out of a conversation I had with Archdeacon Gunther in a railway train about Mrs. Cunyngame's case.

994. *Mr. Ritchie.*] How did you obtain the letter? I had a conversation with Archdeacon Gunther in the train.

995. In reference to the testimonial he had given? No, not in reference to that; in reference to Mrs. Cunyngame's dismissal.

996.

Mr. S. Maxted. 996. *Mr. Edmunds.*] Would you read the letter? It is as follows:—
21 Aug., 1889.

Dear Mr. Maxted,

4 February, 1889.

I have received your note. Will reply as soon as I have had the opportunity of seeing Mr. Darcy Irvine and Mr. Kemmis. I now write to let you know how much I regret that certain statements have got into the papers. I am in no way responsible for any of them. I know that the matter under inquiry was talked about, and refused to give information when asked. I did, however, tell one gentleman that I had reported the matter to you, little thinking the communication would be published. Since the paragraph appeared in the *Daily Telegraph* I have told a pressman how unfair it was, and that if Mrs. Brooke, as it stated, knew nothing of the circumstances, that fact ought at once to be made known. I am surprised that it has not been. I have not seen Mrs. Cunyngame since you spoke to me. I was satisfied that you had good reasons for speaking as you did. In haste.

Yours, &c.,
W. F. GUNTHER.

997. All except the last sentence, I understand, refers to a letter which is irrelevant to the present inquiry? Yes.

998. You have stated that you have received another letter from Mr. King? I have a letter from Mr. King.

999. Which you regard as modifying his first opinion? It makes his first opinion perfectly valueless.

1000. What is the date of Archdeacon Gunther's testimonial? The 27th of November, 1888.

1001. And what is the date of his letter you have just read? February 4th, 1889.

1002. What is the date of Mr. King's testimonial? 29th of November, 1888.

1003. And have you got his other letter to which you have just referred? That letter is dated 6th of August, 1887, after Mr. King had any experience of Mrs. Cunyngame's management.

1004. *Mr. Crick.*] And before he gave his certificate to Mrs. Cunyngame? Yes.

1005. Then his subsequent letter would override the other? No; he knew nothing of the place when he wrote this letter.

1006. *Chairman.*] Will you read Mr. King's letter? It is as follows:—

My dear Mr. Bossiter,

Ashfield, 6 May, 1887.

Thanks for your letter. I think you should see Mr. Walker about Mrs. Cunyngame's matter. It is quite impossible for her to continue unless she can keep order. The people at the Asylum are becoming quite insubordinate.

I was at Liverpool yesterday. Dr. Beattie will give in his resignation on Monday. I am glad you visited Newington, and sent Fox to do the plumbing.

Yours truly,
FREDERIC KING.

1007. *Mr. Bourke.*] About the old men. You have told us that you had no practical experience of institutions for old men until you became Director of Asylums? Yes.

1008. Now that you have had over twelve months experience will you tell us whether you find the old men very apt to make complaints—very querulous? Yes of course they are. I suppose 50 per cent. of them are.

1009. I forgot to ask you with reference to the report of the Asylums Inquiry Board. You have read the evidence of Vavasour and Pryor? Yes.

1010. You remember that they speak very highly in their evidence of Mrs. Cunyngame and impute whatever went wrong in the institution to Abbott—any harshness that took place in the institution they attributed to Abbott? They do undoubtedly impute harshness to Abbott; but that is not my experience of him.

1011. *Mr. Crick.*] The report of the Asylums Board was as strong against other persons holding similar positions as it was against Mrs. Cunyngame was it not? Against one only.

1012. Who was that? Against the Newington Asylum. The superintendent of that Asylum who went out was one of the officers who went out on a pension in consequence of that report. Otherwise I have no doubt whatever from my knowledge since that I should have had some trouble there.

1013. What pension did she go out on? On the usual pension computed according to her period of service.

1014. Then the report was more strongly against her than against Mrs. Cunyngame? It was very strong against both of them—against those two institutions only.

1015. *Mr. Edmunds.*] Were any of the facts mentioned in the report within your personal knowledge? Not at that time.

1016. Of course you could not have got knowledge of them since except by hearsay? They were not within my personal knowledge.

William Bradley Violette, M.B., called in, sworn, and examined:—

Mr. W. B. Violette, M.B. 1017. *Mr. Williamson.*] What are you? Government medical officer for the Parramatta district.

1018. How long have you had a knowledge of that district? A little over two years.

1019. Who was your predecessor? Dr. Rowling.

21 Aug., 1889. 1020. During your charge of the Parramatta district you have had something to do with the Macquarie-street Asylum? I am visiting surgeon.

1021. And during a portion of that time Mrs. Cunyngame was the matron in charge? Yes.

1022. Do you recollect on the 22nd October last forwarding to the Director of Government Asylums the following communication:—

Sir,

No. 4, Ashton Terrace, Argyle-street, Parramatta, 22 October, 1888.

On making my usual visit to the Macquarie-street Asylum yesterday morning several of the patients in the hospital wards made complaints to me that the medical comforts I had ordered for them were not issued on Saturday last. One of them, J. Kerry, stated that he was induced to drink beer, in lieu of his ordinary comfort, on the remark of a lady visitor that he would get that or nothing. Another, James Boucher, complained that his malady had been aggravated by the beer supplied to him in lieu of his ordinary medical comfort.

This morning, James Nimmo complained to me that Mrs. Cunyngame had overwhelmed him with abuse, and had threatened to discharge him, for his having dared to bring the matter under my notice. Nimmo also stated that Mrs. Cunyngame visited the ward yesterday and served out portions of a sucking-pig or a joint of pork, saying that was her own treat to the men, and making sneering and defamatory remarks about the Quong Tart feast.

I also have to complain of Mrs. Cunyngame having called in Dr. Phillips to pronounce an opinion on inmates Bauman and M'Govern without my knowledge or sanction.

In the case of M'Govern she is desperately anxious to get rid of him, in consequence of his having been connected with several others, now dispersed, in making a statement that the medical comforts were stolen and carried out of the hospital by means

means of a window leading from No. 3 Ward to the premises occupied by Mrs. Cunyngame. In my opinion this statement was never disproved.

Mr. W. B. Violette, M.B.

I respectfully ask you to give these matters your early attention, as I could never tolerate my orders and treatment being set aside by the matron-superintendent.

21 Aug., 1869.

I have, &c.,

W. BRADLEY VIOLETTE,

Government Medical Officer, Parramatta.

Sydney Maxted, Esq.,

Director of Government Asylums, Sydney.

Yes.

1023. What evidence have you to substantiate the statements you make there? I made entries at the time in the medical register which is kept at the institution. Opposite the name of James Kerry there is this entry:—"Complains of the non-issue of the stimulant ordered for him yesterday, and that he was induced to drink beer on the order that if he did not he would get nothing. Lady visitors." That means that a lady visitor told him. The lady visitors were distributing the refreshments.

1024. *Mr. Crick.*] Then it was a lady visitor who told him that? They were distributing what was given. Boucher made the same complaint, and against his name is the entry:—"Malady aggravated in consequence thereof." That was in consequence of his taking the beer instead of the stimulant he was getting. I think it was either gin or some other spirit; he was suffering from asthma.

1025. You made those entries on complaints made to you? Yes.

1026. *Mr. Williamson.*] Did you inquire into the complaints? Yes. I found that they had not got the comforts I ordered, and that beer had been given instead.

1027. Did you speak to Mrs. Cunyngame? Mrs. Cunyngame was not there that morning. I made this entry in the journal.

1028. Mrs. Cunyngame was not there? Not at the institution.

1029. What is the date of those entries? 21st October.

1030. *Mr. Ritchie.*] Is James Nimmo still in the institution? No.

1031. *Mr. Edmunds.*] Is Boucher there? Yes, and also Kerry and M'Govern.

1032. *Mr. Williamson.*] Did you say anything to Mrs. Cunyngame in reference to the case you have mentioned? No; I said nothing at all. I reported it to the director. I had nothing to do with Mrs. Cunyngame in the matter.

1033. In your letter of the 22nd October, you refer also to James Nimmo. Did he make the complaint there mentioned to you? Yes; it is entered in the book. It is dated the 21st, and is in these words:—"Complains of abusive language lady superintendent."

1034. Did you bring that under the notice of Mrs. Cunyngame? I do not remember. I do not think I did. I could not say.

1035. Was that book always open for her inspection? That was the book that was always open in the office; it is the medical register.

1036. Nimmo made some further complaint as to Mrs. Cunyngame making sneering and defamatory remarks about the Quong Tart feast? Yes; that occurred at the same time.

1037. Then you go on to say in your letter, "I also have to complain of Mrs. Cunyngame having called in Dr. Phillips to pronounce an opinion on inmates Bannan and M'Govern without my knowledge or sanction." What about those cases? There was the case of a man—

1038. *Mr. Edmunds.*] Is this within your own knowledge? It is information from the hospital attendant.

1039. *Mr. Williamson.*] Is there an entry with regard to calling in Dr. Phillips? There is an entry opposite the name of Carlyon. Dr. Phillips came to see Carlyon, and the hospital attendant Edgar, asked me if I had given instructions for him to see Bannan and M'Govern also.

1040. Did you give him such instructions? No; I gave no instructions for him to see these two men at that time. Previously Bannan had been seen by him.

1041. Then you go on to say,—

"In the case of M'Govern she is desperately anxious to get rid of him, in consequence of his having been connected with several others, now dispersed, in making a statement that the medical comforts were stolen and carried out of the hospital by means of a window leading from No. 3 Ward to the premises occupied by Mrs. Cunyngame. In my opinion this statement was never disproved."

You say there "she is desperately anxious to get rid of him." Is that from your own observation? Yes, from my own observation.

1042. Will you tell us the result of your own observation? Mrs. Cunyngame repeatedly spoke to me about him as a man who was insane, and unfitted to take care of himself, and who gave a lot of trouble in the ward; and she also once previously to this put him in a batch for transfer to George-street, without as much as "by your leave," or anything else, and this man was, at the time, under my care in the hospital. The man was put in a batch, and I told him to stand aside, and sent him back to his ward.

1043. At all events she told you he was insane? Yes.

1044. On how many occasions did she ask you? I could not tell you on how many occasions. She was repeatedly speaking of him to me.

1045. Was the man insane? The man was not insane; but he was suffering from softening of the brain.

1046. Was the man with others? This man gave contributory evidence about the grog being passed through the window.

1047. From your observations Mrs. Cunyngame seemed anxious to get rid of this man? Certainly.

1048. Then the next communication you sent in was on the 8th of November? I had a reply to the previous one; that was dealt with. Mr. Maxted replied on the 24th of October as follows:—

In refer-ence to your letter of to-day's date and our conversation relating thereto, I have given Mrs. Cunyngame a strong caution not to act in future in any matter relating to the medical treatment of inmates, except under your authority; and to rigidly adhere to your directions as to medical comforts. You will see that I have made a minute to that effect in your dispensary register.

I have also directed Mrs. Cunyngame to again submit Cummings, her cook, to you for examination, in order that you may judge whether it would be to the man's advantage to go to the Liverpool Asylum.

With regard to the alleged robbery of medical comforts, I am quite certain that they were stolen by the wardman Cooke, who is now away from the institution; but I have been unable to discover whether any one else was concerned in the theft. I sometime ago issued a direction that these comforts should in future be carried out by Edgar, who, is, I think to be fully trusted; and I shall be obliged if you will occasionally when going through the hospital ask patients (as I shall do also) whether they receive what you order for them.

Before

Mr. W. B. Violetto, M.B. Before seeing you or receiving your letter I had received a statement from James Nimmo of his particular matter to which you have referred. Mrs Cunyngname denied it in toto, but you know how unreliable she is.

21 Aug., 1889. I do not think, however, we shall have any more trouble with her after my warning to her to-day. Certainly if she disregards it, I shall feel compelled to take steps which will be as unpleasant as they will be necessary for the good government of the asylum.

On the 8th of November of the same year you forwarded another communication to the Director of Government Asylums in which you say,—

In reply to your communication of the 6th instant, requesting me to state for your information my opinion of the matron-superintendent of the Macquarie-street asylum in her conduct towards the inmates in general, and in her capacity as superintendent of the hospital wards, I beg to state that, in many instances she has appeared to me to have acted with undue severity and harshness in pursuing a delinquent for punishment—her discipline is very arbitrary, and in several instances a vindictive spirit seems to have prompted her actions.

Speaking generally, from my own experience, I have found her to be shifty and evasive in her dealings—untruthful on several occasions—in fact, I have no confidence in her whatever.

Many complaints have been made to me with regard to the distribution of medical comforts in the hospital wards. The supervision of the inmate-attendants was so unsatisfactory on my taking over medical charge of the institution that, as soon as I became acquainted with the defects of the system, I applied for two paid wardsmen to supervise the inmate-attendants, and to instruct them how to discharge their duties, as well as to care for the more urgent cases. These wardsmen were ordered to be engaged by the Colonial Secretary, Sir Henry Parkes. The matron's duties now are consequently those of superintendent alone, no work in the wards being necessary on her part. Several instances of misappropriation of medical comforts and negligence in the care of the sick on the part of the inmate-attendants have been brought under notice by one of the wardsmen, but no action to punish the offender or to prevent a recurrence of the offence has been taken by the superintendent.

1049. In that letter you make eight distinct charges; first, undue severity; second, harshness; third, discipline arbitrary; fourth, a vindictive spirit; fifth, misappropriation of medical comforts; sixth, negligence in the care of the sick, and no action to prevent a recurrence of the offence; seventh, evasiveness; and eighth, untruthfulness. Do you recollect a man named William Roy? Yes; that was in the early part, when I went there first.

1050. And that man continued to be an inmate of the asylum for some considerable time up to the writing of this letter on the 8th of November? Oh, no; he had left some time before that. He had been out over a year then.

1051. Do you recollect anything in connection with that man? I recollect that he was brought up repeatedly before me for trivial breaches of discipline. He was a man who suffered from locomotor ataxy and could not get about very well, and as far as I could see he was treated as an ordinary able bodied inmate. He would not go into the hospital; he wanted to get exercise, and if he went up into the hospital he would not be able to get down the stairs. It seemed that there was great difficulty about fixing him in any dormitory where he could get out. I had to put him in the epileptic ward at last.

1052. Did this man give evidence before the Asylums Inquiry Board? I do not know anything about that.

1053. Did Mrs. Cunyngname desire you to stop his medical comforts? She did not desire me to stop his medical comforts; but she seemed surprised that I should give him medical comforts. She did not look upon him as a case deserving of them—that he should be punished by stopping his medical comforts. She did not ask for it but that would be the tenor of her conversation.

1054. *Mr. Criel.*] What do you mean by the tenor of her conversation; if her words would not express that? You do not ask a thing often, when you convey a hint that you would wish it done—it would please you if it were done.

1055. *Mr. Edmunds.*] When was that? It was in the early part of 1887—May, June, and July.

1056. *Mr. Williamson.*] Did the man ultimately leave the place? Yes, the man was taken out. *The Bulletin* raised a fund to support him outside. Mr. Charles Byrnes, the Mayor of Parramatta, was the almoner of the fund.

1057. *Mr. Bourke.*] This was the Rorke's Drift man? Yes.

1058. That was the reason I think they raised the fund? Yes, and his friends did not seem to think he was well treated.

1059. *Mr. Williamson.*] And it was also in consequence of the evidence given before the Asylums Inquiry Board? Yes.

1060. Do you recollect a man named Baird? Yes.

1061. Did Mrs. Cunyngname bring him before you? Well, Mrs. Cunyngname did not bring these men before me; but it was by her order and with her knowledge that they were brought up before me.

1062. *Mr. Bourke.*] How long ago? That was in 1887.

1063. *Mr. Williamson.*] What were the charges against him? They were frivolous charges—wanting the man to work. The man could not possibly work. He was often brought up for refusing to work, and that sort of thing.

1064. Were the charges substantiated? Well, the charges were not substantiated, because the man could not work. There were charges against him of causing discontent among other inmates, and that sort of thing.

1065. *Mr. Edmunds.*] Do you mean that Mrs. Cunyngname charged him before you? Yes; it would be with Mrs. Cunyngname's knowledge, because it was the head wardman who brought him up before me.

1066. *Mr. Criel.*] Are those the wardsmen you refer to in your letter as having been appointed by the Colonial Secretary? No. It was Hanson.

1067. *Mr. Bourke.*] But do you know of your own knowledge that Mrs. Cunyngname made these complaints or that she herself was responsible for bringing him up? The head wardman would not dare to bring the man up before me without her authority.

1068. *Mr. Williamson.*] It is part of the routine? Yes. This man was Mrs. Cunyngname's agent, and of course I took his action as hers.

1069. *Mr. Edmunds.*] As a matter of fact it was not Mrs. Cunyngname who preferred the charge? Not personally.

1070. Did you have a conversation with Mrs. Cunyngname about it? I have spoken to Mrs. Cunyngname about it—about this one and two other men.

1071.

1071. What did she say? I spoke to her about her general bearing towards these men. I said that one could not help feeling resentment towards a person if you thought he had done you an injury, but that it was very unwise of her to show it. I also heard her husband remonstrate with her for the same thing. Mr. W. P.
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1072. *Mr. Williamson.*] You told her it was unwise? To show resentment to these men who had given evidence. This was in 1887, when I went there first. I do not know anything about the Asylums Inquiry Board.

1073. You made inquiries into these cases, did you not? No; I did not make special inquiries about these men coming before me so often. Mrs. Cunynghame herself would say, "Oh, that man gave evidence," or something in that way. That is how I came to know them. I did not pick these men out.

1074. They were brought before you? They were brought before me, and in the ordinary sequence of events I found that several of them had given evidence before the Inquiry Board.

1075. You advised Mrs. Cunynghame not to show resentment, and her husband advised her also? Yes; we were talking in a friendly way.

1076. *Mr. Edmunds.*] And what did she say? I do not think she made any reply. It was just a friendly talk at the gate. Often before leaving she and her husband would come to the gate talking.

1077. *Mr. Bourke.*] This was all in 1887? Yes.

1078. *Mr. Williamson.*] Do you recollect a man named James Rooney? Yes; he is in the hospital now.

1079. Do you recollect anything in connection with Rooney? I remember Rooney applying to me for an easy chair and for permission to have exercise in the yard and to go to church. It is in the book, but I cannot tell you exactly the date.

1080. Were your instructions carried out? Oh, yes, after that. But before this Rooney complained that he was persecuted; that he was not allowed to go to church or to take exercise outside; and Mrs. Cunynghame certainly did not readily give in to the man having a chair in the hospital. She made many trivial objections, but ultimately it was given to him.

1081. *Mr. Ritchie.*] I suppose these complaints are pretty general amongst these old men, are they not? They all grumble a great deal.

1082. *Mr. Williamson.*] As a matter of fact Mrs. Cunynghame raised frivolous objections? I thought so. Of course that is a matter of opinion, but I thought they were. He did not get permission to take exercise and to go to church, and most of the patients who could get about went there. Certainly he is a man who cannot walk about; he has to be assisted.

1083. Do you recollect a man named Sinclair? No.

1084. Do you recollect a man who was ordered a pair of boots by you? Yes; M'Coy.

1085. Do you know whether he gave evidence before the Asylums Inquiry Board? Not that I am aware of.

1086. *Mr. Bourke.*] Anything you know about the Asylums Inquiry Board would be second-hand? Of course it would.

1087. *Mr. Williamson.*] You recollect M'Coy;—you ordered him a pair of boots? Yes; he is partially and almost totally blind, and he walks up and down the yard. He walks on one track all day long.

1088. Did you order him a pair of boots? Yes, I ordered him a pair of boots. There is an entry in the book.

1089. Will you tell us what transpired in reference to that? Well, he came to me about three weeks afterwards. He had put his name down to see me again, and when he put it down he was given a pair of boots, and his statement to me was that he did not receive them until he put his name down a second time, and when he came up to me that time he had new boots on that were about three sizes too big for him, and he said they were purposely given to him because he had given evidence against Mrs. Cunynghame. He also made a complaint about his clothing being lousy, and that he was not given good food in the dining-room.

1090. *Mr. O'rick.*] Complained generally about everything? Yes. In the middle of this, while I was speaking to him, two attendants were there, and I told one of them, Norton, to go to his bed at night when the man was in it and see if his statement about the vermin was true. He examined his clothing, but could not find any trace of vermin. In the middle of this Mrs. Cunynghame bounced into the office from the spirit-room or the store, and she commenced to abuse me. She said, "Dr. Violette, you are no gentleman; I wonder at you allowing a man like that to make a complaint against me." And she would insist that I should go off there and then and see the man's bed. I went off. I was not going to have a flood of Billingsgate and a scene before the men, and I went off with Mrs. Cunynghame to see the man's bed. We were some time up there—about five minutes—before we found the bed, and when we found it the bedding seemed clean, and there was no sign of anything.

1091. His complaint was in no way borne out? The man was very old and blind, and he had got new flannels, and thought he was affected with vermin. A kind word would have soon explained the matter and prevented the old man from getting into a flurry.

1092. *Mr. Bourke.*] When was this? In June, 1888. Norton and Warner were both present.

1093. Then you examined the bed as well as the clothing? Yes. I went up with Mrs. Cunynghame to see the bed; she would insist upon my doing so at once. Norton made a report to me next morning, and he said he found the old man had no vermin about him; but it was explained that the man felt as if he had vermin by having the flannels on him.

1094. *Mr. Ritchie.*] Was he accustomed to wear the flannels before? Yes.

1095. *Mr. Bourke.*] These were new ones. I suppose? Yes.

1096. Perhaps he had been without flannels for a little time? Oh, no; I think I can say for Mrs. Cunynghame that she certainly looked after the men in that way; they did not have to complain about flannels.

1097. *Mr. Williamson.*] Do you recollect a man named Phillip M'Carthy? Yes; he was the man who made the first complaint about the medical comforts being stolen from the No. 3 hospital ward.

1098. In consequence of a complaint he made to you in reference to medical comforts being stolen from the hospital ward, did you speak to Mrs. Cunynghame? No. Mrs. Cunynghame sent for me one afternoon. I do not know to whom he made the complaint, but Mrs. Cunynghame sent for me shortly after 2 o'clock. I went down and we investigated the matter there. M'Carthy, Codogan, and Rooney were there. These men gave evidence substantiating the statement that the grog went through the window, and

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and in consequence of that I asked Mrs. Cunynghame to suspend the wardman Cooke and report the matter to the director, and that is where my business with that matter ceased.

1099. *Mr. Edmunds.*] Did Mrs. Cunynghame comply with that direction of yours? That is what I cannot tell you. Mr. Maxted says she did not report the matter.

1100. *Mr. Bourke.*] Did she suspend Cooke? Cooke was suspended.

1101. *Mr. Williamson.*] Do you know if M'Carthy was punished afterwards? M'Carthy complained to me afterwards several times. He was very angry with me for allowing Cooke to escape. He said it was my fault, and that the man ought to have gone out of the institution with the handcuffs on. At another time he complained to me that Mrs. Cunynghame had abused him for giving evidence, and called him a spy and a liar and a lousy mischief-maker, and he was very much upset and begged me to send him away. Mrs. Cunynghame also wanted to get rid of him, and there was another man she wanted me to send to Liverpool. I put an entry in the book, "Transfer M'Carthy to Liverpool," in consequence of his begging me to send him away. He was not happy there on account of the abuse he was getting. I put him down as having consumption (the man had no more consumption than I have) so as to get him sent there.

1102. *Mr. Crick.*] He was not consumptive, but you put him down consumptive? Yes; he was spitting blood.

1103. *Mr. Ritchie.*] Your reason was to get him sent away? Yes.

1104. Did you not think it wrong at the time to give a reason of that kind? No; we have many things to do in medicine that we cannot square by ethics. We have to consider the patient first.

1105. *Mr. Bourke.*] You make reports sometimes that you cannot square by ethics? No; I do not understand you.

1106. *Mr. Hawthorne.*] Is M'Carthy at the Liverpool Asylum? I do not think he is at Liverpool; he is alive.

1107. *Mr. Williamson.*] We now come to this man Bannan. Do you recollect Bannan being sent to the isolation ward? Yes; there is an entry in the book, on the 30th September, 1888.

1108. Do you recollect what transpired in reference to that man? When I saw him he was in the isolation ward. Mrs. Cunynghame told me he had come in on the previous night, very late, under the influence of drink, and she had sent him up there, and she did not wish to send for me at that late hour. When I saw the man I could not get anything out of him; he was sullen and morose, and I took Mrs. Cunynghame's statement that he was drunk, and put him down as drunk. From what I heard later from the attendants I questioned it very much, and the police told me that the man they brought up was not drunk.

1109. *Mr. Crick.*] Do I understand that you saw this man yourself, and you are not in a position to say whether he was drunk or sober? Quite so.

1110. You are not in a position to say? I am not in a position to say; and if you saw the man now you could not tell whether he was drunk or sober.

1111. Looking at the man and you being a medical man you could not say whether he was drunk or sober? No.

1112. Then do you attach any blame to Mrs. Cunynghame for saying that he was drunk? It was in the morning that I saw him.

1113. If anything he would be recovering from his drunkenness? The man was sent up there for being noisy—drunk and noisy.

1114. Mrs. Cunynghame says the man was drunk. If he was drunk over night he would be getting towards sobriety in the morning; when you saw him the effects of the drink would be working off—the night's sleep, at any rate, would take some of it off? Of course he would not be so drunk.

1114½. And when you saw him in the morning you could not say whether he was drunk or sober? Well, he was in a sullen mood; he would not speak.

1115. Do you attach any blame to Mrs. Cunynghame for saying that the man was drunk the night before? I do not believe the man was drunk.

1116. You said you did not know at the time? I had to take Mrs. Cunynghame's statement for it. The man would not speak. He has no palate to his mouth, and you cannot hear him distinctly.

1117. He would get no drink in the Asylum during the night? No.

1118. *Mr. Williamson.*] Who had authority to put him in the isolation ward? I had, and no one else, by the Colonial Secretary's order.

1119. So that he was put in the isolation ward the night before, and you found him there next morning? Yes.

1120. As a matter of fact, he had no right to be put in the isolation ward until you came there the following morning? No.

1121. *Mr. Crick.*] And what would Mrs. Cunynghame have done with him during the night? Well, she should have handed him over to the police.

1122. She should have refused him admittance? Yes.

1123. Is that still the practice? I could not tell you. I know they will not take a man in who is drunk. The matron has a discretion as to whom she will take in, when she thinks they are in a state of drunkenness.

1124. She exercises a discretion as to whether she will let him in or not? Certainly. She would not let a man in drunk to disturb the whole establishment.

1125. *Mr. Edmunds.*] Have you got those instructions you speak of from the Colonial Secretary? There is a minute; it belongs to the medical officer's department.

1126. *Mr. Williamson.*] Do you recollect a man named John Burnes? He was an eye patient.

1127. Do you recollect that he was sent to the isolation ward? Yes, I saw him there.

1128. What was the charge that Mrs. Cunynghame made against him? That of obscene language and riotous conduct.

1129. Then, as a matter of fact, she put this man in the isolation ward without consulting you? She put him there; yes. He was there when I saw him. I kept him in there because of the obscene language and riotous conduct. The man made a complaint to me that Mrs. Cunynghame had ordered him off the grass plot and struck him with her umbrella.

1130. When was he put in the isolation ward? About 12 o'clock.

1131. When did you see him? I saw him about a couple of hours afterwards—about 2 or 3 o'clock.
1132. Do you recollect a man named Sparkes or Sharpe? There was a scullion of that name. He came to me complaining of fainting, and he said he could not bear the heat of the kitchen. I exempted him from work. He was working outside one afternoon or one morning, and Hanson or Mrs. Cunynghame came up and forced him inside and made him work inside, and the man took his discharge and went out the next day.
1133. *Mr. Bourke.*] Were you there next day when he left? No; I was not.
1134. *Mr. Williamson.*] You ordered the man out of the kitchen? I ordered the man to work outside the kitchen.
1135. Do you recollect a man named Georgiason? Yes.
1136. Do you recollect that man making a complaint? No; he did not make any complaint, but he was charged by Mrs. Cunynghame with selling his porter to somebody. He was a demented man. He had given evidence about the robbery of the comforts from the hospital ward, and Mrs. Cunynghame brought this as a case against him. "They will all do it; you cannot rely on the men. Here is this man who comes and makes a statement one day and sells his porter the next." Well, he was a demented old creature, and it would have been better to take care that he got his porter.
1137. *Mr. Bourke.*] He must have got it—he could not have sold it? Care should have been taken to see that he drank it when he got it.
1138. *Mr. Williamson.*] In what manner did Mrs. Cunynghame behave when she reported this? Well, she seemed rather pleased to have to report him.
1139. Do you recollect a man named Felix Cummings who was under your treatment for consumption? Yes; I sent that man to the hospital.
1140. On what date? I cannot tell you from memory.
1141. Did you enter it in the book? Yes; the hospital admission is in the book.
1142. You ordered him to the hospital? Yes.
1143. *Mr. Bourke.*] Can you give us some idea as to how long ago—how long before Mrs. Cunynghame left? It was within three months before Mrs. Cunynghame left the institution.
1144. *Mr. Williamson.*] Was he in a bad state? He was suffering from hæmorrhage of the lungs—he was very bad when I sent him into the hospital. In fact he came to me and asked me to send him in.
1145. Was that man taken out? Yes; he was taken out to work by Mrs. Cunynghame. I knew nothing about it.
1146. Did you give her any sanction, or was it without your knowledge? I knew nothing about it. I asked one morning where he was, and they told me he was out working.
1147. Do you know where he was working? I could not tell you what part.
1148. Did you question Mrs. Cunynghame about it? No; I discharged him when I found he was out working.
1149. *Mr. Crick.*] How do you mean that you discharged him? Wrote him off the hospital books.
1150. *Mr. Bourke.*] You discharged him from the hospital? Yes.
1151. *Mr. Williamson.*] Do you know a man named Henry Helmrick? Yes. This man was working in Mrs. Cunynghame's kitchen; I found he was sleeping in the hospital, taking up a bed, and I sent him out. He was not on the hospital books at all; he was occupying an hospital bed without being on the books, and without my knowledge that he was there.
1152. Did you speak to Mrs. Cunynghame in reference to that? No; I just sent Helmrick out of the hospital, and told the wardman to tell him he would have to find accommodation elsewhere.
1153. On the occasion when you spoke to her, was Mrs. Cunynghame very abusive to you? On the occasion when she came in and told me that I was no gentleman for listening to the complaint from M'Coy, I did not know what the man wanted to see me about. When a man's name is on the book I must see him. I came up, and of course he made his complaints, and I had to listen to them. But I have never had any falling-out with Mrs. Cunynghame,—I have never used an ill-word to her since I have been there.
1154. *Mr. Bourke.*] That was the only occasion when Mrs. Cunynghame had any angry word with you, and that was in 1887? No; that was in June, 1888.
1155. That was the only occasion in M'Coy's case? Yes. That is the only occasion I remember.
1156. *Mr. Williamson.*] You first of all charge Mrs. Cunynghame with undue severity? Yes.
1157. On what do you base that charge? Well, I think I have given you instances.
1158. Are there any other cases you can mention? I do not know of any more.
1159. "Discipline arbitrary"—the same with regard to that I suppose? You will see in those instances.
1160. "Vindictive spirit"? This was shown by the abuse which Nimmo and M'Carthy got for informing against her.
1161. "Neglecting the care of the sick"? I do not make any charge of neglecting the care of the sick.
1162. You say, amongst other things, negligence in the care of the sick on the part of the inmate attendants? Yes.
1163. These persons are under Mrs. Cunynghame's supervision? As superintendent of course the whole institution is under her supervision.
1164. You charge her also with being untruthful? Yes.
1165. On what do you base that? The statement which she made to the Director that I ordered wines and beers and medical comforts indiscriminately. She first asked me not to withdraw the medical comforts until I knew that the dietary scale was working satisfactorily, and I agreed to that.
1166. *Mr. Bourke.*] How do you know she made this communication to the Director? Mr. Maxted told me.
1167. Have you any evidence; was it made in writing; perhaps you have the writing here? I have part of the writing.
1168. Mrs. Cunynghame's writing? Yes, Mrs. Cunynghame's writing. Here is Mr. Maxted's letter, dated November the 6th, 1888:—

Pinned to this you will find the table which Mrs. Cunynghame forwarded with reference to the subject of our conversation yesterday.

I have kept no copy of it, but it appears to have been pressed in her letter book.
You may destroy it if you choose.

Believe me, &c.,

S. MAXTED.

P.S.—You will notice Mrs. Cunynghame says "as requested." I certainly did ask for the return, as I explained yesterday, but it was after she had verbally complained, as I explained to you. You will see from the nature of the return that I could not possibly have known anything about the matter otherwise.

Mrs.

Mr. W. B.
Violette, M.B.
21 Aug, 1889.

- Mr. W. B. Violette, M.B.
21 Aug., 1899.
- Mrs. Cunynghame first asked me not to withdraw the medical comforts until the new dietary scale was working satisfactorily, and on the face of that she gives this statement to Mr. Maxted, and tells him that I give medical comforts indiscriminately to any one who comes and asks.
1169. *Chairman.*] Where does she say that? Mr. Maxted says so.
1170. *Mr. Bourke.*] Does it appear in that report? A portion of it does.
1171. Does she say that? No, she sends in a table of medical comforts which have been given by me.
1172. But she does not state in the report that you gave them indiscriminately? No, but Mr. Maxted said she told him.
1173. *Mr. Williamson.*] In consequence of some statement Mr. Maxted made to you, did you have a conversation with Mrs. Cunynghame? Yes; I spoke to Mrs. Cunynghame, and she denied it altogether.
1174. And this return came from her? That return came from her to Mr. Maxted, and Mr. Maxted sent it to me.
1175. Anything else with reference to that? At the same time Mrs. Cunynghame complained to the Director or made a statement to him that I was poisoning a man in the cancer ward with morphia.
1176. *Mr. Bourke.*] What evidence have you to show that she made that statement? Mr. Maxted said she made the statement to him.
1177. *Mr. Williamson.*] In consequence of a complaint made to you by Mr. Maxted, did you have a conversation with Mrs. Cunynghame? Yes; I asked Mrs. Cunynghame about it. Mrs. Cunynghame denied it, and said that when she was speaking to the director she referred to Dr. Rowling.
1178. How long had Dr. Rowling been away? He had been away then about eighteen months.
1179. Anything else? She represented to the Director that I wished his permission to consult with Dr. Phillips.
1180. In consequence of a complaint made to you by the Director, did you ever give her any authority to consult with Dr. Phillips? No; she represented to the Director that I wished to consult with Dr. Phillips on the case of a man named Bannan, and the Director then said it was a matter for my own discretion. Mrs. Cunynghame represented to me then that the Director considered this man Bannan to be insane, and not a fit subject for the institution, and that he wished me to consult with Dr. Phillips.
1181. This was the man Bannan she wanted to get rid of? Well, it was M'Govern she wanted to get rid of. I did not say she wanted to get rid of Bannan.
1182. The man who was put in the isolation ward? Yes; you will see entries in the Medical Journal on the 7th and 8th.
1183. Did you consult with Dr. Phillips? I did so in consequence of this. You will find an entry in my book on the 7th and 8th of October to this effect, "Filthy habits, riotous, send for Dr Phillips; put him in the isolation," that is my entry, and it has reference to Bannan.
1184. Made at Mrs. Cunynghame's request? In consequence of the statement she made that the Director wanted me to consult Dr. Phillips.
1185. *Mr. Bourke.*] What was the entry? "Filthy habits, riotous."
1186. Did she tell you that? Yes, that was the statement she made to me.
1187. *Mr. Williamson.*] Did you and Dr. Phillips examine the man? I sent for Dr. Phillips. He made an entry about the man William Bannan as follows. "The man is dangerous at times to the other inmates of the institution, but I do not consider him a fit case to send to a lunatic asylum, but consider that he, and similar cases should be kept in a special ward in the institution."
1188. Any other instance? She states that I gave her permission to send for Dr. Phillips to examine M'Govern.
1189. Did you give her permission? No, never, either directly or indirectly.
1190. Any other instance? That is all.
1191. You say, you cannot rely upon her, that she is shifty and evasive in her dealings? Yes; after this what could you say. She makes one statement to me and another to Mr. Maxted.
1192. From the 1st August, when Mr. Maxted was appointed or before that, and from the time of the Inquiry Board up to the time Mrs. Cunynghame was suspended, had you continual complaints with reference to the institution from the men? No; not continual complaints. The men were often making complaints, but I could not say they were continual.
1193. Well, from the time Mr. Maxted was appointed up to the time when you wrote this letter of the 8th of November, had you numerous complaints? A number of complaints.
1194. Did you ever speak to her with regard to not going through the hospital? No.
1195. That is not a portion of your duty, is it? No; I am a visitor; I have nothing to do with the management.
1196. When you are going through the hospital having so many men to attend to, is it the duty of the superintendent to call your attention to special cases? The superintendent should know every case in the place, and if there is a bad case it is the custom for the superintendent or the person in charge to send for the doctor and point it out to him.
1197. And that is done by the present superintendent? Yes; every superintendent of a hospital does that.
1198. *Mr. Bourke.*] Did Mrs. Cunynghame do it? Well, not in cases that have been pointed out to me.
1199. There were some cases in which she did not, but did she generally? She did.
1200. *Mr. Williamson.*] In consequence of what took place you deemed it expedient in the interests of the institution to forward that report? It was in reply to a letter from Mr. Maxted that report was forwarded.
1201. Where is that letter? It is as follows:—

I shall be obliged if you will, as visiting medical officer to the Macquarie-street Asylum, let me know if in your opinion the matron-superintendent is unduly harsh and arbitrary in her treatment of the inmates; and generally whether, from your own observations, you think she is a truthful reliable and trustworthy official.

2. I may say that I have been much struck with the number of inmates who have been submitted to you, at this institution only, for punishment for most trivial offences; with the general want of oversight prevailing on the part of the superintendent with regard to the distribution of medical comforts in the hospital wards, which as you are aware has recently led to the knowledge that inmates have improperly been deprived of their allowances, and also in reference to the superintendent's apparent want of knowledge of the working of that most important division of the institution for the efficient management of which she is locally responsible.

3. The foregoing are the main points which I think it necessary to submit for your consideration; but I shall also be glad to be furnished with any other particulars bearing upon the management of Macquarie-street Asylum that you may deem it your duty to place before me in the interests of the inmates and with the view of securing its future good government.

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21 Aug., 1889.

1202. *Mr. Williamson.*] On the receipt of that letter you forwarded that report? Yes.
1203. You have no ill-feeling towards Mrs. Cunynghame? No.
1204. As a matter of fact, as you said before, you advised her not to resent any feeling towards those men because they gave evidence? I have not recently spoken of some of these things that occurred, because I avoided Mrs. Cunynghame as much as I could after she spoke to me in the way she did, when she said I was no gentleman. I did not come in her way if I could help it. But I had no quarrel with her, and no ill-word.
1205. At the time you wrote that report you had no feeling or prejudice against her? No.
1206. *Mr. Bourke.*] You say you were very friendly with Mrs. Cunynghame up to the time that she spoke to you about M'Coy? Yes.
1207. And on that occasion she said you were no gentleman? Yes.
1208. Did not M'Coy, when speaking to you about his being afflicted with vermin, speak of Mrs. Cunynghame as "Mother Cunynghame?" No; I could not understand what M'Coy said. He came into me fuming and spluttering with anger, and I could not tell what the man said. I asked Norton and the other wardman, "What does the man say?—what does he mean?" and they told me that he complained that he was swarming with vermin. I could not tell you what he said; he was spluttering and fuming, and quite incoherent with passion.
1209. You do not remember that he said it; but do you remember that Mrs. Cunynghame complained to you for listening to him using her name in that disrespectful manner? Mrs. Cunynghame bounced into the room saying that he said that.
1210. That was her complaint against you—that you listened? That I was listening to the man making a complaint.
1211. Did she use the expression "Mother Cunynghame?" I believe she did use the words "Mother Cunynghame."
1212. She was surprised that you should listen to an expression like that? Yes. I did not hear the man say "Mother Cunynghame."
1213. That was her complaint at the time, at any rate—that you listened to the man referring to her as "Mother Cunynghame?" Yes.
1214. Naturally she would be angry? She must have known that on previous occasions I had always upheld her authority, and would never allow any men there to speak disrespectfully of her.
1215. Still that would account for her being in a flurry? Yes, but she might have known that I would not do it.
1216. You say the man was incoherent? Certainly; I could not tell what he said.
1217. After this, in consequence of the man complaining of vermin, you examined the bed next day? No; I went at once with Mrs. Cunynghame.
1218. Did not Mrs. Cunynghame insist that you should go at once? Yes. But I had told the Attendant Norton, in the first instance, to go and examine the man's bed at night, which would be the best time for the purpose.
1219. Mrs. Cunynghame insisted that you should go at once? Certainly she did, and I went with her rather than have a scene, because she was in such a temper.
1220. Well, you do not regard that as evidence of shifty or evasive conduct? No, I do not. That was the only time I had any ill-word with her; and I did not have an ill-word with her—she had it with me.
1221. Supposing the bed had been actually verminous and your examination had been put off for a few hours—she could have made it clean, could she not, and you would have been none the wiser? She insisted upon your going at once just to show you that the place was really clean? Certainly.
1222. In your letter of the 22nd October your complaint in reference to the three men, Kerry, Boucher, and Nimmo, is that they did not get their medical comforts? Yes.
1223. It was on the Saturday that they did not get their medical comforts? Yes.
1224. That would be the 20th? Yes.
1225. You are aware that that was a feast day? Yes.
1226. I suppose you are aware that on feast days there is a quantity of beer, porter, and other things, taken up and given out generally to the inmates? Yes, but not in the hospitals, unless on my express order.
1227. But supposing lady visitors were to go in, not knowing of your order, and distribute beer, as was done on this occasion? But the men got it substituted for their medical comforts.
1228. But this is what took place according to your report: Some ladies went in and gave the beer, and told Nimmo, according to your statement, that he would get nothing else unless he took that. You would not blame Mrs. Cunynghame for that? I would blame Mrs. Cunynghame for not seeing that the medical comforts were sent out.
1229. Do you know if they got them later on in the day? No, they did not get them. The report to me was that they did not get them. The beer was given to them in place of the medical comforts.
1230. Given by the lady visitors? Yes.
1231. Not by Mrs. Cunynghame? Well, of course Mrs. Cunynghame distributes the medical comforts; she has charge of them. I do not suppose that she gives the medical comforts personally to each one.
1232. But as a rule, are not the medical comforts withheld on a feast day? No.
1233. Never? Exceptional cases are always exempt.
1234. The ladies might say to a man who had been ordered gin,—“Will you take some beer;” but the complaint of these men is that the beer was forced down their throats? Yes; they took the beer because they could not get the other; that is the statement they made to me.
1235. They asked the lady visitors for the beer? No; they say that the lady visitors said:—"You get that or nothing."
1236. The second paragraph in your letter seems too trivial to be seriously entertained—that is where you say that Mrs. Cunynghame went round with some pork and made encering and defamatory remarks about the Quong Tart feast? The man made the statement to me in the ward, and I could only take it down.
1237. It is on these reports of yours, and on Mr. Maxted's report, partially founded on yours, that Mrs.

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Cunynghame was suspended and dismissed, and surely you would not put in a thing like that? But this had been dealt with when my second letter went in. Here is Mr. Maxted's letter dealing with that, and there is the entry in the book.

1238. Still it is on your reports in conjunction with those of Mr. Maxted, that Mrs. Cunynghame was dismissed, and surely you do not put a trifling thing like that forward as a reason why you were dissatisfied with the management of a lady who had been twenty years in the position? But don't I tell you that that has been dealt with.

1239. No, it is put forward afterwards? But not with my knowledge.

1240. Do you know to whom she made these sneering and defamatory remarks? She made them in the ward.

1241. Do you know to whom? No, it is only a statement made to me.

1242. You know nothing about it yourself? No.

1243. *Mr. Hawthorne.*] Did more than one man make the statement to you? This man Nimmo made it to me before the whole of them.

1244. *Mr. Bourke.*] You complain also that Mrs. Cunynghame sent for Dr. Phillips to pronounce an opinion on inmates Banuan and M'Govern without your knowledge? Yes.

1245. When you gave authority for Dr. Phillips to be sent for to see Carlyon, do you remember having a conversation with Mrs. Cunynghame? Yes, distinctly.

1246. And while she was speaking to you about Carlyon, did she ask you if Dr. Phillips might see M'Govern at the same time? Certainly not. I deny that positively.

1247. Nothing at all was said about M'Govern? No.

1248. Supposing that Mrs. Cunynghame did without authority ask Dr. Phillips while he was up seeing this other man to see M'Govern also, would that be a very serious offence? I should think so. Would you care for anyone to interfere with your duties? I consider it a very serious offence.

1249. But if the man were imbecile and troublesome? Well, I am responsible for that, I would take all responsibility.

1250. What I want to know is, do you regard it as a very serious offence? I do. If I interfered with Mrs. Cunynghame's duties she would very soon object.

1251. Then this is the whole of your complaint, that while she had a doctor there seeing another man, this man M'Govern being a troublesome imbecile, she asked the doctor to see him also? Yes.

1252. That is your complaint? That is my complaint.

1253. *Mr. Hawthorne.*] Who pays for Dr. Phillips' attendances? It is done through my department. I have to certify for them.

1254. Is there some fund from which you can pay a medical man at any time? There is a medical contingency fund. I certify to the expense and the nature of it, and when it is approved of by my chief, Dr. Manning, it is paid from the Treasury.

1255. Could the superintendent without your authority, at any time she thought fit, bring in a medical man from outside to report on the institution or the patients? Well, they did do that previously, because a lot of vouchers were sent from the Asylums Department which had been paid through that department previously.

1256. Was it usual after you were appointed medical officer? It was for a time.

1257. *Mr. Edmunds.*] Was Dr. Phillips paid for these services? Yes. I certified for it after it was sent to me. I protested at first, but as Dr. Phillips had done it without any knowledge of the circumstances, I thought it was wrong that he should be deprived of his fee, and so the voucher was paid.

1258. *Mr. Bourke.*] Supposing a man were brought into the institution and exhibited signs of insanity during the day, would they be justified in sending for another doctor if you were not on hand? If I were not in town.

1259. Supposing you had been there in the morning and seen the man, two doctors must certify if a man is insane before he can be removed? Yes.

1260. Under those circumstances, would they be justified? No; I am responsible there.

1261. They would have to send for you first? Yes; and if I did not send for another doctor the man would stay there.

1262. *Mr. Williamson.*] Otherwise, of course, it might lead to a man being sent away as insane who was not insane? Yes.

1263. *Mr. Bourke.*] You have given us two or three examples of what you call Mrs. Cunynghame's untruthfulness, and you say in your letter of the 8th November that she was also shifty and evasive? Yes.

1264. That is a distinct charge;—I do not think you have given anything in support of that? Well, here is one instance—she made a statement to the effect that I was poisoning a man, and when I asked her about it she said she referred to Dr. Rowling. That was evasive.

1265. How do you not know that she was speaking of Dr. Rowling? Mr. Maxted denies that Dr. Rowling's name was mentioned during the interview.

1266. On your recommendation two paid wardsmen were appointed? Yes.

1267. I suppose you practically look to them for the distribution of the comforts and lotions, and so on? No.

1268. Would you expect them to point out cases to you;—as you have not very much time to devote to each institution you would expect them to point out any cases that require your attention? Yes.

1269. Were you satisfied with the general conduct of these men in the discharge of their duties? Fairly; they might have done their work better than they did—fairly well, there was nothing exceptional.

1270. Would you expect those paid wardsmen of Mrs. Cunynghame to go through the hospital at night after the men were in bed? I had nothing to expect at all as long as the place was carried on properly.

1271. As a medical man overlooking this institution your opinion is of some value. The men whom you recommended as wardsmen I presume knew something about hospital nursing. Would you expect them to go through the wards at night and report anything to Mrs. Cunynghame? Certainly they should, and Mrs. Cunynghame should see they did it.

1272. It is their duty to go through the wards? And Mrs. Cunynghame's to see they did it. If she went through the hospital twice a day I should think she did very well considering the nature of her duties.

1273. There are no instructions about the number of times? No; there are no instructions. I have applied times out of number for instructions.

1274. You would not expect Mrs. Cunynghame herself to go through every night? I should think Mrs. Cunynghame might go through twice a day at any rate.
1275. But there is the complaint that she did not go through at night, and it is put forward as a proof of neglect of duty. You would expect these wardsmen to do it, and to report anything that was necessary to Mrs. Cunynghame. Is that so? Well, I do not know; there is no rule as long as Mrs. Cunynghame is satisfied that these men do their duty. It was her duty to see they did it.
1276. You would expect the paid wardsmen to go through at night? Yes; and Mrs. Cunynghame as well, I should say.
1277. *Mr. Hawthorne.*] If in the morning you found that during the night something had happened contrary to your instructions, whom would you blame for want of attention to the patients, whom would you charge with neglect of duty, the wardsmen or the superintendent? The wardsmen in whose ward it occurred.
1278. Suppose the wardsmen did not report the case to Mrs. Cunynghame, could she be blamed? Not if they did not report it. If she went through and the case was a patent one then of course she would be equally responsible with them.
1279. *Mr. Bourke.*] But seeing that Mrs. Cunynghame had to look after the clerical work including the diary and the medical register, and to attend to the medical comforts and the cooking and so on, you would not expect her to look into every case. She is not supposed to know all the cases in the hospital? No, but she should know the bad cases. It is a general rule for the superintendent to report the bad cases.
1280. Did not Mrs. Cunynghame know all the bad cases as a rule? As a rule I have had no complaint.
1281. You found her well acquainted with what was going on in the hospital? Yes, as a rule I had no complaint.
1282. As far as you know she attended very well to the hospital; you have had no complaint? No, I have had no complaint.
1283. When you heard that Mrs. Cunynghame was suspended did you say to her that you had nothing to do with it? I did. I said "I know nothing about it."
1284. You did not expect that these reports of yours had been used? No, I did not think they had been used.
1285. You did not think that the charges you made here were serious enough to bring about Mrs. Cunynghame's suspension? The first one had been dealt with, and as to the second one you will see there are no particulars at all; it is a general statement.
1286. And not only that, but it is in answer to what might be called leading questions. You were given a number of heads under which to reply for instance, as to whether Mrs. Cunynghame was harsh and vindictive and so on, and you did reply generally to what was really a leading question? Yes.
1287. *Mr. Williamson.*] It was your honest opinion, otherwise you would not have written it? Certainly I would not have written it unless I had the facts to give.
1288. *Mr. Bourke.*] But you did not think the matters were serious enough to bring about Mrs. Cunynghame's suspension, and you were surprised when you heard of it? I was surprised when I heard of it. Besides these facts, there were numbers of others which Mr. Maxted enumerated in conversation with me, and he said "well it is this way, it has gone so far, it is a terrible thing to do, but I have told her that I will give her one more chance." Of course after that I did not think that my report was the active agent.
1289. You consider that your report of the 22nd October was dealt with and passed? Yes.
1290. With regard to the man Cummings, you made an entry in the medical register that he was to go to Liverpool? Yes.
1291. And afterwards you made another entry that he might remain a month? Yes.
1292. You would expect, I suppose, that your second order that he was to remain a month should be complied with? Certainly.
1293. If Mrs. Cunynghame observed that order of yours, you could not blame her in any way? No. I will tell you how that second order arose. The man came to me and said he was in a billet and was getting pay, and if he went then he would lose his money, and if I would let him wait for the month he would have a little money when he went to Liverpool.
1294. Then it was at his own request that you allowed him to stay another month? Yes.
1295. Are you aware that this was one of the charges brought by Mr. Maxted against Mrs. Cunynghame, that she was disobedient in allowing the man to stay there? No, I am not.
1296. Do you consider she was quite justified in keeping that man there another month on your order? On my order she was.
1297. *Mr. Williamson.*] He was out of the hospital then? Yes.
1298. You had nothing to do with him? No. I had ordered his transfer to Liverpool and I said he could remain another month.
1299. *Mr. Bourke.*] You must have had something to do with him if you made the order in the register. It is within your province to order a man to Liverpool? Yes.
1300. With regard to the man Cooke, you held an investigation together with Mrs. Cunynghame into his conduct? Yes.
1301. And you came to the conclusion that he had stolen the medical comforts? Yes.
1302. What was the result of that? I requested Mrs. Cunynghame to suspend this man Cooke and report the matter to the Director.
1303. She did suspend him? Yes.
1304. Do you think Mrs. Cunynghame was blameworthy in that matter in any way? I do think Mrs. Cunynghame was blameworthy in the matter.
1305. In what respect? She gave the man his clothes and allowed him to leave the institution.
1306. Do you know whether she told him to go to Mr. Maxted and report himself? I do not know anything about that.
1307. I think Edgar was one of your men in the hospital? Yes.
1308. You think he was a man who could be fully trusted in giving out medical comforts? I never heard he could not.
1309. You always found him trustworthy? Yes.

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1310. You would not expect Mrs. Cunyngbame herself to give out the medical comforts to every individual man? No, I should think not. Mrs. Cunyngbame would, of course, have to give them out to the attendants.
1311. *Mr. Williamson.*] You expected her to see that they were attended to? Yes; she should give them out to the attendants, and ask the patient occasionally if he got them.
1312. *Mr. Hawthorne.*] Is there no check in the hospital as to when the attendants give out the medical comforts? There is a card above the patient's bed showing what he is getting—beef-tea, milk and rice, rum, or whatever comforts he is to get. If he does not get it, he very soon lets you know.
1313. *Mr. Bourke.*] If a man did not get his medical comforts, I suppose the wardsmen would tell you? Yes; the patient would tell him.
1314. Were there many complaints that they did not get their comforts? A good number of complaints.
1315. And did you investigate those? I investigated them in a sense, but I did not go into each individual case. I gave Edgar instructions to watch and see what became of these medical comforts.
1316. Speaking generally, where medical comforts had not been given in the cases you investigated, who would you blame? The inmate wardsmen, to a great extent.
1317. Who was Edgar—was he paid? He was a paid attendant.
1318. You say you gave him particular instructions to watch and see that the men did get their medical comforts? Yes.
1319. Then if a man did not get his medical comforts and the fact was not reported to Mrs. Cunyngbame I suppose it was no fault of hers? Not if she gave them out to the man. I suppose she would give them out to the nurse or attendant and he would distribute them to each one as he went through the ward.
1320. She would give them out but it might be that the patient would not get them? It might be.
1321. Suppose he did not get them and he told the wardsmen about it, and the wardsmen did not carry the complaint to Mrs. Cunyngbame, of course the wardsmen would be to blame? Certainly.
1322. *Mr. Williamson.*] If she went round and asked the patients if they got their comforts that could not happen—she would check the wardsmen? Yes; she would check the wardsmen.
1323. *Mr. Bourke.*] After she had given out the medical comforts to the wardsmen to give to the men, would you expect her to go to every individual man and ask him whether he had got them? No.
1324. You would expect the wardsmen to report? I would expect her to ask occasionally as she went through, "Are you getting your comforts," to one and another—not taking each one seriatim, but occasionally.
1325. You yourself do not blame Mrs. Cunyngbame with regard to medical comforts? No, not Mrs. Cunyngbame. I have made no complaint against Mrs. Cunyngbame in regard to the medical comforts.
1326. Do you remember that when you first went to Macquarie-street Asylum or shortly afterwards you made an entry about Baird? Yes; in the medical register.
1327. Did you not make an entry to the effect that he could do light work such as cleaning tinware? I believe I did.
1328. You said to-day that the complaint against Baird was that he would not work, and you did not think he was able to work? Neither I did; cleaning tinware is very light work.
1329. Your evidence there is not quite consistent. You acknowledge that you made an entry in the register that he was to work, and yet you have told us that he was not fit for work? He was not fit for work in the ordinary sense. A man might be able to clean his pannikin and not be able to do ordinary work.
1330. I suppose strong men often refuse to work? Yes. Baird has some spinal complaint and rheumatism. Very often men won't work.
1331. *Mr. Edmunds.*] What work had Mrs. Cunyngbame ordered him to do? General work he was brought up for.
1332. *Mr. Bourke.*] Are you sure of that? Yes; that is what he was brought before me for.
1333. Not doing general work? Yes.
1334. Are you sure there was no reference to cleaning tinware? No, because that is a special thing I put in; I said he could do that.
1335. *Mr. Hawthorne.*] Was it your opinion that he was physically incapable of general work? Yes; he might sit down and clean his pannikin and pot, but he could not work.
1336. *Mr. Bourke.*] And you say that in most of these cases where complaints were made to you that it was really the wardsmen who made the complaints? The head wardsmen would bring the man up to the surgery.
1337. What proof have you to give that Mrs. Cunyngbame knew of all these complaints? The only proof I can give you is that Hanson acted for Mrs. Cunyngbame.
1338. You infer that she knew? Yes.
1339. *Mr. Williamson.*] That was part of the routine of the institution? Yes; he was head wardsmen, had charge of the yard.
1340. *Mr. Bourke.*] You say that before you gave an order for Rooney to have an easy chair and to be allowed to go to church he was persecuted? That is the statement he made to me.
1341. You do not know yourself of any persecution that was inflicted upon him? He was not allowed to go to church.
1342. Only by his own statement? Yes.
1343. *Mr. Edmunds.*] Did you speak to Mrs. Cunyngbame about that? Mrs. Cunyngbame was present when I gave the order for the chair.
1344. *Mr. Williamson.*] What did she say? She did not seem to approve of his having a chair in the ward.
1345. *Mr. Bourke.*] Did not seem to? She did not approve of it.
1346. Was he not a helpless man—you would hardly expect a man like him to go to church? He could get friends to take him there.
1347. *Mr. Williamson.*] They do it now? Yes, he goes to church regularly now and goes for exercise in the yard.
1348. *Mr. Ritchie.*] He can walk well? No, he cannot; he has spinal complaint and is quite blind.
1349. *Mr. Bourke.*] With regard to this man M'Coy, I do not quite understand about the boots. You say

- say that three weeks after you had ordered the boots he complained that he did not receive them until he had put his name down? Yes.
1350. Do you know how long that was after the order was given? I could not tell you exactly.
1351. Was it a couple of days? It was longer than that.
1352. Is it not quite possible that a verbal order like that might be forgotten? It was not a verbal order; it was in the book.
1353. You cannot tell us how long it was after the order was given? It was about three weeks.
1354. But then he had the boots? He said he got the boots the day he complained.
1355. *Mr. Hawthorne.*] Have they a good stock of boots in the institution? I do not know; I have no knowledge of the stores.
1356. *Mr. Bourke.*] Do you know that if he asked the head wardman for a pair of boots he could get them? I cannot tell you that.
1357. *Mr. Edmunds.*] Did you speak to Mrs. Cunynghame about that order with reference to the boots? Any order in my book like that is sent in to the superintendent.
1358. You had no conversation with Mrs. Cunynghame in reference to it? No.
1359. *Mr. Bourke.*] With regard to this man Bannan; you say that Mrs. Cunynghame was not justified in putting him into the isolation ward because she had not your order to do so. You have an entry on the 30th September, 1888, "Alcoholism— isolation ward." On that order was Mrs. Cunynghame justified in putting him in the isolation ward? But she had put him in before that order was entered in the book.
1360. Are you sure he was not in No. 3 hospital during the night? When I saw him he was in the isolation ward.
1361. What time was that? In the morning, about ten o'clock.
1362. You do not know where he had spent the night? No.
1363. It was Sunday morning when you saw him? Yes.
1364. Are you quite sure you saw Mrs. Cunynghame on that morning? I think so.
1365. Are you sure she was not away at church? I am quite sure I saw her in reference to it, because she made the report to me that she had sent the man in there. It was late at night, and she did not care to disturb me.
1366. You yourself after seeing the man in the morning made an entry in the book to the effect that he was drunk? Alcoholism does not mean drunkenness; he might be recovering from the effects.
1367. If he was suffering from alcoholism in the morning he must have been pretty merry the night before, so that Mrs. Cunynghame would be justified in putting him in the isolation ward? No, she was not justified in putting him there, because the authority from the Colonial Secretary states distinctly that only the medical officer could put him in the isolation ward.
1368. *Mr. Edmunds.*] Is that authority here? There is such an authority in existence.
1369. *Mr. Bourke.*] Are you sure it was not Edgar who told you of the condition of this man and showed him to you? Edgar was with me when I saw him.
1370. And he told you of the condition in which the man was brought into the institution? He may have done so too, but I think it was Mrs. Cunynghame. It was Edgar who told me, but I believe it was a message from Mrs. Cunynghame.

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Violetto, M.R.
21 Aug., 1889.

FRIDAY, 23 AUGUST, 1889.

Present:—

Mr. HOWE, | Mr. RITCHIE,
Mr. KIDD.

JAMES PETER HOWE, ESQ., IN THE CHAIR.

Mr. Bourke, instructed by Mr. Herbert, appeared as counsel for Mrs. Cunynghame.

Mr. T. M. Williamson appeared as solicitor for Mr. Maxted.

Peter Christopher Abbott called in, sworn, and examined:—

1371. *Mr. Williamson.*] What is your occupation in the Macquarie-street Asylum? Clerk.
1372. How long have you been engaged in that occupation? Since October, 1882.
1373. From that time up to the date of Mrs. Cunynghame's resignation what duties did you perform? The general work of the office.
1374. Then as a matter of fact you had charge of all the books connected with the working of the establishment? I had.
1375. Will you first of all look at this diary? That is in my handwriting from the 1st October, 1887, to the 19th July, 1889.
1376. You kept this diary up to the time when Mrs. Brooke was appointed? I did.
1377. Is this book—the wages book—in your handwriting? Yes, from October, 1882, to the 31st July, 1889.
1378. These two books of weekly reports—are they in your handwriting? Yes; one is from the 26th December, 1885, to the 20th October, 1888, and the other is from the 27th October, 1888, to the 27th July, 1889. There may be a few entries that are not mine.
1379. Will you kindly look at these pay-sheet vouchers—are they in your handwriting? Yes.
1380. While you were in the institution did you also have to attend to the financial work? Yes.
1381. Did you receive all moneys, and, according to directions, forward them to the head office in Sydney? According to directions, I received the moneys and reported the same to the superintendent.
1382. *Mr. Bourke.*] What moneys? Moneys received from inmates.
1383. *Mr. Ritchie.*] You always reported them to the superintendent? Yes.
1384. *Mr. Williamson.*] Did you keep any book relating to the inmates' moneys? I did.
1385. Is that the book? Yes.
1386. When you received these moneys what was done with them? As soon as I saw the superintendent I reported their receipt to her, and then locked them up in the despatch-box, after entering them to the credit of the party from whom I received them.

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1387. *Mr. Ritchie.*] Does that book show a debit and credit account on behalf of the inmates? Yes.
1388. *Mr. Kidd.*] Were the moneys locked up in the despatch-box? Yes.
1389. *Mr. Williamson.*] In the case of any inmates dying who had money what was done with anything to their credit? It was closed in the book and the amount remained.
1390. The amount remained where? You must understand that after a certain amount had accumulated in the despatch-box it was paid into Mrs. Cunyngame's private account at the A.J.S. Bank, Parramatta.
1391. *Mr. Ritchie.*] All moneys were? All moneys.
1392. Without exception, all monies you received from inmates? All.
1393. *Mr. Williamson.*] What was done with the bank deposit slips that you received from the bank? I used to make out a bank deposit note and take it up with the money to the bank. I received no duplicate; but I took up at the same time a deposit book of Mrs. Cunyngame.
1394. Have you that deposit book? Oh, no.
1395. *Mr. Ritchie.*] Were there any other money matters transacted in this account with Mrs. Cunyngame—were there any other deposits made by Mrs. Cunyngame apart from these? No; I believe at that time I made all deposits.
1396. *Mr. Williamson.*] On behalf of Mrs. Cunyngame? Yes.
1397. That is, on Mrs. Cunyngame's private account as well? Yes; if there was any money on hand both Mr. and Mrs. Cunyngame would give it to me, and I used to lock it up in the despatch-box, and with any money I might have received from the inmates, deposit it in the Joint Stock Bank.
1398. And how did you keep the accounts separated; how did you keep the money of the inmates separate from Mrs. Cunyngame's? It was not kept separate.
1399. It was all mixed up together? Yes.
1400. *Mr. Bourke.*] The only check would be the book you kept of the inmates' moneys? Yes; but there was a small book in which, every time I paid money in, I put down to whose credit I had paid it in.
1401. You mean you put down the amount you paid in of the inmates' moneys? Suppose there were half a dozen sums of money, I put down the names to whom they ought to be credited. At one end of the book there were moneys I paid weekly for Mrs. Cunyngame—not only to inmates but on her own private account.
1402. But you kept no separate account of the inmates' moneys, except in the book you have shown us? No.
1403. *Mr. Williamson.*] When any patients having money died, what was done with the money? That I cannot say. I paid it into the bank—with the exception of two.
1404. Who were those two? They were not dead, and up to the time of Mrs. Cunyngame's leaving there were £10, £2, £1, and I think 4 or 5 shillings left in the box.
1405. But the question I am asking you is this:—I see, looking through this book, that men died two years before Mrs. Cunyngame left the asylum. Were the moneys ever forwarded to the Treasury or to the Sydney office? Not that I am aware of.
1406. Were you in the habit of filling up Mrs. Cunyngame's cheques? Yes.
1407. *Mr. Kidd.*] Do I understand that all the moneys that belonged to the inmates were kept in a separate account? Notwithstanding that you deposited them to Mrs. Cunyngame's credit, you kept them in a separate account, and each individual's money was kept separate in the book of which you had charge—is that so? Yes; and the date on which each amount was paid to them.
1408. *Mr. Williamson.*] As a matter of fact, there never was any return of dead men's moneys forwarded either to the head office or to the Treasury as far as you know? So far as I know.
1409. *Mr. Ritchie.*] Were any moneys forwarded that you know of? No.
1410. Were there any moneys to the credit of these men when they died? There was money to their credit at their death, which that book will show, but I never recollect its being forwarded to the Treasury. I recollect money that had been received on account of pensions being forwarded regularly.
1411. What I want to know is this—do you know of any specific sum due to any inmate when he died that was in the bank and was never forwarded to the Treasury? I do not know of any being forwarded to the Treasury.
1412. Could you show by this book any sum that was due to an inmate at the time of his death and was never taken out or paid by Mrs. Cunyngame to any fund whatever? Yes; here is one—Carl Egia.
1413. *Mr. Kidd.*] You do not know whether it was sent or not, except that it was not paid through you? It was not sent through me.
1414. *Mr. Williamson.*] You did all the clerical work? Yes.
1415. *Mr. Kidd.*] I suppose this book, with the other books, was open to the examination of any inspector occupying the same position that Mr. Maxted now occupies; he could have come and seen for himself that book or any other book connected with the institution? As a matter of course he could.
1416. I simply want to get from you if there was anything apparently covered up by the superintendent with regard to that or any other account? Never to my knowledge.
1417. *Mr. Bourke.*] The books were always in your charge. I generally had the keys of the despatch-box, and in the despatch-box the books were kept.
1418. *Mr. Williamson.*] What sum of money is to the credit of Carl Egia? I forget now.
1419. *Mr. Ritchie.*] Carl Egia is dead? Yes.
1420. When did he die? In January, 1887.
1421. *Mr. Williamson.*] As a matter of fact you do not know that Mr. Maxted saw this book until after Mrs. Cunyngame's departure? I do not know that he did.
1422. You have no knowledge of its being brought under Mr. Maxted's notice until after Mrs. Cunyngame left? No.
1423. After Mrs. Cunyngame's departure did not Mr. Maxted when you showed him that book express surprise and go through the book with you? He expressed surprise that the money had not been forwarded to the Treasury.
1424. *Mr. Ritchie.*] Are there any sums that you know of in this book that have lapsed and remained to the credit of Mr. Cunyngame that have not been forwarded to the Treasury? There are the moneys of nine persons as given in page 10 of the printed papers.
1425. *Mr. Williamson.*] Will you look at the book and tell us the state of Carl Egia's account? The amount received to his credit was £7 10s.; he was paid various sums amounting to £2 12s. 6d., leaving a balance of £4 17s. 6d. due at his death.

1426. *Mr. Ritchie.*] When you made deposits in the bank did you always sign your own name to the slip as depositor? "*Pro S. Cunynghame.*"
1427. Then you did not distinguish in any particular way between the moneys of these inmates and the moneys of Mrs. Cunynghame? They were all included in one.
1428. Then the bank has no record as to where these moneys came from? None whatever.
1429. *Mr. Williamson.*] Will you look at this book and explain how it was that certain leaves were torn out at the end? After the first visit of Mr. Abbott, the Chairman of the Asylums Inquiry Board, Mrs. Cunynghame took that book away one day, and at that time the book was perfect; it had all the letters including those from Y to Z. She brought it back during the sitting of the Commission, and at the time she had the key of the despatch-box, and then the first time I saw it afterwards I noticed that those leaves were gone.
1430. *Mr. Bourke.*] What book is that? The book containing the account of the inmates' moneys.
1431. *Mr. Williamson.*] Will you tell us what those leaves contain? There was a list of the moneys of deceased inmates, but what the amounts were I could not tell you; my memory will not serve me.
1432. Can you remember how many entries there were? I cannot.
1433. Were there ten, fifteen or twenty? There might be perhaps twenty or thirty; but the sums were generally small.
1434. *Mr. Bourke.*] Were they the moneys of dead inmates or live inmates? Dead inmates.
1435. *Mr. Williamson.*] Were they separate altogether from the nine names already mentioned? Yes.
1436. When you found out that these leaves were missing, did you draw the attention of Mrs. Cunynghame to the fact? I did say "Mrs. Cunynghame there are some leaves away from here." She said "yes I know all about it." I think that was the reply. It is long ago and I am an old man and my memory is not as good as it ought to be.
1437. *Mr. Ritchie.*] You are not quite sure of it? No.
1438. *Mr. Williamson.*] You are quite sure about the leaves being missing? Oh, yes.
1439. *Mr. Ritchie.*] Was it you who first called Mrs. Cunynghame's attention to the missing leaves? I believe so. I do not know that anybody else ever had access to the book.
1440. The book was always in your charge? Yes.
1441. *Mr. Williamson.*] Until Mrs. Cunynghame took it away when the Asylum Inquiry Board was sitting? Yes; it could not have been away above a day or so. I always had the key of the despatch-box in my possession except when I went out, and then I generally gave it to Mrs. Cunynghame, or deposited it in a certain place where she might find it and told her where it was. I never went to Sydney without doing that.
1442. *Mr. Ritchie.*] Did that book ever get into the hands of anybody else except Mrs. Cunynghame before these leaves were out? No.
1443. You are quite sure of that? Quite sure.
1444. *Mr. Williamson.*] And when you spoke to her she said she knew all about it? I think that was the reply.
1445. *Mr. Bourke.*] You spoke of the leaves being taken out after the Commission had been appointed? During the time the Commission were sitting.
1446. Which Commission? The Commission of Inquiry which took place about two years ago, of which Mr. T. K. Abbott, Dr. Ashburton Thompson, and Mr. Robison were members.
1447. *Mr. Williamson.*] Was Mrs. Cunynghame in the habit of disposing of any fat belonging to the institution? The fat used to be sent to Pritchard Bros.
1448. Have you kept any book showing what fat was sent? I have not.
1449. Was there any record kept? No. The cask was there; the fat was put into it by the men from the kitchen, and it was headed up and sent away.
1450. What return did you get for the fat? Cheques occasionally; occasionally soap.
1451. Was fat sent to anybody else besides Pritchard? I think that some considerable time ago, shortly after I came into the office, some fat went to Ashby.
1452. *Mr. Bourke.*] That would be about 1832? Yes; 1832 or 1833.
1453. *Mr. Williamson.*] From that time up to the time when Mrs. Cunynghame left the institution, was Pritchard in the habit of receiving the fat? Yes.
1454. You received cheques in return; was any record kept of those cheques? I never kept a record of those cheques.
1455. What was done with them? What Mrs. Cunynghame might have done with them I cannot say.
1456. *Mr. Ritchie.*] Were they placed in the despatch-box under your charge? Occasionally they were.
1457. *Mr. Williamson.*] Were they occasionally paid to her credit? I really cannot say without referring to a book.
1458. *Mr. Bourke.*] Did you say that these cheques were put into the despatch-box? Yes, at times.
1459. *Mr. Ritchie.*] But did you allow Mrs. Cunynghame to take these cheques and papers, and moneys out of the despatch-box without keeping a record of them? She would tell me if she had taken anything out.
1460. Then did you find that any of those cheques you received from Pritchard Bros., were taken away without your being told of it? I really cannot recollect.
1461. Could you direct the Committee to any record whatever, showing what became of these cheques? I have no record of them.
1462. *Mr. Williamson.*] Was there any record of them kept at all? None.
1463. As a matter of fact, so far as you know, Mrs. Cunynghame took these cheques? As far as I know, I believe she did.
1464. *Mr. Ritchie.*] Have you any specific knowledge that any of these cheques were taken away without your keeping a record of them, or of which you have no record? I have no specific knowledge of that.
1465. You know what became of all the cheques you received? Yes, I did know at the time.
1466. You said just now you did not? Yes, except these cheques of Pritchard's.
1467. It is of those I am speaking exclusively—did you keep a correct record of all you received from Pritchard in the shape of cheques, cash, or soap? No, I did not. When a cheque was handed to me I put it into the despatch-box, making a memorandum on a little bit of paper, which I kept in the purse in which these cheques were, showing what the amounts were.
1468. And when you received soap, what was done with that? It was used for the institution.
1469. For the Government Service? Yes, entirely.

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1470. Can you give us a record of how many cheques you received from Pritchard Bros.? I cannot.
1471. *Mr. Williamson.*] Do you recollect handing any of these cheques to Mrs. Cunyngame? Mrs. Cunyngame always had them in her possession before they came to me.
1472. *Mr. Bourke.*] And she handed them to you I suppose to put in the box? Yes. I never opened Mrs. Cunyngame's letters.
1473. *Mr. Williamson.*] Do you know whether any of those cheques were ever sent to the Sydney office? No, I do not know that ever one was.
1474. And if anything was sent to the Sydney office you would generally write the memorandum and forward it. As a matter of fact you attended to the financial business of the institution as well as to Mrs. Cunyngame's business? I believe so.
1475. Have you any recollection of paying any of these cheques into her private account at the Parramatta A.J.S. Bank? No, I have not. I might have done it, but I cannot say. I cannot recollect it now. I paid so many different amounts in that I cannot recall them to my recollection.
1476. Do you ever recollect saying anything to Mrs. Cunyngame about these cheques? Yes; I believe I did on one occasion.
1477. What transpired? I said, "Don't you think we had better have soap for this." She said, "Oh, no, get money."
1478. *Mr. Bourke.*] That was for the fat? Yes.
1479. *Mr. Williamson.*] Did you say anything to her about using this money, or anything of that kind? I cannot recall it to my recollection.
1480. *Mr. Kidd.*] It did not strike you at the time that there was anything wrong going on? It did not.
1481. Therefore, of course, you would not think particularly of anything of that kind? I did not during the whole time that Mrs. Cunyngame was here consider there was anything going wrong.
1482. Then what you did was just in the ordinary course of business—whether it was paying in money or anything else? Entirely.
1483. *Mr. Williamson.*] You were simply under the directions of Mrs. Cunyngame? I acted under her directions.
1484. *Mr. Ritchie.*] If you received a cheque for any purpose, and it was placed in the despatch-box, it would excite your surprise if it went away without your knowing how it was disbursed or dealt with? Of course it would.
1485. Then you admit receiving cheques? I admit receiving a great many cheques.
1486. But cheques from this particular source—from Pritchard Bros.? I might have received them. I do not say positively I did receive them, but I might have received them in the course of business with Mrs. Cunyngame. But whether I did or not, without referring to my own handwriting in a book, I could not swear it either one way or the other.
1487. *Mr. Williamson.*] I suppose Mrs. Cunyngame was in the habit of coming to you constantly, you being in charge of the whole of the clerical work, and it is a matter of impossibility for you to recollect everything? I cannot.
1488. Have you perused these pay-sheets? I made them all out with the exception perhaps of one or two.
1489. Can you give us any explanation about men who were employed in Mrs. Cunyngame's kitchen being entered on the pay-sheet. For instance, here is one, Joseph Wallace. He was employed in Mrs. Cunyngame's kitchen in June and July, 1883. He was paid £1 9s. 6d., and was entered on the pay-sheet as a hospital wardsman. Then there is another, Thomas Benle. He was down as hospital wardsman, and others, although employed by Mrs. Cunyngame, were entered in fictitious occupations? When making out the pay-sheets monthly, after entering all those names and men whom I knew were employed in the various stations carrying on the work of the institution, there were several vacancies left, sometimes four, sometimes five, sometimes seven; and I then referred to Mrs. Cunyngame in each separate case as to what name I was to put in to those various places. It was a stereotyped affair, as to the list of his duties, as you will see by referring to the pay-sheet; it is the same thing month after month.
1490. Then, as a matter of fact, whatever was entered on the pay-sheet was entered by you at Mrs. Cunyngame's direction? Of course it was. I had no authority to put any man's name down without her directions.
1491. Have you heard Mr. Cunyngame remonstrate with Mrs. Cunyngame in reference to this mode of making up the pay-sheets? Yes.
1492. What transpired? He said, "Oh, do not put that man's name down," and she has turned round and said, "Oh, mind your own business—you have nothing at all to do with it."
1493. Had you any knowledge then that these men were employed in her kitchen, and were put down in these fictitious positions? Of course I had knowledge of it.
1494. Did you speak to Mrs. Cunyngame about it? No; I cannot say I did. I cannot recollect at the present moment that I did. It was not my place to speak to her about such a thing as that. Of course I saw their names and I knew what they were doing.
1495. You knew, as a matter of fact, that they were employed in the kitchen, although they were put down in other occupations? Yes.
1496. Being employed in the kitchen as Mrs. Cunyngame's private servants, were they entitled to be paid? That I cannot tell you.
1497. *Mr. Ritchie.*] Did Mrs. Cunyngame initial the pay-sheets after you had prepared them? Yes.
1498. Not before at any time? No.
1499. After you had all the entries down she certified to them by initialing them? Yes.
1500. *Mr. Kidd.*] What is meant by the private kitchen—are there two kitchens in the establishment? There are. The superintendent's kitchen is in one part of the building, and the men's kitchen in another.
1501. Have you had any previous experience in any similar institution? This is the first I have had the honor to be in, and I believe it will be the last.
1502. *Mr. Williamson.*] Will you look at that paper. There were certain contractors who supplied goods to the institution? Yes—food.
1503. Prior to Mrs. Cunyngame leaving the institution, who was in the habit of passing the goods in the morning? In the morning I usually received the meat and weighed it. If I found it up to weight, I went and reported the same at Mrs. Cunyngame's door, and it would not be touched until either Mr. or Mrs. Cunyngame had seen it. If the meat was good, Mr. Cunyngame would pass it; if not, Mrs. Cunyngame would come out and condemn it, or otherwise, as she thought proper. 1504.

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1504. If it was not good? Yes, if there was any fault to find with it.
1505. And the person delivering it—had he gone? He was gone.
1506. In the afternoon, who passed the stores generally? Well, I sometimes went and saw them; sometimes Mrs. Cunynghame. Generally in the afternoon Mr. and Mrs. Cunynghame were out for a drive at the time—when being supplied, at any rate, by Kelly it was generally late, and they were generally out for a drive. But had there been anything wrong during the time they were out I should report it the moment they came in.
1507. Then the contractor would have gone? Yes.
1508. *Mr. Kidd.*] Did you not find this to be the case—that when the goods were not up to the mark the contractor cleared out quicker than when the goods were very good? No, I did not find that out.
1509. *Mr. Williamson.*] I suppose the contractor did not go until you weighed it? No, not until I saw the weights were all right.
1510. There was no supervision then on the part of Mrs. Cunynghame, because she was not present? At times she was, but it was seldom.
1511. *Mr. Kidd.*] I suppose you experienced a good deal of trouble with the contractors in keeping them up to the mark? Yes, with some of them.
1512. *Mr. Ritchie.*] Were many complaints made of the quality of goods by the inmates? No, not a great many. In an institution like this, let the food be ever so good, you will always find somebody who will find fault.
1513. Then, according to your opinion, the goods you received as food were pretty good, take it all through? Yes.
1514. *Mr. Williamson.*] Taking things on the whole? Yes, and the prices paid.
1515. *Mr. Kidd.*] When you drew the attention of the superintendent at any time to the goods not being what you considered up to the mark, did she take any steps with regard to them? Invariably.
1516. Always, I suppose? Always.
1517. She had the goods returned, and others of a better quality substituted? Sometimes she would send them back by the messenger, and at other times she would write telling the contractor that better goods must be supplied in future.
1518. Do you think that with regard to these matters she did her duty, as well as it possibly could be done, in the passing of the stores? Yes.
1519. *Mr. Williamson.*] You were entrusted pretty well with the management of the institution, were you not? I do not know about that.
1520. That is, the clerical work and passing the stores, and so forth? If you think proper to dubb me so, and pass me the compliment, you may do so.
1521. You had a store department here, had you not, in which you kept flannels, calicoes, and so forth? Yes.
1522. Have you seen Mrs. Cunynghame taking calico and flannel from these stores for her own private use? I have seen her take calico and flannel into her own private house, but whether it was for her own private use or not I do not know.
1523. *Mr. Ritchie.*] Were these calicoes received from the contractors for the Government? Yes.
1524. *Mr. Williamson.*] Do you know if some of the things taken from the stores by Mrs. Cunynghame were sent down to the tailors? No—not of my own knowledge.
1525. Did you receive information from any person;—tell me the person's name? I cannot tell you the person's name.
1526. Have you seen material belonging to the institution sent? No.
1527. A message given to a person, who was directed to go to a certain tailoring establishment? No.
1528. When goods were required for the institution from the stores, what was done;—suppose you wanted any flannels or calicoes from the stores, what was generally done? The sheets were cut up in the office, and they were sent down to the tailors to be hemmed, and each evening they would bring up a number hemmed, and I would take a memorandum of them until I had received back the whole quantity that had been sent away, and then they would be entered in the diary.
1529. Did you ever keep a memorandum of what Mrs. Cunynghame took into her private quarters? No.
1530. *Mr. Kidd.*] Is it not possible that some of those things might go into Mrs. Cunynghame's for the purpose of being made up in some way or other, or something being done with them;—is that not possible, for anything you know? For all I know, they might have been.
1531. *Mr. Williamson.*] But you have a tailor here for that purpose? We have tailors here now, and have had them all through the piece, ever since I have been in the institution.
1532. And you received a return from these tailors? Yes.
1533. But never of what Mrs. Cunynghame received? What Mrs. Cunynghame took to her own private house I know of course nothing as to what it was required for.
1534. *Mr. Kidd.*] You do not know whether it was required for the institution or not—it might have been? It might have been.
1535. *Mr. Williamson.*] With regard to the provisions, where were they kept—in the same place as the calicoes and flannels? No.
1536. Where were the provisions kept? They were generally kept in the kitchen until we had the store put up. But there was never any large quantity on hand, because they were only received from day to day.
1537. Have you seen provisions taken from the Government stores into Mrs. Cunynghame's private kitchen? Yes, I have.
1538. When—daily? Well, I have not been there daily when it has been taken away, but I have known that it was going on.
1539. How often—how many times a week? Meat, generally, every day.
1540. What weight? Well, I cannot say absolutely the weight, for I never weighed it, but I should say 12 or 14 lb.
1541. *Mr. Bourke.*] Do you know what it was used for? No; I was never an inmate of Mrs. Cunynghame's kitchen, and I do not know; it went up there; that is all I know.
1542. *Mr. Williamson.*] And with regard to other things—vegetables and potatoes? Potatoes they might have had a few.

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1543. As a matter of fact, did you keep her butcher's bills? I used to see her butcher's bills; they used to be brought in to me.
1544. What was the average quantity in the butcher's bill—the charge? Generally when looking down the bill it seemed to be 1½ lb. or 2 lb. steaks or chops and some corned beef once or twice a week.
1545. How many persons were there in Mrs. Cunynghame's establishment—family and servants? Mr. and Mrs. Cunynghame and the family—about three or four children.
1546. And a female servant? Sometimes there was and sometimes there was not.
1547. How many men? Three men.
1548. *Mr. Kidd.*] The men belonged to the institution? Yes.
1549. *Mr. Williamson.*] Have you seen tea going in from the Government stores? Yes.
1550. What sized packages? 4 lb.
1551. How many times a week? About once in ten days; but I have not noticed every time it has gone; I did not live there; it was only occasionally, when I went into my breakfast, or anything like that.
1552. Did you speak to her about it? I did on one occasion.
1553. What did she say to you? She said, "Oh, never mind; those men of mine are making very strong tea."
1554. Do you know what quantity of tea is allowed to each of the men in the rations? The quantity of tea allowed per day to each man was one-fifth of an ounce at that time, and that had to be divided into two meals.
1555. *Mr. Bourke.*] How long ago was it when you drew Mrs. Cunynghame's attention to this? I daresay it was between two and three years ago.
1556. *Mr. Williamson.*] And it continued right up to the very time she left the institution, did it not? Well, I was very little in the kitchen the latter part of the time.
1557. Well up to Mr. Maxted's time? Yes; it continued up to the time Mr. Maxted was appointed.
1558. *Mr. Bourke.*] This is only to the best of your belief? Yes; I will not swear to anything I am not thoroughly convinced about.
1559. *Mr. Williamson.*] You have already said with regard to that little book that Mr. Maxted expressed his surprise when he saw it? Yes.
1560. Do you recollect what your pay was when Mr. Maxted came here? Yes, it was 2s. a day.
1561. Do you recollect Mrs. Cunynghame having some conversation with you, relative to the reduction of 1s. a day? Yes, I do.
1562. Will you tell us what that conversation was? She said she had a great deal of trouble in persuading the Director to continue me at 2s. a day. That is what she told me herself.
1563. Do you know Dr. Brown? I do slightly.
1564. Was he in the habit of visiting the institution from 1882 up to the time Mrs. Cunynghame left? I think I have seen Dr. Brown here on two occasions.
1565. From 1882 to the time Mrs. Cunynghame left, of your knowledge, he only visited the institution twice? That was I believe to see two patients at the instigation of Dr. Rowling.
1566. And in reference to lunatics I believe? No; Dr. Brown never certified to a lunatic.
1567. *Mr. Ritchie.*] He was simply performing the work of Dr. Rowling during his absence? No; to the best of my recollection he came at Dr. Rowling's request to see two patients whom Dr. Rowling wanted his opinion upon.
1568. You only then know of his being here twice? That is all. I have repeatedly seen his carriage outside of Mrs. Cunynghame's door.
1569. Have you ever seen him examining the institution throughout? No; never to my knowledge.
1570. When he was here I suppose he visited the hospital? Yes, upstairs.
1571. Was he only in the hospital. He only came to see those two patients in the hospital. He might have had some conversation with Mrs. Cunynghame? I do not say he did not, but I never knew him to go over the institution.
1572. *Mr. Williamson.*] Do you know when the Rev. Canon Gunther used to come? He used to come here generally on Thursdays.
1573. Once a fortnight? He was generally here every week, but he performed service once a fortnight.
1574. He came regularly every week? Not regularly, but generally every week.
1575. For the purpose of holding a service? Every alternate Thursday he used to hold service, but at other times his curate did, and he used generally to come in here and either leave a note or speak to his curate on some particular thing, and then go away.
1576. But he did not go round the institution? No.
1577. *Mr. Bourke.*] Are you sure he did not go round the institution;—did you see all his movements? No; I could not see all his movements.
1578. Were you here? In the office.
1579. *Mr. Kidd.*] You would not take notice particularly whether he went round the institution or not;—it would not concern you whether he did or not? Not a bit.
1580. If he was here every week he might have gone round frequently? He might.
1581. *Mr. Williamson.*] From 1882 up to the time when Mrs. Cunynghame left, how many times did Dr. Phillips visit the institution? That I cannot say.
1582. *Mr. Bourke.*] After Mrs. Cunynghame was suspended, did you spend a week, or any time, at Mr. Maxted's place at Paddington? I did.
1583. You were a guest of Mr. Maxted? I was.
1584. About a week after Mrs. Cunynghame's suspension? Yes.
1585. And when Mrs. Cunynghame left the institution you were getting 2s. a day? I was.
1586. What are you getting now? £50 a year.
1587. Then I suppose you are not an inmate of the institution now;—you are clerk, are you not? Yes.
1588. What do you mean when you say you had also to attend to the financial work of the institution? I received the moneys.
1589. What moneys? From the various inmates.
1590. Then all the financial work you did was to receive these moneys from the inmates and pay them into the bank? Oh, no!

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1591. Well, what do you mean by doing the financial work generally? The financial work of this institution simply consists in receiving what moneys may come in through the superintendent's hands, and paying to the inmates money they may require.
1592. Then the principal part of your financial work was to receive money from the inmates, paying back every Wednesday what each man required? Which I did out of my own pocket, and then received a cheque from Mrs. Cunyngame at any time I happened to ask for it.
1593. That is what you mean when you say you do the financial work? Yes; all the financial work of the institution is done in Sydney—the Government financial work.
1594. You say that these books showing the inmates' moneys were always in your charge, and of course if the inspector or manager came along it was quite open for him to see them—they were always there? He had only to ask and he could have seen them at any moment.
1595. You say that a certain book was brought back to you with leaves torn out. Do you know whether the leaves which you see have been inserted in this book are the leaves that were torn out? Yes, those are the leaves.
1596. What moneys are represented there? Those are Pritchard's cheques.
1597. Entered in your writing? Yes.
1598. You said you kept no record? I did.
1599. You forgot that I suppose? I did not even know they were down upon this.
1600. Do you know how many cheques in the year would be received from Pritchard? I have heard from others, but I do not know myself.
1601. These cheques were always first received by Mrs. Cunyngame, and then given to you to put in the despatch-box? Yes.
1602. And in the usual course of things they would be banked with the other moneys in the cash-box? Yes, if they remained there.
1603. The usual course would be for all moneys in the despatch-box to be banked by you? Yes.
1604. Is the handwriting on that slip of paper yours? Yes.
1605. That is an entry about one of those cheques, is it not? Yes; it is an extract from the diary.
1606. With regard to receiving the goods from the contractors, you say that in the morning you took the meat in, and it was not touched until Mrs. Cunyngame had examined it? Yes.
1607. In the afternoon when you took in groceries and other supplies you would leave those for Mrs. Cunyngame to examine also? She sometimes went down and looked at them herself after her return; they would be there, but would not be required until the following morning.
1608. If stores came in the afternoon when Mrs. Cunyngame was out, the general practice was for you to keep those stores for her to look at when she came back? Not generally.
1609. But would she generally come herself and look at them? No.
1610. Only sometimes? Sometimes.
1611. She trusted then to you with regard to the afternoon stores? Yes, she entrusted a great deal to me.
1612. But with regard to these particular stores received in the afternoon when she was out, she trusted to you? In a great measure yes.
1613. Mr. Williamson has asked you whether you were not generally the manager of the institution? No, I was not.
1614. Your particular duties were those of clerk, were they not? Clerk and supervision.
1615. General supervision of the stores? And other things; I used to go round the wards.
1616. You assisted Mrs. Cunyngame generally? Of course.
1617. And Mrs. Cunyngame also went round? Mrs. Cunyngame used sometimes to go round in the morning—round the hospital wards.
1618. *Mr. Williamson.*] In Mr. Maxted's time? I cannot say about Mr. Maxted's time.
1619. *Mr. Bourke.*] To your knowledge has Mrs. Cunyngame during Mr. Maxted's time been in the habit of going through the wards;—through the hospital wards;—would you know whether she did or not? I do not know that I should.
1620. With regard to the passing of the stores, did what you have told us about them take place before Mr. Maxted was appointed or afterwards? Both before and after.
1621. The practice was just the same after he was appointed as it was before? There was more supervision on the part of Mrs. Cunyngame after Mr. Maxted's appointment.
1622. You would not know whether Mrs. Cunyngame went much through the hospital ward. Would you know whether she went regularly through the other parts of the institution—say the yard and so on? No, I do not know that I should.
1623. Because you were in the office I suppose? Generally I was.
1624. With regard to these butchers' bills of Mrs. Cunyngame's, do you remember the amounts? They were only paid once in three months.
1625. I suppose you would not remember the amount of them? No.
1626. Did Mr. Maxted ever tell you after Mrs. Brooke was appointed, when you were writing out a list of all the things you did, that it did not matter, and that if you could show Mrs. Brooke how to manage the institution as it had been managed by Mrs. Cunyngame that would be sufficient—did he tell you anything to that effect? No.
1627. Did Mr. Maxted commend Mrs. Cunyngame's management to your knowledge? I cannot say that. I was never present at any interview between Mr. Maxted and Mrs. Cunyngame.
1628. Since Mrs. Cunyngame left have you ever heard Mr. Maxted speak well of her management? No.
1629. *Mr. Ritchie.*] Have you ever spoken to Mr. Maxted at all about Mrs. Cunyngame? Oh yes; I have had many a conversation with Mr. Maxted about Mrs. Cunyngame.
1630. Could you relate any of these conversations? No, I could not.
- Mr. Bourke.*] You have seen a good deal of Mr. Maxted since Mrs. Cunyngame has been suspended? I have.
1631. Has he ever spoken to you about appearing before this Committee to give evidence? Yes, he did.
1632. Has he refreshed your memory about any of these matters? Not in the least.
1633. *Mr. Kidd.*] I suppose that during the week that you were a guest of Mr. Maxted's you had conversations from time to time about the general management of the institution? During the time I was

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was a guest of Mr. Maxted I was in excessively ill-health and I was very little at Mr. Maxted's. I used generally to breakfast there (an egg and brandy in the morning, that was all) and sometimes I had my tea there in the evening. I used to pass the day as much as possible in the open air.

1634. I do not want to imply that there was anything improper in your being at Mr. Maxted's, but it is not likely that you would be there without having some general conversation about the institution? Well, Mr. Maxted at that time was engaged a good deal and was very seldom at home.

1635. *Mr. Ritchie.*] When was it that you were at Mr. Maxted's? Last December.

1636. What was the purpose of your living there—were you invited by Mr. Maxted? I was invited by Mr. Maxted on account of my being in excessively ill-health at the time—excessively weak and unable to eat.

1637. And you lived at his house in Paddington? I did.

1638. *Mr. Bourke.*] Something has been said about Mrs. Cunynghame's private kitchen;—do you know whether anything was cooked for the inmates in Mrs. Cunynghame's private kitchen? Not that I am aware of.

1639. You did not have much to do with the kitchen of late? Nothing at all—with Mrs. Cunynghame's never.

1640. You were in the institution a long time; do you think Mrs. Cunynghame was kind in her behaviour towards the inmates;—what is your own opinion? I did not see anything decidedly wrong in it.

1641. You were an inmate for some time; what was her conduct to you? To me it was the utmost kindness.

1642. Did you ever see any severe harshness displayed by Mrs. Cunynghame towards any of the inmates, anything very severe? No, I can't say I did.

1643. You know that Mrs. Cunynghame has been charged with shocking harshness towards inmates;—you know that I suppose? I do not know that she is charged exactly with that, but that she was charged with allowing it to go on. I have heard that.

1644. Then of your own knowledge you do not know anything about this great severity? I knew nothing of it; nor did I know anything of it at the time the Commission so rigidly inquired into it.

1645. Your own experience is that Mrs. Cunynghame was very kind to you, and that generally she was kind and attentive? I speak for myself alone, and I say she showed the utmost kindness to me, and I very much regret that I have had to appear here at all.

1646. *Mr. Williamson.*] You have no interest whatever in this inquiry? None whatever.

1647. And you have not been influenced in any way by Mr. Maxted? I have not been influenced by Mr. Maxted in any way.

1648. You know this plot of ground outside? Yes.

1649. Have you seen Mrs. Cunynghame turn the men off that plot of ground? Well, I have seen that done.

1650. *Mr. Ritchie.*] Did she do it in anything like a harsh manner? She generally sent me to do it; she did not go herself.

1651. What was done? She would say "go down and tell that man he is not to lie on the grass."

1652. Did she give any reason why they were not to lie on the grass;—she would have had some reason for it? Well, the grass made the place look bright and pleasant.

1653. It was to preserve a nice lawn? Yes.

1654. *Mr. Williamson.*] As a matter of fact do you know that the horses and the cow used to go there? Yes.

1655. *Mr. Bourke.*] About the same time? Yes.

1656. Were any of these men you were told to order off the grass blind men? Not that I am aware of; they might have been, but I cannot recollect.

1657. *Mr. Williamson.*] It is a nice bit of grass;—nice bit of clover? Yes, a nice bit of clover.

1658. *Mr. Bourke.*] With regard to Mr. Cunynghame speaking to Mrs. Cunynghame about putting the men on the pay-sheets. Will you read that. You say that Mr. Cunynghame remonstrated with Mrs. Cunynghame about a certain man being on the pay-sheet; do you remember whether that is the man? I do not know whether that is the man or not.

1659. How often did you hear that? Only on one occasion.

1660. *Mr. Williamson.*] Since the present Superintendent has been in charge of the Institution the men are always on the grass plot; it is the only piece of ground they have? It is.

1661. *Mr. Bourke.*] Were the men ever allowed to go on the grass when Mrs. Cunynghame was here? No.

1662. *Mr. Ritchie.*] Was the grass mown regularly? When we had a man in the institution who could do it, it was generally mown.

1663. Then the lawn was kept in nice condition during Mrs. Cunynghame's time? Yes.

1664. Is it kept in as good condition now? It does not look well just at present; the late rains have made some grasses spring, and others remain dormant.

1665. The men are allowed to roam over it just as they like, are they? Yes.

1666. *Mr. Williamson.*] They have no other place to go to unless they stop in the building? Yes they may go down to the lower yard, but that is rather a dangerous place because they can get over the fence.

1667. *Mr. Bourke.*] There was no general order I suppose that the men were to keep off the grass? No, it was an understood thing.

1668. Occasionally you were sent to turn them off? Yes.

WEDNESDAY, 28 AUGUST, 1889.

Present:

MR. KIDD,		MR. CRICK,
MR. RITCHIE,		MR. HOWE,
MR. EDMUNDS,		MR. HAWTHORNE,

JAMES PETER HOWE, ESQ., IN THE CHAIR.

Mr. Bourke, instructed by Mr. Herbert, appeared as counsel for Mrs. Cunynghame.

Mr. T. M. Williamson appeared as solicitor for Mr. Maxted.

William Bradley Violette, M.B., called in, and further examined:—

1669. *Mr. Bourke.*] You told us, with regard to your report of the 22nd October, 1888, that you thought the matter was quite done with and dealt with? Yes; I had a letter from Mr. Maxted explaining to me the action he had taken in regard to Mrs. Cunynghame and what he said, and there is an entry in the book in reference to that particular thing.

Mr. W. B. Violette, M.B.

28 Aug., 1889.

1670. And with regard to your report of the 8th November, did you think that also had been dealt with? No, that had not been dealt with; that was a matter to come on, because I had not given the particulars. I was surprised to find that it had been acted upon so precipitately.

1671. You were surprised that Mrs. Cunynghame had been suspended partly on your report of the 8th November? Yes, because I had not given particulars; it was a general statement. A question was asked me and I replied to it, but I did not give particulars.

1672. You replied categorically, as it were? Yes.

1673. In your last examination, in reference to the man Bannan, you say you thought it was Edgar who brought you the message from Mrs. Cunynghame and that you did not see Mrs. Cunynghame in the morning? Yes, I remember it now distinctly; I could not at the time.

1674. Then you correct your former evidence and say it was not Mrs. Cunynghame? Yes; I saw Mrs. Cunynghame subsequently, and she confirmed the message I got from Edgar.

1675. Then it was really Edgar who described the state of Bannan to you and said he was drunk? Yes; he brought a message from Mrs. Cunynghame to that effect.

1676. And on the statement he made to you and after looking at the man you made the entry in the medical register to the effect that he was suffering from the effects of drink? "Alcoholism." I wrote that the man would not answer me at all. It was a case of purely negative evidence. The man would not defend himself from the statement that he was drunk.

1677. But that is very clear—that on Edgar's statement and on your own observation you made that entry in the register? No, it was not on my own observation, because my observation gave a purely negative result.

1678. You saw the man? Yes.

1679. About this man Cummings, was he very bad do you remember? He suffered from hæmorrhage from the lungs; he was very bad at the time I sent him into the hospital.

1680. At the time he went to Liverpool? At the time he went to Liverpool I could not tell you, because I had not seen him I suppose for about a fortnight when he went to Liverpool.

1681. But at the time you made the order that he might remain in the institution another month, was he in a very bad condition? Well he was not in actual danger then.

1682. You felt justified at any rate in making an order that he should remain another month in Parramatta? Yes, I felt justified; but you must understand that when a patient is in the yard I have not the same control over him that I have when he is in the hospital.

1683. *Mr. Critch.*] Supposing Mrs. Cunynghame had disobeyed that order of yours, what would have been the result—suppose she had sent the man away after you had said that he might remain another month? There would have been no result at all if she acted upon instructions from Mr. Maxted.

1684. Never mind about that. What would have been the result if she had disobeyed your direction? None at all.

1685. Then you had no authority over her? I had no authority over the patients in the yard.

1686. *Mr. Bourke.*] But you would complain to Mr. Maxted if she disobeyed any order of yours? In reference to the hospital I would.

1687. *Mr. Ritchie.*] Then a man is supposed to be out of your charge if he is not in the hospital? Out of my discipline. He may come to me perhaps if he is in the yard for directions about medicine or diet, but I have nothing further to do with him.

1688. *Mr. Bourke.*] If a man is reported to you as sick, and you say he is ill, he then comes under your charge? He would if I sent him to the hospital, or gave special instructions about him; if I said for instance that he was to go to a certain ward and stay there.

1689. You gave instructions about Cummings yourself I suppose—that he was to go to Liverpool? Yes; that he was to be transferred to Liverpool.

1690. I suppose after that he would be considered to be under your supervision in a way? No; I should think that after I had given the order for his transfer I had dealt with the case in a sense. He came to me and asked if he might remain, and I said "Oh yes, you can remain." I would not oppose his remaining.

1691. Then we cannot get anything very definite about the position of a man who is neither in the hospital nor out of it? Well, he is in the yard.

1692. *Mr. Critch.*] Why did you make the entry? Because the man applied to me.

1693. Was that entry to have no effect or meaning whatever—do you make entries that have no effect or meaning? The effect was this, that I would not oppose the man remaining; it was letting Mrs. Cunynghame know that I would not oppose the man remaining.

1694. Did you ever make a similar order before under such circumstances? I could not tell you, I am dealing with about fifty patients a day; I could not say.

1695. *Mr. Bourke.*] There was a communication to which you referred from Mrs. Cunynghame to Mr. Maxted about the medical comforts that were given by you, that caused you some dissatisfaction did it not? It did certainly.

1696.

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1696. Will you tell us why? Because it was a false statement.
1697. In what way? It was a false statement, because Mrs. Cunyngame represented to Mr. Maxted that I was giving medical comforts indiscriminately to any who came to me and asked for them.
1698. Can you tell us the name of the man whom Mrs. Cunyngame is said to have charged you with poisoning with morphia? I believe the man's name was Jacobs.
1699. Is he still in Parramatta? Yes.
1700. Were you ever in the habit of giving him morphia? Certainly; you will find the entries in my book.
1701. This was the letter in reference to medical comforts addressed by Mrs. Cunyngame to Mr. Maxted on the 8th October, 1888:—
I have the honor to draw your attention to a return of a few men who have been receiving spirits, beer, &c., since the 21st April, 1887, as requested by you at your last visit.
Will you read Mr. Maxted's letter in explanation? The answer of Mr. Maxted is dated 6th November, 1888, and is as follows:—
My dear Dr. Violette,
Pinned to this you will find the table which Mrs. Cunyngame forwarded, in reference to the subject of our conversation yesterday. I have kept no copy of it, but it appears to have been pressed in her letter-book. You may destroy it if you chose.
Yours, &c.,
S. MAXTED.
- P.S.—You will notice Mrs. Cunyngame says "as requested." I certainly did ask for the return, as I explained yesterday, but it was after she had verbally complained, as I explained to you. You will see, from the nature of the return, that I could not possibly have known anything about the matter otherwise.
1702. There is nothing in that about medical comforts being given indiscriminately? It was mentioned in the conversation that Mrs. Cunyngame had with Mr. Maxted.
1703. Mr. Kidd.] You made your report of the 8th November two days after the date of Mr. Maxted's letter;—I suppose you felt indignant? No; I had seen Mr. Maxted before that with reference to it. I saw Mr. Maxted three or four times, almost daily then.
1704. What I mean is that your report appears to breath some indignation on account of that letter, because it is only dated a couple of days afterwards? Yes; I say the statement is untruthful, as you will see by reference to my report.
1705. Mr. Bourke.] But in the report of Mrs. Cunyngame there is nothing on the face of it saying that there was any indiscriminate use of medical comforts; it is just a bald report? But if you read Mr. Maxted's letter, you will see what occurred in connection with it.
1706. But he does not mention anything about it? He speaks of a conversation.
1707. You say that the return was untruthful? I say that the report which Mr. Maxted made to me accompanying that return was untruthful.
1708. Mr. Crick.] Is the report Mrs. Cunyngame made untruthful? Yes.
1709. Not the report that Mr. Maxted made to you of what Mrs. Cunyngame told him, but the report Mrs. Cunyngame herself made—was that untruthful? Mrs. Cunyngame denied that she had stated it.
1710. Mr. Bourke.] Is the return forwarded by Mrs. Cunyngame accompanying her letter, which I have just read, a correct return? I could not tell you; I have not got the books.
1711. Mr. Crick.] You will not undertake to say it is incorrect? No.
1712. Mr. Bourke.] You cannot, as a matter of fact, now say that that return is untruthful? I cannot tell you that table is untruthful, but I can tell you that the report Mrs. Cunyngame made is untruthful.
1713. That report you say was untruthful, and that made you angry naturally with Mrs. Cunyngame? Naturally if a person makes a false statement of you you will get angry.
1714. You never gave Mrs. Cunyngame authority, you say, to send for Dr. Phillips to see M'Govern? Certainly not.
1715. Did you give her authority to send for Dr. Phillips to see any one else? To see Carlyon.
1716. From the time Mr. Maxted was appointed Director until Mrs. Cunyngame left did you have many complaints from the people in the hospital? I had a good number of complaints; in fact I had so many that I refused to hear any more.
1717. From whom did they come? From men in the yard.
1718. And I suppose the reason why you refused was because most of them were rather trivial? No; but because I considered Mr. Maxted was the Director. I was Medical Officer. When I was acting for Dr. MacLaurin I had a certain amount of authority over the asylum, but when Mr. Maxted came I declined to have anything more to do with it.
1719. Mr. Crick.] These complaints were from men in the yard? Yes.
1720. What was the character of the complaints? I could bring friends of mine who were there, and who have seen men coming up to me crying.
1721. You can remember some of them? I cannot, because I would not listen to them. I said, "Make your complaint to the Director."
1722. But at the first go-off you must have listened to some of them? You mean before this?
1723. Yes? You will find them entered in the book, whether the complaints were substantiated, or whether the evidence was not conclusive. You will find there are a lot of complaints in the medical register at times.
1724. Mr. Kidd.] I suppose, from your experience of these institutions, you can say that there are a number of complaints which, when inquired into, are found not to have much in them? Yes.
1725. Mr. Ritchie.] I suppose that is the view you take of these complaints? Not of all.
1726. If you never paid any attention to them how could you form an opinion as to whether there was anything in them or not? Speaking of these latter ones, I could not tell you whether the complaints were grounded on fact or not, because I declined to have anything more to do with them after Mr. Maxted came.
1727. Mr. Bourke.] The fact is you did not investigate them at all but referred them to Mr. Maxted? Certainly.
1728. So that you do not know whether the complaints were trivial or otherwise? No, I could not tell you.
1729. Mr. Williamson.] Can you not give us, as an illustration, the one particular case where the man came up crying after Mr. Maxted was appointed? No; I could bring you a friend of mine who knows the incident.
1730. Who is that? Mr. Mingaye.

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1731. Who is he? The Government Assayer.
1732. *Mr. Bourke.*] Was Mrs. Cunynghame present on any of these occasions? Mrs. Cunynghame may have been—I could not say she was not.
1733. Can you tell us whether, when Mr. Maxted was first appointed, it was usual for all the hospital patients to get tobacco? I could not tell you whether it was usual or not. I have often been asked to give a man permission to smoke in the ward.
1734. But it was generally on your order, was it not, that men in the hospital were given tobacco? I could not say—there was no rule about it. But I know I have given special permission for men to smoke in the ward, and I have forbidden men to smoke in the ward after they had set fire to their bedding. Under such circumstances I have discontinued their tobacco.
1735. *Mr. Crick.*] Suppose a man would persist (say) in spitting on the floor, and chewing, would you consider it right to allow that man to do that;—would it add to the cleanliness of the place? No; I would not allow a man to cause discomfort to others.
1736. And suppose that after that the man's tobacco was stopped for a week would you consider that a harsh and brutal punishment? Not if he were a man of filthy habits like that.
1737. *Mr. Ritchie.*] Would it not be possible to supply him with an ordinary spittoon which would enable him to enjoy the luxury of tobacco? I presuppose that he has that convenience.
1738. Then there is no objection to a man smoking in the wards if he is cleanly? No, not at all.
1739. Would it not be an act of charity to allow him some kind of spittoon rather than that he should expectorate on the floor? It is usually done.
1740. You do that, do you? Yes.
1741. Was that done in Mrs. Cunynghame's time? I could not say it was; I have seen spittoon boxes about the ward.
1742. Whose duty would it be to do that? That would be a domestic matter that would come under Mrs. Cunynghame's superintendence.
1743. *Mr. Bourke.*] You say you have seen boxes for the men to spit in? Yes.
1744. Those being there I suppose it would be a piece of misconduct for a man to spit about the floor? Yes; you would think a man was not a cleanly man who would go spitting about the floor.
1745. Do you remember after Mr. Maxted being appointed a general order being issued that all the hospital patients should have tobacco? I did not see it but I recollect something about it in conversation only, I did not see any order.
1746. And prior to that you do not know whether there was any order or not? No.
1747. I suppose you consider that you have charge of the hospital independently of the superintendent? Not, of course, of the domestic arrangements.
1748. The general conduct of the place. If you gave orders you would expect the superintendent to carry them out? If I gave orders, certainly.
1749. Were your orders generally carried out by Mrs. Cunynghame? As a rule they were. Where they were not I have complained, as you will see in one of my letters about the medical comforts.
1750. There are only one or two instances altogether, I think, where you have complained; one is about the medical comforts, and the other in reference to calling in Dr. Phillips? Yes.
1751. In those cases you think your orders were defied or disregarded? Yes; I think they were defied in those cases.
1752. You have no other cases besides those two? Not that I remember; there may have been something very slight that I have spoken to Mrs. Cunynghame about.
1753. *Mr. Ritchie.*] Did you consider the calling in of Dr. Phillips a serious act of disobedience on the part of the superintendent? Certainly; I am the medical officer-in-charge of the institution, and they look to me in regard to any expense that is incurred in a medical sense, and if Dr. Phillips came in he must be paid.
1754. And under the circumstances was there no necessity at all? There was no necessity at all.
1755. None whatever? No.
1756. *Mr. Bourke.*] But if he came in to see Carlyon, and at the same time saw another man (McGovern), would there be an extra charge for that? Yes; he would get a guinea for seeing Carlyon and half-a-guinea for seeing the other.
1757. *Mr. Ritchie.*] Did any of the patients ever pay for extra medical advice? No.
1758. There has been no instance of the kind? No, not in my time.
1759. *Mr. Bourke.*] A case was reported by Mr. Maxted against Mrs. Cunynghame in reference to a man named Kilmair. The man, I think, is really named Pokorney. His bed was surrounded by a screen. Mr. Maxted says this man was dying for two days, and he charges Mrs. Cunynghame with not knowing anything about it. You visited the patients every day did you not? Yes.
1760. I suppose, in a case like that, you would see a man if he were dying? Yes; in a bad case I always saw the patient.
1761. As you went there every day, do you think such a thing could happen;—that a man could be there in a dying condition for two or three days and you not see him? Not if it was reported to me. In the hospital wards it could not have happened, of course, because I go through the hospitals.
1762. Then you do not think that is possible? I do not think it is possible.
1763. *Mr. Crick.*] If the man were in that condition, whose duty was it to report it to you? Mrs. Cunynghame is superintendent, but the wardsmen would most likely report it to me, as he went round with me.
1764. In your letter of the 8th of November, 1888, addressed to Mr. Maxted, you say that you had applied to the Colonial Secretary for two wardsmen, who had been appointed, and that "the matron's duties are now consequently those of superintendent alone, no work in the wards being necessary on her part"—no work of superintendence. Therefore was it not clearly the duty of these two paid wardsmen to report the matter to you if this man was in that state? And to Mrs. Cunynghame to, she should have known.
1765. Whose duty was it to report it in the first instance. Was it not the duty of these paid wardsmen? These men would report it to Mrs. Cunynghame and she would report it to you. She should have known of it.
1766. As you went into the ward the wardsmen would say "Dr. this man is in a dying condition"? That would be his duty.

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1767. It was for that purpose that you applied for the wardsmen? Yes.
1768. *Mr. Kidd.*] You would notice any one who was very ill in the hospital? Yes.
1769. You go there every day? Yes; and I see every bad case.
1770. No patient who was dying would escape your notice? No.
1771. *Mr. Ritchie.*] Has there ever been an instance of a man dying under aggravated circumstances of any kind? In consequence of violence towards him.
1772. No, but by neglect or want of proper care? No such a case has ever been brought under my knowledge.
1773. Was it the duty of Mrs. Cunyngame to make herself acquainted with your patients so far as domestic comforts and nursing were concerned? Yes.
1774. She had charge of the two wardsmen who were appointed by the Colonial Secretary? Yes; she superintended. The duty of the superintendent is to supervise all these things.
1775. *Mr. Edmunds.*] And should her supervision take place every day—should she make an inspection daily? Yes; as I said before, in answer to Mr. Bourke, I think she should go through twice a day, once in the morning and once in the evening.
1776. *Mr. Bourke.*] You would expect her to ask these wardsmen to draw her attention to anything; if there were sixty patients you would not expect her to go and examine each one? No.
1777. If a wardsmen did not report a bad case to Mrs. Cunyngame that would be his fault? It would be her fault too. But if a man was in this condition you could not go through the ward without noticing it. If you saw the screen round a man's bed you would naturally know there must be something unusual.
1778. *Mr. Edmunds.*] Do you remember this case at all? I remember a man named Pokorney, but I remember nothing unusual about him.
1779. Do you remember his death? I believe he died, but I could not tell you; I know Pokorney's was a bad case.
1780. Did you make any special note with reference to it? No.
1781. *Mr. Crick.*] If one of the paid wardsmen knew that Kilmair was in this condition for two or three days and did not tell Mrs. Cunyngame, who would you blame? I should blame the wardsmen in the first instance for not telling Mrs. Cunyngame; but I do not think that would relieve Mrs. Cunyngame, for if she went through the ward and the man was in that condition she must have noticed it.
1782. Supposing the paid wardsmen who was appointed on your application had informed Mrs. Cunyngame that Kilmair was all right;—suppose Mrs. Cunyngame had asked, "How is Kilmair?" and the wardsmen had said, "Getting on very well," or "All right," would you think that any dereliction of duty on the part of Mrs. Cunyngame for not going herself? Certainly. Mrs. Cunyngame could soon tell as an experienced nurse, which she is, that the man was not all right.
1783. *Mr. Kidd.*] You have stated that it is your duty to go through the hospital wards every day? Yes.
1784. Instead of charging Mrs. Cunyngame with neglect of duty in not discovering that this man was dying, you would charge yourself with neglect of duty? I do not make any charge.
1785. You would admit that it was a dereliction of duty on the part of yourself not to notice that this man was dying? Certainly.
1786. *Mr. Ritchie.*] Mr. Maxted answered a question put to him in this way: "It turned out that he was dying. He would have died if he had been left another two hours without sustenance." Is it possible for a man in a dying condition to remain in the hospital without sustenance for hours or for a day? A man might remain for hours in a dying condition if I were not sent for. If his case was a very bad one, Mrs. Cunyngame or the wardsmen might send him direct into the hospital. I might be away at the George-street Asylum or somewhere else, and they would send for me. I would go down and see the man and proscribe for him in an urgent case like that, but, until I did, he might remain without sustenance unless they gave him on their own authority some milk, or some stimulant, or something else, as they occasionally do.
1787. It would be the duty of the wardsmen to do that, would it? I do not know. It would be more the duty of the superintendent in a bad case like that, because the superintendent would send him into the hospital.
1788. Is it possible for a man in a dying condition to be allowed to remain in the hospital without sustenance for a number of hours? It would be in the way I have described. If, after I had made my morning visit, a bad case came in, the man might remain without sustenance unless it were given to him by the superintendent.
1789. *Mr. Bourke.*] But in this case the man was there when you went in the morning and had been there for some time;—could it occur in such a case as that? Not if the man was brought under my notice.
1790. *Mr. Kidd.*] You yourself do not know of any case in which Mrs. Cunyngame has neglected the patients in the hospital wards? I have had no complaints made to me.
1791. *Mr. Bourke.*] And the effect of your evidence is that such a thing could not happen with you going there every day as a man dying for two or three days? Not without my knowledge it could not happen.
1792. *Mr. Crick.*] Do you remember the case of this man Kilmair who died on the 8th October? I do not remember anything particular about the case. I remember there was such a man as Kilmair there.
1793. I think you have already stated in answer to Mr. Edmunds that you remember nothing special occurring in regard to this case? Yes.
1794. Did you as a matter of fact go round every morning with these paid attendants? Every morning.
1795. And you must have seen him every day? I must have seen every case that was in the hospital every day.
1796. And therefore, if this man was in the state described for three days without receiving any attention whatever, it could not have been done without your seeing it? I would have known it.
1797. *Mr. Edmunds.*] Or without its being a dereliction of duty on your part and on the part of Mrs. Cunyngame? Certainly, I would have been responsible.
1798. *Mr. Williamson.*] I suppose you could not say whether the medical comforts were administered—that is the duty of the superintendent? It is the duty of the superintendent to distribute the medical comforts.
1799. *Mr. Bourke.*] I suppose it is really the duty of the wardsmen to administer these comforts;—you say Mrs. Cunyngame superintends? Yes; the wardsmen is the man who actually gives the comfort.

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1800. *Mr. Williamson.*] But it is the duty of the superintendent to see that he does? Yes.
1801. *Mr. Bourke.*] Supposing there is a case in the hospital to which your attention has to be drawn, who reports it to you? The wardman in the morning. There is a book with a list of patients—those who want to see me, and urgent cases.
1802. And if they left out any cases, that would be their fault? Yes, and it would be my fault too if I went through the ward and did not see a case that was bad.
1803. *Mr. Williamson.*] Do you recollect telling Mrs. Cunyngame at any time to remove the cancer ward? Yes, when the cancer ward was above the bath-rooms and lavatories.
1804. On the eastern side of the quadrangle? Yes, the steam from the hot water in the lavatories used to go up into the cancer ward.
1805. *Mr. Bourke.*] Did you make a report in reference to this? No, there was no report; I spoke to Mrs. Cunyngame.
1806. *Mr. Williamson.*] In summer time it was intensely hot? Yes.
1807. *Mr. Edmunds.*] Did you make a recommendation or did you express an opinion? It was an opinion. It would be in conversation with Mrs. Cunyngame; I would recommend her to shift the cancer ward to another place.
1808. *Mr. Williamson.*] About what time was that? I should think it was about March; it was in the hot weather.
1809. Was the cancer ward removed by Mrs. Cunyngame? I think it was removed subsequently.
1810. Was it removed by Mrs. Cunyngame? My memory will not enable me to say unless I know the dates.
1811. So far as your recollection will serve you? I do not think it was.
1812. *Mr. Edmunds.*] The recommendation was made in March, 1888? So far as I can remember; it was in the hot weather.
1813. When was the cancer ward actually removed—not during Mrs. Cunyngame's time? Not as far as I can remember; if it was it would be at the termination of Mrs. Cunyngame's time.
1814. Did you afterwards repeat the direction to Mrs. Cunyngame? No, it would only be a recommendation of mine; I could not order the thing.
1815. You made no complaint from March, 1888, until the end of Mrs. Cunyngame's tenure of office? I have made no complaint at all about it.
1816. *Mr. Ritchie.*] Only you found it expedient owing to the hot vapours that the ward should be shifted? Yes; it was an uncomfortable ward for the men.
1817. Was it only to Mrs. Cunyngame that you suggested the removal of the ward? And to Mr. Rossiter too, I believe.
1818. Mr. Maxted had not then been appointed director? No.
1819. *Mr. Bourke.*] Mr. Rossiter was then acting director? Yes.
1820. Do you remember going to No. 2 dormitory with Mr. Rossiter and Mrs. Cunyngame with reference to this very matter? Not about the cancer ward in particular; it may have been about hospital matters.
1821. *Mr. Williamson.*] With reference to the supervision of the hospital, your duty is simply to go round and visit the patients and recommend in the medical register certain treatment? Yes.
1822. Will you show the Committee where your duties terminate? Take this case: Here is a man, John Knowles, in the cancer ward. Well, I saw that man and examined him, and here is an entry of what I prescribed for him, "Anodyne powder of morphia, half a grain at night time." He would be on diet too from my prescription, but that does not occur at this one time. Well, after I have done that my duty ceases, except to check and see that the man gets his medicine and his diet. Of course, if I noticed that his bed was in disorder and neglected, I should speak of it to the superintendent, and if the ward was not clean I should speak of it to the superintendent, and if there was anything defective.
1823. Then it became the duty of the superintendent to see that the medical comforts were distributed and also the diet? Yes. The order from me goes to the superintendent.
1824. After you had gone through the hospital in the morning you could not tell what occurred during the day? No, not unless it was reported to me.
1825. Then as a matter of fact, after you left the whole place was under the supervision of the superintendent? Yes, she was the responsible officer then.
1826. You cannot say whether or not she saw this man Kilnair for two or three days? I could not tell you that.
1827. *Mr. Edmunds.*] Have you got the entry about Kilnair in the register? Yes, it is dated the 4th October—"Two eggs, milk, beef-tea, wine, 4 oz."
1828. *Mr. Williamson.*] You changed this prescription on the 6th? Yes, on that date the entry is, "Omit wine; brandy, 4 oz."
1829. *Mr. Ritchie.*] Can you tell the Committee on what date Kilnair entered the asylum? I could not tell you from memory; you will find it in the register.
1830. *Mr. Kidd.*] The 4th October was the first date on which you prescribed for him? There is an entry on the 1st October, "Continue medicine."
1831. *Mr. Ritchie.*] In your report of the 8th November you say, "In several instances a vindictive spirit seems to have prompted her actions"; to what did you refer? To the cases of two men in particular, Nimmo and McCarthy, both of whom had made complaints; one complained about medical comforts not being distributed on a feast day, and the other complained about the medical comforts being sent through a window. After both these men had made their complaints Mrs. Cunyngame, as they said, went up and abused them.
1832. *Mr. Bourke.*] Did they state this in Mrs. Cunyngame's presence? No, they stated this to me.
1833. *Mr. Ritchie.*] Can you particularize where her discipline was very arbitrary? I gave one instance about a man who wanted a chair in a hospital ward and Mrs. Cunyngame would not allow him to have it. He applied to me for it, and then afterwards I gave it to him.
1834. *Mr. Bourke.*] Did he afterwards get that chair? Yes, immediately afterwards.
1835. *Mr. Kidd.*] That was the statement of the man to you? Yes; he did not get it until I ordered it for him.
1836. But he said he had asked for it, and on his making that report to you you ordered it and it was provided? Yes.

- Mr. W. B. Violetto, M.B. 1837. Of course you do not know but what the man might have been telling you a lie? Only from the fact that he did not get it.
- 28 Aug., 1889. 1838. But as to the truth of his statement you do not know? Mrs. Cunyngame was present when I ordered the chair.
1839. Mr. Edmunds.] Did you speak to Mrs. Cunyngame about his complaint? No; he made the complaint in her presence.
1840. Did she say he was telling an untruth? No; she put the onus on to me to order the chair for him.
1841. Did Mrs. Cunyngame say anything when he said he had made a complaint that he could not get the chair? She said a chair in the ward would take up a lot of room, or something to that effect.
1842. Mr. Bourke.] She put the onus on to you? Yes.
1843. Mr. Williamson.] What was the man's name? Rooney.
1844. One of the men who gave evidence before the Asylums Inquiry Board? I believe he did, but I cannot say.
1845. Mr. Ditchie.] You further say in your report: "Speaking generally, from my own experience, I have found her to be shifty and evasive in her dealings, and untruthful on several occasions; in fact I have no confidence in her whatever";—what do you mean by that? Well, from the statements which she made to Mr. Maxted in reference to Bannan. She made one statement to Mr. Maxted, and she made a different one to me.
1846. Mr. Williamson.] Do you know where the medical comforts are kept? No; I could not tell you. They used to be kept in a store, I believe.
1847. If proper supervision had been exercised over the medical comforts, was there any possibility of thefts taking place? No; there could not be.
1848. Mr. Bourke.] You were on very good terms with Mrs. Cunyngame up to the time of her suspension, were you not? Up to the time when she told me one day that I was no gentleman. I had no ill-feeling towards her; but after that I did not come in her way if I could help it. I always treated Mrs. Cunyngame as a lady.
1849. You had no complaint to make? No.
1850. Mr. Edmunds.] In your evidence on the last day you spoke of avoiding a flood of Billingsgate? Yes.
1851. Did you ever receive a flood of Billingsgate? Not from Mrs. Cunyngame; but a woman in a passion —
1852. Had you, in fact, ever heard Mrs. Cunyngame pour a flood of Billingsgate on any person? I have heard of her abusing people there until they have cried.
1853. Have you heard that yourself? No; I have not seen the occurrence.
1854. How long have you been medical officer? Altogether I have been in charge at Parramatta from April, 1887.
1855. Had you any previous experience of a similar institution? I had charge of Little Bay as medical superintendent.
1856. For how long? I was there for eleven months.
1857. And prior to that? Prior to that I was House Surgeon at the Royal Infirmary, Glasgow, House Physician in the Western, and Physician's Clerk in the London, Hospital.
1858. Is your diploma from London or Glasgow? Glasgow.
1859. M.D.? M.B.
1860. Mr. Bourke.] I think you said you were rather surprised when Mrs. Cunyngame was suspended? I was.
1861. Mr. Edmunds.] You have had very large experience in the superintendence of hospital wards? Yes; I think I have had as much as anyone out here.
1862. Chairman.] In one portion of your report you say:—"In the case of M'Govern she is desperately anxious to get rid of him, in consequence of his having been connected with several others, now dispersed, in making a statement that the medical comforts were stolen and carried out of the hospital by means of a window leading from No. 3 ward to the premises occupied by Mrs. Cunyngame. In my opinion this statement was never disproved";—what made you think she was anxious to get rid of them? Mrs. Cunyngame had spoken to me of this man as insane, and this is the man whom she got Dr. Phillips to see without my sanction or knowledge, and she had also brought him with a batch for transfer to George-street without asking me if she could. He was my patient at the time, and I had the control of where he was to go.
1863. Mr. Bourke.] Do you know whether the object of transferring him to George-street was to make room for any others? No, I make room in the hospital; Mrs. Cunyngame has nothing to do with making room in the hospital.

Sarah Cunyngame called in, sworn, and examined.

- Mrs. S. Cunyngame. 1864. Mr. Bourke.] How long ago were you appointed superintendent of the Parramatta Asylum? Fourteen years last December.
- 28 Aug., 1889. 1865. And before that you had some experience in hospitals? Yes, from the time I was 18 years of age—in the Sydney Hospital.
1866. That was six years? Yes.
1867. When you went to Parramatta, what was the object of sending you to that institution? They were to start an infectious hospital to relieve the City of Sydney of erysipelas cases of which there was then an epidemic.
1868. In what condition did you find that institution? There were no buildings except tumble down old ruins. There was one ward and there were about thirty patients lying on the floor when I went there. They had a bottle of oil and a feather at each of their bedsides. The place was filthy dirty; there was an accumulation of filth for about six weeks previously.
1869. Was anyone attending to the people? There was a married couple whose name I believe was M'Phee, but I am not sure; they were both drunkards.
1870. Then altogether you found the place in a very bad condition? Fearfully so.
1871. And you worked the place up to its present condition? For about four years none but erysipelas cases were received, and other infectious diseases. After the City of Sydney was cleared of the disease

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the number of cases in the hospital naturally decreased, and then Mr. King started an asylum for old men; but erysipelas cases—male and female—and cancer cases, and all infectious diseases were admitted up to within twelve months ago. It was still an hospital for infectious diseases, but the cases were not so numerous after the Little Bay Hospital was started.

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1872. Until Dr. Violette went there, you had no paid assistants? None whatever, only a paid servant for myself.

1873. And how long before you were suspended was it that you got two paid assistants in the hospital? I think, within twelve months.

1874. Then, for thirteen years you managed the place without any paid assistants whatever? Without any assistance whatever, except the help of the inmates.

1875. The first thing that Mr. Maxted complains of is the stoppage of tobacco. You, as superintendent, will be able to tell us whether there was any general order that the hospital patients were to get tobacco? I started the institution on hospital rules, and it was always carried on under those rules, until Mr. Maxted gave the order, and directly he did so, I issued the tobacco.

1876. You issued it to all the hospital patients? To all the hospital inmates.

1877. Until Mr. Maxted came there, there was no such order? No, but tobacco was issued at the doctor's request in particular cases.

1878. There is a case mentioned by Mr. Maxted of a blind man whose tobacco was stopped for a week—do you remember him? His name was Carter; he came from Liverpool.

1879. Why was his tobacco stopped? He was a very obstreperous man; he would not conform to the rules, and would do nothing.

1880. So to punish him you stopped his tobacco for a week? Mainly that; he refused to allow the head wardman, Alfred Hanson, to attend to him in some way, and he was described to me as neglecting to perform his toilet, and I told Hanson that he was to have his tobacco stopped for one month, which was the custom. I might say further that Carter set fire to his bed in No. 5 dormitory the night after the day of my suspension, and there was a great commotion, and I was very anxious to go out and quell the disturbance, but my husband would not allow me to do so.

1881. When Mr. Maxted was appointed he went up to see your institution in the beginning of August? On his first visit he came with Mr. Hugh Taylor.

1882. On what date? The 1st of August.

1883. The very day of his appointment? Yes; we had a conversation generally about the inmates. He did not leave the office except when I accompanied him to the gate when he went away from the institution. I saw him no further that day; but he made an appointment to meet me on the Saturday following at 12 o'clock, which he did.

1884. On the first day, did he go round the institution? Never, nor outside the office until I accompanied him to the gate.

1885. Then on the Saturday? On the Saturday he came out at 12 o'clock, and I accompanied him and showed him every part of the institution, every nook and corner.

1886. And when he went up after that? After his first inspection Mr. Maxted said, "Mrs. Cunynghame, I prefer going alone; it will make no difference to you." I said, "None whatever, I prefer it; but Mr. Maxted let me know if anything unkind should be said or any complaint made;" and he said he would do so.

1887. His remark had reference to proposed future visits? Yes; he said he preferred going alone, and he said he hoped I would not object.

1888. You went round the institution with Mr. Maxted on the occasion of his second visit; did you ever go round with him afterwards? Only one Sunday. On the second Sunday after his appointment I went with Mr. Maxted to the men's sitting-room and the kitchen. This was on Sunday afternoon. I may say that he came several times between the first Sunday when he came and the second Sunday, but I did not go through with him. I never walked a step with him and he never saw me speaking to an individual inmate.

1889. After his visit on Saturday, the 3rd of August, and on the Sunday when you went a short distance over the institution with him, did you ever accompany Mr. Maxted through the institution? Never, after that.

1890. Do you remember this man White speaking to you and you saying, "I do not believe a word you say, White." That is one of the charges which Mr. Maxted makes against you of brutal treatment to these people? If so, it was on the first visit.

1891. About this man White, was he in the habit of complaining? Mr. Maxted always went to him straight whenever he visited.

1892. Before this? Yes. White came from the George-street Asylum, and he said he would not submit to my rules and asked what authority I had for the rules. He said he would do just as they did in George-street, and he would not go by my rules—what authority had I?

1893. Was he frequently in the habit of complaining? Oh, continually, and also a man named Burns.

1894. That is why you passed him by then, without paying much attention to him? If I did so; but I do not remember. I might have done so. I did not attach any importance to it.

1895. Can you explain anything about Hayselder's case? Hayselder came one Friday afternoon, between 3 and 5 o'clock. My little children were at school opposite, and I went to the gate to see if they were coming, and I saw him sitting on the kerbstone in Barrack-lane. I heard no more of the old man. I told him to come back to me at 6 o'clock in the morning.

1896. What was after you had sent him out? Yes. He did come back at 6 o'clock in the morning, and was taken in by the head wardman. About half-past 7 o'clock on Saturday morning—it might have been later—Mr. Maxted came, and he said, "Mrs. Cunynghame, about that man Hayselder; are you sure he was drunk?" and I said, "I am positive." He went away in a great hurry, and came back about 11 o'clock and said, "Mrs. Cunynghame, the police say that man was sober." "He may have been sober," I said, "when he arrived at the lock-up." Mr. Maxted said, "I am in a hurry to catch the train; are you sure he was drunk?" I said, "Positive." With that he ran outside the gate, got into his cab, and I saw nothing more about Hayselder until I saw the report.

1897. When he was first brought there you saw him? I saw him, and I believe I held his arm while the clerk and the head wardman searched his pockets for the order.

1898. You held him on the chair? Yes; I took hold of his arm.

1899. Mr. Crick.] Was he so drunk that he could not sit up? Yes.

1900.

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1900. *Mr. Bourke.*] Then it was some hours after he left the institution before he got to the watchhouse? I knew nothing more. It was between 3 and 5 o'clock in the afternoon when he came to me, and I neither saw nor heard anything more of him until 6 o'clock next morning, when he was brought to the institution and admitted.

1901. When Mr. Maxted was first appointed, and for some time afterwards, was his demeanour to you kindly;—did he seem satisfied? Very satisfied.

1902. *Mr. Edmunds.*] What time was it when you first saw Haaylder? It was somewhere between 3 and 5 o'clock. I could not positively say, but it must have been about 4 o'clock when I went to the gate and saw him.

1903. Did he tell you he had a certificate from the Health Board? No; he was so tipsy that we had to search for his order. He had no order.

1904. Why did you suppose he had an order? By reason of his coming to the institution.

1905. Did he come alone? Yes; he had never been there before. He did not present an order, and we could not find one about him.

1906. Who searched with you? The head wardsman, Alfred Hanson, and Glencoc, the messenger.

1907. Had the Health Board been mentioned to you as the authority that sent him to your institution? No; the first time I saw that stated was in the printed paper laid before the house. I would not have turned him out had he been sober.

1908. *Mr. Bourke.*] Even without the order? Without the order.

1909. On what terms were you with Mr. Maxted? We were very friendly up to within a week of my suspension—very friendly indeed.

1910. Did he give you any intimation at all up to that time that he was taking these proceedings? None whatever.

1911. Did Mr. Maxted, on the occasion of different visits, give you a number of verbal directions? His conversation was generally about matters connected with the institution, and I considered he knew very little about the matters he was discussing with me.

1912. Do you remember getting any orders from Mr. Maxted which you did not carry out? No; I never worked harder in my life than I did during those three months. I was working day and night, and I obeyed him in every sense of the word.

1913. Mr. Maxted has stated that immediately after he was appointed he went to your institution, and pointed out to you certain portions of the report of the Asylums Inquiry Board. Do you remember that? He never did; the only conversation I had with Mr. Maxted in reference to this matter was in the railway carriage coming from Parramatta to Sydney, directly after the report was published.

1914. *Mr. Ritchie.*] That was before Mr. Maxted was appointed director? Yes; about eighteen months before.

1915. Was that conversation in reference to the report? We were talking about the inmates generally, and those who had given evidence, and I did mention about Roy Rooney and Baird, and spoke of the character of these men. This occurred in the railway carriage.

1916. And Mr. Maxted was not then appointed? He was not appointed then, and I had no idea that he would be appointed.

1917. How long was it before his appointment? Directly after the report of the Inquiry Board was printed.

1918. What brought up the conversation? He met me at the Parramatta Railway Station, and he said he was very anxious to see me, and we both got into the same railway carriage, and we discussed this matter until we arrived in Sydney.

1919. *Mr. Bourke.*] But when Mr. Maxted was appointed did he ever make any reference to the report of the Inquiry Board? Never.

1920. Never showed it to you? No; and he never told me my management was lax. His manner and behaviour were very gentlemanly and proper to me.

1921. And he always appeared satisfied? Always, up to within about a week before I was suspended, and then he did not make any complaints to me.

1922. Mr. Maxted said you objected to carry out some dietary arrangements, and you had some warm words with him about it? Never.

1923. About this dietary—can you tell us how the thing first cropped up and what was done in the matter? When Mr. Maxted first came he would generally come into the office, and on three or four occasions I had long conversations with him about alterations that were to take place in the diet and anything else.

1924. But especially in reference to the diet? Well, he sat down and took two pieces of paper, and he made a rough copy of what I dictated to him—that is, the quantities and the pudding.

1925. Did he ask you to suggest a diet? No; I offered to do so.

1926. To suggest what you thought would be a suitable diet? Yes; and I said I thought the fifth of an ounce of tea was not sufficient.

1927. Then, at your dictation or your suggestion, he wrote down a rough draft of the dietary? Yes, and I have that rough draft.

1928. And after that did he accept the dietary that he wrote down? He made an addition about treacle and honey; I only suggested butter.

1929. He made some slight modifications? Yes.

1930. He approved of the dietary that you suggested, slightly modified? Yes. Then he sent it on to me with that letter of the 4th September, just as I had dictated it to him.

1931. After Mr. Maxted had approved of the dietary scale, did you carry it out according to instructions? I set it in motion directly I saw the contractors. I arranged with the baker, and I came into Sydney Hospital about the bread, and I went to a lot of trouble.

1932. Before you gave Mr. Maxted that rough dietary scale did you inquire into the matter of dietary at any other institution? Mr. King and I had discussed it repeatedly, and I had also done so with Mr. Rossiter, wishing to bring about this reform in the dietary.

1933. But you made some inquiry into the dietary of other institutions? No, I know it off by heart on account of being in the hospital. We give them No. 1, which is called full diet. The hospital is full diet.

1934. Then this dietary scale was actually your own suggestion? Yes, and had been years ago; Mr. King and I discussed the matter.

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1935. And you always did your best to carry it into effect? Always, but of course I could not do so until I had authority. Moreover, Mr. Maxted said at the time that he wished to have a book, and he took a journal that Mr. Cunynghame had; it is like a daily almanac. I used this book, and it was to be used also for other asylums. There is in it a daily record of the diets.
1936. That you had prepared? Yes, my clerk prepared it for me daily.
1937. And this was to be used in other institutions afterwards? Yes, after it was successfully carried out in Macquarie-street.
1938. Then you had no disputes about this dietary scale? No, I never had an angry word with Mr. Maxted on the subject.
1939. Do you remember an occasion when Mr. Maxted called you in, and pointed out to you that the men had been served their pudding, vegetables, and meat all on one dish? I do not remember anything about it.
1940. Not on any feast day? Yes; on the 20th October Mr. Maxted came up to me when I was engaged with Archdeacon Gunther, and touched me on the arm and said, "Mrs. Cunynghame, I wish you would go in and tell those men that they are serving the pudding and all the other eatables on the plates at the same time."
1941. Did this occur on a feast day? Yes. The potatoes were peeled and baked and the dinners were served up properly; but the old men had had a glass of beer. The attendants and the dormitory ward-men had charge of each table, all intelligent men, and I went into them quietly and I said, "Mr. Maxted wishes you to serve the pudding later on," and one man named Shaddock said "Well, Mrs. Cunynghame, the men have no patience; they will not give me time; they are asking for pudding," so I went outside. I did not see Mr. Maxted, but he came out again to me and he said, "Mrs. Cunynghame, I wish you would go into those old men, they are eating with their fingers, and I do not like to see it."
1942. That was on the feast day? Yes. And then I said to Mr. Maxted, "I could not go in again, the old men would not know what to make of it."
1943. Then was it in consequence of their having had some beer that they wanted their pudding with their other food? Yes, I think so.
1944. Did you attribute it to that? I did.
1945. They were rather greedy to get their pudding? Yes, for fear they would not be well served.
1946. They were afraid they would lose their pudding? Yes; their pudding was no better than that usually served.
1947. *Mr. Hawthorne.*] How often did they get pudding? Three times a week under the new dietary.
1948. *Mr. Bourke.*] Have you ever had any quarrel with the police? No, I cannot say that I have had a quarrel exactly, but I thought they ought to give me a certain amount of help, which they did not seem inclined to give. I could not say there was a quarrel. There was a man named Petterson with whom I had a lot of trouble. He was a lunatic, and absconded, and would not remain in the institution. It was brought before the public.
1949. And what did the police do in that case? The man absconded, and I gave notice to the police that Petterson had got out, and that they had better look after him. They did not do so, but on a Saturday morning—that would be three days after—he was taken before the bench of magistrates in a very exhausted condition, and a constable came up to me to ask if I would take Petterson back, and I said "No, certainly not," that he was in good hands when he was in the custody of the police, and that they could get him into a lunatic asylum much easier than I could.
1950. That was one cause of your complaint against the police and theirs against you? Yes, I think that was about the only one. There were a few little arguments occasionally—if the police for instance brought a drunken man, and I thought they ought to take charge of him—but there was no quarrel, that I can think of.
1951. In Hayselder's case did the police make any complaint to you? No; not at all.
1952. Do you remember the man Bannan that we have heard so much about? Yes.
1953. When did he arrive at the institution? He arrived between 12 and 2 o'clock on Saturday night. The clerk came to my door and knocked. I did not know the man, I did not know who it was, and I simply said to Abbott—the man was brought by the police—I said "Tell Edgar to admit him, and put him in No. 3 ward, the corner bed vacated by Ehnua."
1954. Was No. 3 ward a refractory ward? No, it was No. 3 hospital ward.
1955. Who is Edgar? The paid attendant.
1956. Is he a reliable man? Yes, I found him quite so.
1957. You gave Edgar instructions that the man was to be put into No. 3 hospital ward? Yes; and I named the bed.
1958. Did you see the man on the next day—Sunday? Not until after the doctor had visited. I do not generally go on Sunday morning unless there is anything particular; and after the doctor had gone I went into No. 3 ward to see who this man was. I did not know it was Bannan, although he is well-known to me—he has been in and out for years—and I was pushing the door of the ward open to go in and see who the man was, and Edgar just pushed the door open a little and said, "Mrs. Cunynghame, you cannot come in; the man is all disarranged and he is filthy dirty, and the doctor has ordered him to the isolation ward."
1959. Then you did not see him? No.
1960. After the doctor went away did you see an entry in the medical register against Bannan's name? Yes.
1961. What was that entry? "Refractory ward, alcoholism."
1962. You remember that? Yes.
1963. After he had been put into the isolation ward did Mr. Maxted see him some time afterwards? I would not know because I never visited with Mr. Maxted.
1964. But you got a telegram on the 10th October from Mr. Maxted concerning this man Bannan? Yes; I think that was in consequence of some conversation Mr. Maxted and I had about this man Bannan.
1965. He gave you some verbal instructions? No, no instructions; it was simply about the state of Bannan and what he should say. I do not remember exactly what Mr. Maxted did say about Bannan.
1966. But you got a telegram on the 10th October authorizing you? Mr. Maxted seemed very much put about. First he came to me then he went to Dr. Violette.

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1967. About this man Bannan? Yes. He came back to Macquarie-street and said something, to which I did not attach any importance, and he took a piece of paper and made a certain entry in this book; and I said, "Mr. Maxted you seem quite concerned about Bannan;" and he asked me for the medical journal, and I handed it to him. He saw I was a little hurt at what he was putting in the book about Dr. Violette being sent for alone to see patients, and I said that I always had sent for Dr. Phillips at Dr. Violette's suggestion. He saw I was a little hurt, and he said, "Oh, Mrs. Cunynghame, I am putting the very same entry in Mrs. Dennis' book," and then I did not say anything, I thought, well it seemed very funny.

1968. Did Mr. Maxted approve or not of your having this man in the isolation ward? I had nothing to do with it, because it was the doctor who made the order.

1969. You received a telegram on the 10th October about Bannan? Yes.

1970. That telegram has been put in, and the substance of it is that you were to isolate the man and watch him? That must have been on the second occasion.

1971. Do you remember the case spoken of here of the man who was said to have been refused a pair of slippers—he had bad feet? Yes, I remember Studdart very well. Studdart was a man who was very troublesome—he was just after the style of Carter—one of these insubordinate men. The boots were always kept in the head wardman's room. When he wanted fifty or twenty pairs of boots or slippers he came to me and I issued stores out every Monday morning. I devoted all Monday morning to that work. I issued whatever was wanted out of my store-room into the yard store-room, so that if twenty pairs of boots were required during the week the head wardman could supply them. A man had no need to come to me to ask for slippers or boots; he could have gone to the head wardman and got either slippers or boots.

1972. Did this man ask you for slippers? I offered them to Studdart at Mr. Maxted's suggestion, and he refused to take them.

1973. When was that? After Mr. Maxted spoke to me about Studdart.

1974. But before Mr. Maxted came there at all did this man ask you for slippers? Yes; he was repeatedly asking me for them.

1975. Did you ever give him slippers? Always. Of course he did not have to ask me; he asked the head wardman. But this time, at Mr. Maxted's request, I sent for Studdart, and I gave him the slippers myself; and he said he would throw them at me; that they were not the slippers Mr. Maxted had promised him. So I quietly took them away, and said, "If these will not suit you, I can do no more for you." The old man went away, and was very abusive, and told me he would go to Members of Parliament. I enclosed his £2 to Mr. Maxted, with a memorandum asking Mr. Maxted to take some steps to punish these men who were insubordinate, and who set my authority at defiance.

1976. Do you mean that you wanted Mr. Maxted to deduct something from his £2? Yes; as a sort of punishment.

1977. *Mr. Williamson.*] You sent a memorandum? I did, to Mr. Maxted, with his £2.

1978. *Mr. Crick.*] Did you in this memorandum say anything about the insubordination of this man? Yes, I must have done so.

1979. *Mr. Williamson.*] And to punish him? I might have said punish him.

1980. *Mr. Bourke.*] You thought that as the man was impudent and insubordinate, something ought to be deducted from his £2 towards paying for his maintenance? Yes; as was always the custom under Mr. King, if these men did not behave themselves. After Mr. Maxted was appointed of course I did not know then the spirit in which Mr. Maxted was working against me, and also against Dr. Violette. Dr. Violette speaks about these being trivial matters, they were not trivial matters. Mr. Maxted went among these inmates, and I know for a positive fact and can bring evidence that he tried to disorganize my institution.

1981. Did Mr. Maxted ever investigate reports that were made to him by the inmates in your presence? Never in my presence.

1982. Do you remember the case of Chevalier? Chevalier he brought from Sydney, and I spent a half-day with him.

1983. Is that the only case? That is the only case he ever investigated in my presence, and even then I thought Mr. Maxted was friendly towards me and considered him so.

1984. Reference has been made to a man named Hall. Mr. Maxted said he took Hall up once to make an investigation? Never.

1985. What was the name of the person he took up? Chevalier, he used to be a bath man. Chevalier on the 20th October, got drunk, and I remonstrated with him and refused to give him what money was coming to him, and I know nothing further about the man.

1986. He left the institution? Yes, he left at his own request.

1987. And some time after leaving he came back with Mr. Maxted and preferred some complaint? It was only four days after; I think it was the Tuesday or Wednesday following the feast day.

1988. And he made certain complaints in your presence? No; he made certain complaints in Sydney.

1989. But did not Mr. Maxted come to your place to investigate those complaints, and what was the result? He made certain statements in Sydney, and when Mr. Maxted brought him up to me, Chevalier stayed outside. Mr. Maxted came in and told me to close the door that he had certain things to say to me, and I did so. I then explained everything, and Chevalier was ushered into the office to say these things which he had said to Mr. Maxted, and he could not say them. He would not repeat them, and Mr. Maxted got angry with him and told the man to clear out, that he had a good mind to kick him, and his attitude was quite a kicking attitude. This was because Chevalier would not say in my presence what he had said in town.

1990. *Mr. Ritchie.*] Was anyone present besides Mr. Maxted, yourself, and the man? No.

1991. *Mr. Bourke.*] Mr. Maxted in his evidence said the name of this man was Hall; you say it was Chevalier? I am positive it was Chevalier.

1992. Did you read that letter marked *Exhibit N.*? Yes, it is dated, 6th August, 1888.

1993. There are two minutes on the paper; did you see either of those before? No; I considered that the matter was satisfactorily settled.

1994. *Mr. Edmunds.*] Was that in reply to some communication from you? No; that is my usual course if anything happens in my office; I send to the Sydney office direct.

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1995. *Mr. Kidd.*] This old man left the institution voluntarily? Yes, in a very impudent manner.
1996. You did not want him to go? No; I tried to persuade him to remain.
1997. You had some inmates of the institution working in your private quarters? Yes.
1998. How many? It all depended on how many I required—usually three.
1999. A complaint has been made as to the way these people rationed themselves;—they got their rations from the asylum stores? Yes.
2000. *Mr. Maxted* complains that they took too much meat and tea, and so on;—can you tell us anything about that? I did not go round after them to see how much they did take. I trusted to the cook in the lower kitchen, and if he ever complained that they took too much I spoke to them about it.
2001. But did the people complain about them? No; I don't remember any outside complaint.
2002. Did anyone else in the asylum complain that on account of these people taking too much the inmates were going short? No; I do not remember any complaints at all, unless a man was leaving angrily on account of his pay being stopped, or anything of that sort.
2003. But I mean about this particular matter? No. Of course there was abundance for everybody, both under the old and the new arrangement.
2004. *Mr. Hawthorne.*] Had you not a storekeeper there? There were no stores; everything was ordered by daily requisition.
2005. The stores came in every day? Yes. The allowance of tea for each inmate was the fifth of an ounce, and I am at a loss to know how the tea could accumulate for me to take a certain number of pounds.
2006. *Mr. Bourke.*] About using the labour of these inmates, do you know whether it is a general thing in Government asylums? I always believed so. I never visited at the other asylums, so I really do not know what was customary with them.
2007. You always believed that the superintendent of an asylum was allowed to use the labour of the inmates in her private quarters? Certainly; and when I first went Mr. King distinctly told me that whatever help I required I could have.
2008. Then you had Mr. King's authority for using this labour? Yes, for whatever help I required.
2009. *Mr. Owick.*] All the work these people did, whether they were paid by the Government or not, was in the interest of the institution, I suppose? Whatever I required from them.
2010. Only it was for the institution? Yes, it was all one. My quarters joined the hospital, and the beef tea and the rice and milk, and whatever extras I required were prepared in the kitchen of late years.
2011. *Mr. Bourke.*] The extra things you required for the hospital were cooked in your own kitchen by these inmates? Yes; especially since Mr. Maxted came.
2012. *Mr. Ritchie.*] Did they have much to do? It all depended on what was ordered. Some five or seven years ago I started a hospital kitchen. It is a small room in the west wing. There was a colonial oven fitted in it, and a cement and brick sink was built, and I had a table and cooking utensils, and this was supposed to be the hospital kitchen. But I only had pauper help, and I found it was too much for me to supervise, and the two cooks used to disagree very much—they both wanted to boss, and therefore I found it very difficult. When I wanted a certain thing done in the hospital kitchen, the cook used to make an excuse, and say that the other cook had the saucepans he required. So I removed the utensils to the upper kitchen, and I removed the hospital cook to my own quarters, and he was never removed from the pay-sheet, and it went on from then till now.
2013. *Mr. Ritchie.*] He also did the cooking for your private family? Yes, with whatever help I gave him. I always kept a woman servant until a month or two before I was suspended.
2014. While he was doing your cooking he was entered on the pay-sheet as cook for the hospital? For doing anything I required, not only my own cooking, but whatever I required him to do.
2015. But was he not entered on the pay-sheet as a wardman? As anything at all—wherever there was a vacancy; outside situations I put anybody in.
2016. *Mr. Bourke.*] Will you kindly explain the system you had of putting men on the pay-sheet? Permanent situations went first—that is, so many dormitory wardmen, and so many hospital wardmen; then came all the minor cases, such as cooks, soil-heap men—there was not a soil-heap for years—gate-keeper—the gate-keeper never got paid; I put anybody I liked in as gate-keeper. If a man did any work at all, and I considered that he had earned money, and was a worthy man, I put him down in one of these occupations.
2017. Explain how it is that men's names were on the pay-sheet in capacities they were not filling? Because the salary abstract contained certain headings or situations which were never to be altered unless I got a written memorandum, or applied for leave to alter them. They went on for years and I was never allowed to alter a situation for anybody.
2018. *Mr. Ritchie.*] Who determined these situations? Mr. King.
2019. And the names? Oh no, I was always changing the names; I could change the names as often as I required. But the situations were not altered for years.
2020. *Mr. Bourke.*] Is this the position of affairs: suppose you had a man to whom you wanted to give say 8d. per day, and he was an hospital wardman actually, there being no vacancy on the pay-sheet except that of soil-heap man, you would put him down as soil-heap man? Certainly; I should call that an outside situation, such as white-washer. For several months there was a blank under the heading of white-washer, because if I wanted any white-washing done I did not consider that the men deserved paying for it.
2021. Then you put him down as anything at all? It did not matter what it was—outside situations I called them. The clerk always left these vacancies for me to fill in, because I knew the men. If a man was hard-working and well behaved, and wanted work, I would perhaps say to him: "I will let you go on working, and the first vacancy that occurs I will put your name in." It did not matter what he had been doing. The only thing is that Mr. Cunynghame would not allow me to put down his man who used to attend to his buggy and horse, and clean the stables and look after the mortuary. Mr. Cunynghame would not allow me to put that man in, although I think I would have been justified in doing so.
2022. Although these people who were working in your kitchen received 2d., 3d., and 4d. a day, did you feel justified in using their labour? I did. For instance, there was one man spoken of—Thomas Ghost. That man, although he was down on the pay-sheet for several months, in addition to what he did for me in my kitchen, he had to attend to the attendants' tables in the lower kitchen, lay their table and wash up for them, and when he was done I expected him to come up and attend to whatever I required.
2023. Then these men who worked in your kitchen did anything you required in the institution as well? Yes.

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2024. Something has been said about a farm belonging to you, and some of the men working out there; this occurred before Mr. Maxted's appointment as Director? Yes.
2025. Will you tell us what they were doing? They were cleaning up and minding the place until it was let. That is the place we are living in at present. It is not a farm; there was nothing on it but a few orange trees, which we have had removed. It is a weatherboard cottage with stable and necessary out-houses, and there are about 7 acres of land.
2026. Reference was made to some men who were sent out there some time ago; was it not used for some Asylum purpose? In connection with the night-soil; but that is some time ago. The men were put on the pay-sheet for that also. If inmates received pay, I require the names, amounts, and when received.
2027. What were they doing then? The night-soil was removed by the Council from the George-street asylum and the Macquarie-street Asylum. The Council undertook to remove it if Mr. Cunynghame would allow these inmates to dig the holes and bury the soil, so that it would not become a nuisance. Two men were told off to dig these holes and cover the night-soil, and I believe I put them down in one of these outside situations, and felt I was justified in doing so.
2028. Whatever was vacant on the pay-sheet you would put them down as? Yes, but they varied every month.
2029. *Mr. Crick.*] That was the only work they did then? If I wanted them to dig a bit of ground they would do it.
2030. *Mr. Williamson.*] And stump or clear? There was no stumping required.
2031. *Mr. Bourke.*] All these men received pay at any rate and signed for it, and the pay-sheets have been put in? Yes.
2032. *Mr. Edmunds.*] Where is the land situated—how far from the asylum? About a mile.
2033. *Mr. Hawthorne.*] How many men were kept engaged there—two? Generally more if I required it; it all depended on the sort of men they were.
2034. So that these men were really doing the work of the Municipal Council of Parramatta? They considered it a favour to be allowed to put night-soil there, because there was no place to bury it. This arrangement was made by Mr. Garrick, employed by the Council.
2035. Did they not offer to send men to dig these holes and make the excavations in which to deposit the night-soil? No; we did not attach any importance to it.
2036. *Mr. Ritchie.*] Who removed the night-soil? The Council.
2037. And your men dug the holes out at the farm? Yes, and covered them over.
2038. Did they fill the cart? No, they had nothing to do with that. They lived in a little hut on the farm, and they used to come and get their rations.
2039. *Chairman.*] The Municipal Council simply used your land as the depot? That was all. It was an arrangement between ourselves, they did not demand it.
2040. *Mr. Ritchie.*] When did you make this arrangement about the men being on the farm, and with whom? After we bought the place. It rather hurried our purchase of the place; of course we had a little money to invest.
2041. Was it in Mr. King's time? Yes, about four years ago.
2042. Did you carry on this system of keeping men on your land up to the time of your removal? No.
2043. It was discontinued before Mr. Maxted came then? Yes, something else came in vogue; they had a cesspit built in the ground in Macquarie-street, and then all this fell through.
2044. And the night-soil was then emptied into these pits in the town? Yes, in Macquarie-street, until the new arrangement with the Council was made.
2045. *Mr. Bourke.*] This discontinued a considerable time before Mr. Maxted was appointed Director? Yes; it must have been about eighteen months or more than that before, because the place was let.
2046. It has been said that you never went through the hospital wards at night, is that true? I was there continually. Whenever I was required I was there, and I was present at any minute.
2047. And were you in the habit of going through the hospital wards at night after they were closed? No; it was not a rule or habit of mine unless anything urgent happened.
2048. If anything happened you went through? I was there directly. If I heard any argument or any dispute going on I would walk leisurely down and ascertain what it was all about.
2049. There were two paid wardsmen there? That is only recently.
2050. *Mr. Ritchie.*] At what hours did you go through during the day, had you any stated hours? Yes. I went into the office at 9 o'clock punctually, and I waited there to see what men were going out on leave, or leaving the institution. The doctor visited; and directly he left, the first thing I did was to go into the surgery and look at his book, and then I walked through the hospital wards, every ward in the institution.
2051. At what time in the morning did the doctor leave? He generally left about half-past 10 or between 10 and half-past.
2052. Was it immediately after he left that you went through the wards? That was the first thing I did.
2053. You did not go through the wards with the doctor? No, unless he expressed a wish on any occasion. I asked him if he wished me to go, and he said he did not see there was any necessity, even before the paid wardsmen came. When Dr. Violette was first appointed, I said, "If it is your wish that I should accompany you through the hospital wards I shall be happy to do so," and he said, "Oh no, Mrs. Cunynghame, I do not think there is any necessity for it."
2054. You used to visit the wards immediately after 10 o'clock? Yes.
2055. Did you visit them at any other time during the day? It all depended. If any visitors came, or if anything required my presence there I did.
2056. But in your regular routine, did you make a habit of visiting the wards a second time every day? No.
2057. You only visited them once? Yes, unless there was anything required.
2058. *Mr. Bourke.*] That was your regular round of inspection? Yes. But if I were engaged—I am not speaking of Mr. Maxted's time—say Mr. Rossiter or Mr. King came in the 10 o'clock train, I would wait and go through with them; so that it might be half an hour later or half an hour earlier. They usually came by a certain train.
2059. After your regular round in the morning, you would be sometimes called in to the hospital by the wardsmen? Oh yes, repeatedly, sometimes I have been in the hospital three and four times a day.
2060. *Mr. Ritchie.*] Were you in the habit of going round the institution with Mr. Maxted? No, I only did so on one occasion.
- 2061.

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2061. You never went with him except once? I never attempted.
2062. What was your reason? He asked me not to do so; he did not wish me to.
2063. Did he give you any reason? No; he merely said he thought it would be much better. To which I agreed, if he would let me know if there were any complaints.
2064. Were you in the habit of going round with Mr. King? Always.
2065. Did you volunteer your services to Mr. Maxted to go through the asylum with him? No; I considered that I was asked politely not to do so.
2066. He distinctly asked you not to go? He distinctly told me he had certain reasons for doing so.
2067. *Mr. Edmunds.*] It was your invariable practice to go through the wards every morning? Yes.
2068. Would you observe the inmates individually? Yes; they would all look for my coming, and seem very pleased. I used to have little discussions with them. For instance, that man spoken of in the cancer ward, Peters—a man for whom I had a great respect—he was an educated man—Peters and I used to have great discussions. He told me he was going to live for a hundred years. He asked me for glasses, and I said, "Well, Peters, I have plenty of glasses in stock, but I do not think I have the age for you, but I will fetch over half a dozen pairs, and you can pick them out." I went over and told the deputy-warden to come with me to my office, and I took over six or eight pairs of spectacles, and when I got there Peters said, "No, there is not one of the age for me, Mrs. Cunynghame; I have always been wearing pebbles"; and I went and found a pair of spectacles with one glass out and one pebble in, and next morning I took them to Peters and told him if he could make any use of them he was welcome to them.
2069. *Mr. Bourke.*] Mr. Maxted has stated that there was a man named Kilmair dying in one of the wards for two days, and that you knew nothing about it; he describes the position of the man as being surrounded by a screen;—do you remember any such man? I remember the man distinctly; he was a man named Pokorney, who refused to take his food.
2070. Which was the man surrounded by the screen? Pokorney.
2071. It was not Kilmair? One lay next to the other; I would not be positive as to which bed the screen was round. One man died on the 8th, and the other on the 10th. But I am speaking of Pokorney, and I remember the old man dying from the decay of nature, but I really cannot remember whether his name was Kilmair or not.
2072. Pokorney and Kilmair were next to each other? Yes.
2073. What do you remember about Pokorney? Pokorney refused to take his food, and Edgar or Warner, and sometimes both of them, would sometimes come and converse with me at the side of this man. I went over to him and said, "Pokorney, how is it that you refuse to take your food; if you do not, you know the doctor will use the stomach-pump, and it will be very painful."
2074. Did you see him very frequently? Daily; and I told the attendants to be most particular, and to draw the doctor's attention to him. If it was Kilmair, I don't remember his name. Perhaps I called him "Dad." But an old man was lying next to him, and dying from the general decay of nature. The man of whom I am speaking was about 80 years of age.
2075. At any rate, you went and saw Pokorney every day? Every day.
2076. And if Kilmair were in the bed next to Pokorney, and he was dying, that would not escape your attention? No; but perhaps I would not pay so very much attention to him, knowing that he was dying from the decay of nature. I used to call him "Dad." I could not say whether his name was Kilmair or not.
2077. *Mr. Ritchie.*] Did Mr. Maxted question you at all about this man? Never.
2078. Did he never question you about anyone in a dying condition? No.
2079. Did he ever accuse you of deceiving him in any particular? I will tell you what occurred exactly.
2080. *Mr. Bourke.*] Do you remember Mr. Maxted speaking to you about Kilmair? No, not about Kilmair.
2081. Well, about any man? No, not in reference to any man.
2082. What did he say to you on this occasion? Mr. Maxted came down-stairs and I was in the office, and I thought he looked a little put out—very red looking—and he said, "Mrs. Cunynghame, did you stop the tobacco in the hospital ward?" and I said, "No, Mr. Maxted"; and he said, "Are you sure?" and I said, "I am positive." There was no tobacco issued to the hospital wards, so I could not stop it. I said, "If you say the men are to have tobacco I most certainly will give it to them." He went up-stairs and came down again, and seemed very angry, but I was not a bit put out, and he said, "Mrs. Cunynghame, you are untruthful"; and I said, "Name an occasion when I have been untruthful to you"; and he said, "About the paragraph to the *Herald*, and about this stopping of the tobacco, and about Felix Cummings." This all happened a few days before I was suspended.
2083. Have you seen Mr. Maxted's evidence about the man Kilmair? Yes, and he never spoke to me about the man. The only time he ever accused me of telling falsehoods was on this occasion.
2084. He never spoke to you about Kilmair? Never.
2085. *Mr. Ritchie.*] Did he never say to you that he had been informed that you had not seen Kilmair for two days? No, nor anything of the kind.
2086. *Mr. Edmunds.*] Did he say, "How is Kilmair to-day"? No, nothing about Kilmair.
2087. You used to look through the medical register every day? Yes.
2088. Do you remember Kilmair's name being on the book? Not unless anything special was ordered for him.
2089. *Mr. Hawthorne.*] You do not remember any man named Kilmair dying—I suppose he did die? He died on the 8th.
2090. *Mr. Bourke.*] Mr. Maxted said he was in No. 3 bed, in the up-stair ward? Mr. Maxted has said the man was dying near my quarters for two days and I know nothing about it; he then said that he had made a mistake, and that the man was dying in No. 3 hospital ward, the third bed from the door. How could I possibly make my answer in a straightforward way, if Mr. Maxted in his first charge made a statement that the man was dying in the hospital ward adjoining my quarters for two days, and I knew nothing about it?
2091. Do you remember the man Kilmair? Not by the name of Kilmair; I only know a man who lay next to Pokorney. If he was about 80 years of age, I know him well. Mr. Maxted does not give the age of the man, he does not give his name, nor does he give the date of his death. I have no idea if the man died after Mr. Maxted was appointed, or if he died three years previously.

- Mrs. S. Cunyngame. 2092. *Mr. Ritchie.*] Have you any remembrance of Mr. Maxted asking you "How is Kilmair to-day?" I have not.
2093. According to Mr. Maxted's evidence your reply was "Oh, getting on first rate"; and then he said, "Has he taken his food to-day," and you replied "Yes." Do you remember that conversation? No, and if Mrs. Maxted had asked me such a question I should most certainly have had to refer to the paid attendants.
2094. You do not remember any conversation at all about any particular sick man? None whatever.
2095. There were generally about 60 people in the hospital? Yes.
2096. If you were asked to remember one you would not be able to answer unless there was something peculiar in the case? No.
2097. *Mr. Williamson.*] Do you recollect the wardman named Drew going down to one of the attendants, and the communication coming to you that Mr. Maxted was kicking up a row about want of attention to the hospital patients;—do you recollect that? No; but I will tell you what I do recollect: I recollect one wardman, a tall man, Birchfield, coming down to me one day after Mr. Maxted had left, and saying, "Mrs. Cunyngame, I think I ought to tell you, Mr. Maxted was up yesterday afternoon and spoke to the people, and asked if you visited the wards after dark," and I said, "I wonder what his object was for doing that?" and Birchfield said, "Well, I think I ought to tell you." The next day, when Dr. Violette came, Mr. Ireland was in the office, and I said to Mr. Ireland, "Don't you leave, but wait here, I am going to ask Dr. Violette a question." Dr. Violette was coming round to me, and I said, "Dr. Violette is it your wish that I should visit the hospital wards after dark; it appears that Mr. Maxted has been asking the patients if I am in the habit of doing so?" Dr. Violette said, "No, Mrs. Cunyngame, there is no need; I suppose you visit during the day?" and I said, "I am in and out all day long." Mr. Ireland will come forward and corroborate this evidence.
2098. *Mr. Ritchie.*] Did Mr. Maxted ever accuse you of lying to him? Only on that occasion when he spoke about the tobacco.
2099. *Mr. Bourke.*] When was that? It was a few days after the paragraph appeared in the newspaper, and that was 10th October, 1888. He charged me then about the paragraph in the newspaper and about Felix Cummings, and when I went to the surgery and told him that the doctor had put it in his own handwriting about Felix Cummings, he turned on his heel, and said, "Mrs. Cunyngame, you say one thing and Dr. Violette says another, and between the two I can make nothing out of it."
2100. Then the only time when he spoke to you about untruthfulness was a few days after the 10th October? That was the only time that he ever appeared to be displeased with me or gave me any cause to be annoyed.
2101. There is another man, named Elmas, do you remember him? Perfectly well.
2102. Mr. Maxted has reported that this man had no medical comforts for three days, and that he was very bad? When Elmas was admitted he was certainly seen by the doctor, and therefore it was for Dr. Violette to say if medical comforts were necessary, although when Mr. Maxted called me in to see the man he was in a very bad state.
2103. What was he suffering from? Phthisis.
2104. And I suppose the condition of the man would vary very much during the day? Yes. It was in the evening when Mr. Maxted called me in to see him, and I had seen him repeatedly during the day. On one occasion he had a large basin and was struggling to drink some soup, and I took it up and I went to the crockery cupboard and took a small medicine phial out, and I said to him, "Give me the saucer, and take a little drop at a time, and it will be easy for you," and the man took his soup.
2105. Did Mr. Maxted speak to you about that? Only in a general way. He called me in to see him, and said he was very bad, and I said he was bad, and I went directly to get him some wine. He had been seen by the doctor.
2106. Would his condition vary very much during the day? No; he was very ill, poor fellow.
2107. And then he left for Liverpool two or three days afterwards? I just had time to get his admission order for Liverpool.
2108. Do you know, as a matter of fact, whether he had any medical comforts during those few days besides the soup of which you spoke? There had been none ordered by the doctor.
2109. Did the wardman draw your attention to this man's condition? No, I saw him myself.
2110. It did not occur to you to give him anything until Mr. Maxted drew your attention to him? No; he was sitting then on the bed coughing very much, and he seemed very much distressed. He was a dark man.
2111. As the doctor had not ordered him medical comforts you did not give him any? No; had I seen the man in such a state I certainly would have given him anything at all.
2112. A man suffering, as you describe this man, from such a disease;—would his condition vary during the day; would he be worse at one time than at another? Yes, he had spasms of coughing.
2113. Then it was during a spasm of coughing that Mr. Maxted called you in? Yes, he called my attention to him.
2114. When Mr. Maxted called you in the man was suffering from a spasm of coughing? He had a very severe attack of coughing. He left for Liverpool a few days afterwards.
2115. And the doctor had seen him every day during those three days—the doctor had been there every day? He had been there, and I know he saw the man on the day of his admission, because had Elmas come in after the doctor's visit I would have sent for Dr. Violette to see him.
2116. Did you make it your business to look after these two wardmen who were in the hospital to see that they gave the men what was ordered for them as a general thing? I never had any faults,—there was not one complaint that the men did not get their comforts.
2117. Did you ever go into the cancer ward or the other ward to see how the patients were getting on? When the alteration in the dietary took place, there was not a morning that I did not go into each of the hospital wards to superintend the new dietary arrangements.
2118. And while you were there, did any of the patients make any complaints to you about not getting what was ordered for them? None whatever. I also assisted to feed the helpless myself.
2119. Did the inmate wardmen at any time ever refuse to feed the sick, saying that it was not their work? They complained about Edgar and Warner not giving them proper assistance, and when I spoke to Warner, he said he understood he was there to superintend the inmate wardmen, and I remonstrated with

with him, and told him I expected him to do what I had been doing—that was to help the helpless, and to feed them.

2120. Did you on any occasion help to feed the sick yourself? Repeatedly. There was an old man named O'Neill who always looked for me. When the alterations took place, while Warner would be feeding one man I would be feeding another, and so I would go about from one hospital ward to another.

2121. That was actually in Mr. Maxted's time? Yes. And there was a man named Allen whom I dismissed from the cancer ward on account of his allowing the gruel to remain in the bucket and not asking the inmates if they required any more. He said it was Edgar's fault, and Edgar said it was his fault, so I put him into the yard. I did not dismiss him altogether; I put him into the yard, and he had to forfeit his pay.

2122. Did you ever ask Mr. Maxted to allow you to have an able-bodied inmate? I asked Mr. Maxted to allow me a woman servant. If I wanted inmates I could have had twenty.

2123. What did he say? He said, "Hold it over for a little while, Mrs. Cunyngame." Whenever I made a suggestion to Mr. Maxted in reference to any assistance I required, or any particular thing to which I thought I was entitled, the reply I always got was, "Oh, hold it over for a little while, Mrs. Cunyngame."

2124. On the 24th October Mr. Maxted gave you some instructions to the effect that you were not to use the labour of the inmates any more for your own private kitchen. Will you explain why it was that you did not immediately carry that out? I felt unable. I was paying so much attention to the institution that I was not able to go and look after a suitable person. The woman I had had for fifteen or eighteen months had left me a fortnight or three weeks before, and she was married, and therefore I was left without a good woman—it would not do for me to have anybody; and a friend of mine had said that her servant, who was a very good one, was about to leave her, and I had better wait for a fortnight or three weeks, which I was doing very quietly, and was getting on very well.

2125. How long was it after Mr. Maxted gave you that order that you were suspended? I was suspended on the 20th November.

2126. That would be a little more than three weeks? Yes; I have a letter from Mrs. Murray, to whom I had written, asking her if she could supply me with a sober woman for Newington:—

Dear Mrs. Cunyngame,

I hear you want a useful woman. I have found one who *promises* not to drink.

Newington Asylum, 19 Nov.

When can I send her to you?

Yours truly,

E. L. MURRAY.

2127. And when you got this servant you were going to dispense with inmate labour? No, I think I should have argued the point with Mr. Maxted, and asked him if I was not entitled to it. I never considered that I was wrong in using the inmate labour. You must understand that Mr. Maxted during this time did not give me an opportunity to explain anything. He kept away until I got my letter of suspension. Between the last occasion of his visit and when I received the letter of suspension I did not see Mr. Maxted, except on one occasion, and then I could tell that he was very displeased with me.

2128. *Mr. Ritchie.*] What was the interval between his seeing you and the time when you got the letter? About a week.

2129. You had not seen him the whole of that time. Was he in the asylum at all? No; on his last visit before my suspension he seemed to be very peculiar all at once. He came in and walked through, and went down to a man named Watsford, and came out again and shrugged his shoulders, passed me in the hall, and went out at the gate.

2130. Without speaking to you? He just nodded, but did not shake hands in his customary friendly way. This brings another matter to my mind: That very morning Mr. Ireland came in to me and said, "I say, Mrs. Cunyngame, do you know what Mr. Maxted has done for you?" and I laughed. He said, "It is all very well to laugh, but it is true"; and I said, "What is it?" "Why," he said, "Mr. Maxted has written a letter to the Government, stating that you are the most untruthful and unreliable officer in the Service." "Oh," I said, "Get away, you must mistake the name." I said, "Here is Mr. Maxted, now we will just see." So Mr. Maxted came in and shook hands and said, "How do you do, Mrs. Cunyngame; beautiful morning; everything all right," and I said, "Yes." Mr. Ireland turned on his heel and said, "Well that beats all," and I said I would not believe it.

2131. *Mr. Edmunds.*] How long was it from the time when Mr. Maxted gave the order to discontinue the use of the inmates in your kitchen up to the time when you were suspended? Three weeks.

2132. And during the whole of that three weeks did you still continue the use of the inmates? Yes.

2133. *Mr. Bourke.*] But they were being partly used for the institution generally? Of course; all the hospital food was cooked in my kitchen on account of so much work being done in the general kitchen.

2134. *Mr. Williamson.*] Was this man Ireland, of whom you speak, a servant at the institution at one time—overseer of works? Yes.

2135. And Mr. Maxted abolished his office, did he not? I could not say what Mr. Maxted did.

2136. *Mr. Bourke.*] Did Dr. Violette ever complain to you that he had to do double duty in the institution? Never.

2137. I suppose you do not know what is meant by that charge? No.

2138. Now about the contractors who supplied the institution;—were you in the habit of receiving the stores yourself? I was generally about the building. If I was in the building I inspected them.

2139. Did Mr. Maxted ever give you authority to let Abbott receive them? No.

2140. Was Abbott in the habit of receiving these goods? Yes; for me.

2141. Did you consider Abbott a reliable man? I did.

2142. And generally speaking you left it to him? Yes; he had been with me so many years; he was always present. He brought the requisition-book down—it did not matter whether I was there or not—and I insisted upon his checking the goods, and that if they were of good quality they could be taken by him, but if there was anything wrong they were to be reported to me, and I would condemn them. He on no occasion ever condemned anything.

2143. Do you know a man named Drew? Yes; he is hospital wardman.

2144. What is the character of that man? I always found him very kind and very trustworthy. He would certainly ask for three days and go out and get tipsy, but while he was in the institution I never knew him to be under the influence of drink.

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2145. *Mr. Williamson.*] Truthful, I suppose? In the institution.
2146. *Mr. Bourke.*] Do you remember anything about a paralytical patient having been found in the corner of the hospital ward, unable to get to his bed;—was there any complaint made to you about that? I never heard anything about it until Mr. Maxted stated it in his evidence.
2147. There is a man named Edgar, who has been spoken about already;—did he ever make any complaint to you that you disregarded? Never.
2148. If he made complaints to you about anything in connection with the hospital did you investigate them? I generally found out things myself.
2149. But you never remember refusing to investigate any matter at Edgar's instigation? No; I used to be very smart with Edgar, especially after the new dietary came into operation.
2150. It has been charged against you by Mr. Maxted that Edgar was afraid to report matters to you, because if he did so you would not look into them, and he would be marked by you—is that true? You see there is no individual case given, and, therefore, how am I able to answer the charge? With regard to the paralytic man who was said to be on the floor, it is impossible that that could have happened on the day that Mr. Maxted said it did. There are 200 or 300 people in that institution, and Mrs. Payten and myself visited the hospital wards at 8 o'clock that very evening. It was on a feast day. Therefore it would be impossible for Drew to be drunk, or for this paralytical patient to have been in the condition described. Perhaps if I had the man's name I might be able to give some little explanation about it.
2151. When Mr. Maxted went up to the institution in August, shortly after he was appointed, did you say anything to him about certain moneys you had belonging to inmates? I did.
2152. What was it you said? I opened the despatch-box, and I opened two books, and I said to him, "Mr. Maxted, there are several money matters here which require settling up; when you can devote an hour or two to the matter we can talk it quietly over and look at the books;" and he said, "Mrs. Cunynghame, these books are so nicely kept; you cannot do better than go on as you have been doing, and I will get some slips printed."
2153. *Mr. Ritchie.*] What date was this? It must have been after the second week in August.
2154. This was in reference to moneys you had received on account of the inmates? Moneys that had accumulated from the time of Mr. King's retirement.
2155. *Mr. Bourke.*] But the inmates' moneys as well? Yes; the moneys of deceased inmates and the fat money.
2156. All moneys? Yes.
2157. Will you enumerate the different sources from which these moneys came? To begin with, when Mr. Rossiter was acting manager he would come repeatedly, and I would say to him, "Mr. Rossiter, you had better have a settling up of money matters with me." I did not say to him, distinctly or separately, "Deceased inmates' moneys—I want to hand these moneys over to you." I said this in a general way, in the same way that I said it to Mr. Maxted, "I want to have money matters settled with you." Fat money I spoke of distinctly as wishing to settle up.
2158. *Mr. Ritchie.*] You have spoken of moneys which you received for fat, and of moneys deposited by the inmates;—did you receive moneys from any other source? No.
2159. Only from those two sources? The money for the fat, the money of deceased inmates, and inmates' deposits.
2160. Did you ever receive money for refuse from the institution? Not one penny; and there was no arrangement made. But when I was under suspension I heard that Mr. Maxted went out to Mr. Gould, who was living in my place; and Mr. Gould being away from home, he spoke to Mr. Gould's cripple boy, who gave him a very ready answer. Nevertheless, Mr. Gould made arrangements to meet Mr. Maxted at the Sydney office, which he did. The first word Mr. Maxted said to Mr. Gould was, "I see you are a gentleman, but it was Mr. Hugh Taylor who told me that Mrs. Cunynghame was in the habit of receiving money."
2161. This is what Mr. Gould told you? Yes.
2162. We do not want to know that. About this refuse and the farm, were you in the habit of sending the refuse to your farm? Yes.
2163. How long did you do so? For eighteen months or two years. But before that we kept pigs ourselves there and we used the refuse.
2164. On the institution? Yes.
2165. Were they Government pigs? No our own.
2166. You fed them? Yes, we fed them and sold them.
2167. And the proceeds you kept for your own profit? Yes, they were never very great.
2168. *Mr. Hawthorne.*] Was there nothing in the Municipal laws of Parramatta to prevent your keeping pigs in the town? Yes; that was the reason why we had to remove them.
2169. *Mr. Ritchie.*] How did you acquire the right to use the refuse? Mr. King gave me permission to do as Mrs. Burnside had been in the habit of doing. When the Council objected we bought the place which has already been spoken of, and we removed all the pigs from Macquarie-street to Sherwood, and we had a horse and cart of our own, and I used to send all the refuse out there.
2170. Bones and so forth? Very few bones, bones were always buried about the place; but all the eatables and anything that was unpleasant.
2171. You sent on to the farm? Yes, and when we let the place we sold everything to Mr. Gould.
2172. After Mr. Maxted's appointment? No, this was eighteen months ago.
2173. You sold all the pigs and the animals that you had on the place? Yes—only pigs, there were no other animals.
2174. With regard to the moneys for the fat—you sold the fat? No. For the first three years we used to send our own horse and cart to Pritchard's with the fat, and he used to send us soap in return. For the first three years I never had any cheques.
2175. Of what years do you speak now? 1883, 1884, and 1885.
2176. *Mr. Hawthorne.*] You started in 1882 with Pritchard? Yes, and the first cheque we got was in 1885.
2177. *Mr. Ritchie.*] And this soap was for the asylum? I used to get on an average 20 cwt. of soap a year, and it accumulated so much that I said to Mr. King, "I have such a quantity of soap on hand, suppose I take a cheque occasionally, and I should like to have the money, if you will allow me, to buy a piano

piano for the Institution." He said, "Mrs. Cunynghame, I see no objection, but don't you attempt to make any arrangement or buy a piano unless I give you authority." Those cheques were always paid over to Mr. King. There might be three a year, because as the soap accumulated so I would get a cheque occasionally. The cheques were always paid over to Mr. King.

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2178. This was from the year 1885 up to the time when Mr. Maxted was appointed? Up to the time of Mr. King's retirement. When Mr. King retired everything was satisfactorily settled up. Then when Mr. Rossiter had been acting for four or five months he said to me, when I spoke to him about money matters, "Mrs. Cunynghame, you had better hold your money until I am appointed, or until you have a chief, I do not wish to have anything to do with money matters at all." I repeatedly asked him, jokingly, about these money matters. Then when Mr. Maxted came I did the same with him and he refused—not as Mr. Rossiter had done, but he said, "Wait till a more appropriate time."

2179. Are the moneys still in your possession? Yes. When I was suspended I asked Mr. Maxted to make an appointment with me, so that these matters might be settled up.

2180. *Mr. Edmunds.*] Are they still in your possession? Yes.

TUESDAY, 3 SEPTEMBER, 1889.

Present:—

MR. HOWE,	|	MR. KIDD,
MR. RITCHIE,	|	MR. CRICK.

JAMES PETER HOWE, ESQ., IN THE CHAIR.

Mr. Bourke, instructed by Mr. Herbert, appeared as counsel for Mrs. Cunynghame.

Mr. T. M. Williamson appeared as solicitor for Mr. Maxted.

Sarah Cunynghame called in and further examined:—

2181. *Mr. Bourke.*] You said that the first cheque you received from Pritchard Brothers was in 1885? About that time.

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2182. Can you tell us how many cheques in a year you would receive from Pritchard Brothers? Not more than three.

2183. At the time when Mr. King retired had you settled up with him—had you paid him all the cheques? There might be one or two cheques for 1887, but up to that date everything was satisfactorily settled when Mr. King took ill, with the exception of those cheques.

2184. Then at the time of Mr. King's retirement you had paid him any cheques for fat that you had received? Yes, any moneys at all.

2185. And also any moneys belonging to inmates and dead inmates? Yes.

2186. There is a list in the printed Parliamentary Report on your case of moneys belonging to dead inmates—are those people who have died since Mr. King's retirement? There might be one or two; but everything would be entered in that black book.

2187. You say that with the exception of one or two they have all died since? Yes.

2188. The book which I now hand you shows the moneys belonging to inmates exclusively? Yes, deceased inmates and living inmates.

2189. Who gave you authority to keep the book in that manner? Mr. King.

2190. After Mr. King retired an account of all the fat moneys and all the inmates' moneys since his retirement was kept in that book? Yes.

2191. Did you make any attempt with Mr. King's successor, Mr. Rossiter, to settle accounts? Yes, repeatedly.

2192. What did Mr. Rossiter say? He told me to wait until a chief was appointed.

2193. Is that why you kept these fat moneys and inmates' moneys in your own possession? Yes.

2194. The book you have in your hand shows the moneys payable to the inmates and is a check on your account in the bank? Yes; this was kept by the clerk.

2195. All the inmates' moneys and all the fat moneys were paid into your own account, and this book is the check? Yes.

2196. And the book was in the possession of Abbott the clerk? It was, under my superintendence.

2197. But in his charge? Yes, he kept it.

2198. And it was open to the inspection of Mr. Rossiter, Mr. King, and Mr. Maxted? Yes, it was offered to Mr. Maxted; I offered it to him.

2199. Does the book marked K show everything paid into your account, whether it was the moneys of inmates, your own moneys, or fat moneys? Yes.

2200. It shows everything paid into the bank? Yes. It did not go to the bank, but was kept as a check of whatever inmates' moneys were banked by me. Each of the inmates' names is here.

2201. The other book—what does that show? This is only the money as the clerk received it and paid it to the people, and when accounts were exhausted they were crossed out, and when any money was left it was put on a piece of paper and entered in the diary, and Mr. King receipted for it.

2202. You say you have Mr. King's authority for keeping the accounts in that way? Yes.

2203. In one of these books is Mr. King's handwriting, showing you how the books ought to be kept? Yes; this was from the very beginning of my term of office.

2204. What does this book show—the inmates' moneys? Yes; this is Mr. King's own handwriting.

2205. That entry is to show you how to keep the books? Yes.

2206. Then in keeping these books concerning the inmates' moneys and the fat moneys in the way shown in them, you have Mr. King's authority, and you followed the example given you by Mr. King in that book? Yes, as nearly as I possibly could.

2207. *Mr. Crick.*] You say that with the exception of one or two all the moneys of deceased inmates had been paid to Mr. King. What was the reason why those one or two were not paid also? Mr. King fell ill. I called at his house during his illness, and he said it would be all right, that they were perfectly safe, and when I told him about offering them to Mr. Rossiter, and Mr. Rossiter refusing to take them over, he said he had done the same with regard to other asylums.

2708.

- Mrs. S. Cunyngname.
8 Sept., 1889.
2208. Then you did offer all the dead inmates' moneys you had to Mr. Rossiter before Mr. Maxted's appointment? Repeatedly; they were not very large sums, but I never liked to keep them, and I paid them over about every month or six weeks.
2209. *Mr. Bourke.*] Can you tell us now about these fat moneys;—after Mr. King's retirement, you say that Mr. Rossiter would not take them from you because he was not appointed, and that you offered to settle up with Mr. Maxted, who told you to wait until a more appropriate time—can you tell us how much you had? The following are the cheques I received from Pritchard Brothers after Mr. King's retirement:—December, 1887, £2 10s. 5d.; September, 1887, £2 9s. 7d.; February, 1888, £2 14s. 11d.; July, 1888, £1 17s. 6d.; January 6th, 1888, £2 9s., making a total of £12 1s. 5d.
2210. You hold that money now? Yes.
2211. And the reason you have not paid it in is because you could not get anyone to take it from you? Yes.
2212. You have in your hand bills representing the cheques which you now hold for the fat? Yes.
2213. Do you know what the dead inmates' moneys amount to altogether? I am unable to say without reference to a book which is in Mr. Maxted's possession, and which I asked might be returned so that I might settle up money matters.
2214. That book has been in Mr. Maxted's possession since you were suspended? Yes; it was handed over to Mr. Green on the understanding that it was to be returned to me, and I have his receipt for it.*
2215. And it is only by reference to that book that you can tell the amount of dead inmates' moneys that you really have? Yes, and how money matters stand.
2216. When Mr. Maxted asked you for a memorandum shortly after you were suspended of the moneys you had it was sent to him, giving only the moneys of living inmates. Will you explain how it was that moneys of dead inmates were not included in that memorandum? This book was brought over by Abbott, the clerk, on the day of my suspension, and I never went back to the office. Mr. Maxted asked me for the first list, and I asked an old friend, Mr. Gale, if he would take that book and give a complete list of the moneys, the open accounts. I made no reference to deceased inmates.
2217. Did you forget them? No; it did not occur to me. Mr. Maxted asked to have that book or an account of the money that was due to the men, and I simply said to Mr. Gale, "Take that book and take out for Mr. Maxted the accounts, the open accounts; you will see by their different names." I did not even look at the list.
2218. You simply gave the book to Mr. Gale, and he made out this list which has been supplied to Mr. Maxted? Yes.
2219. And in that list he omitted the dead inmates' money? No reference was made to them.
2220. He omitted them? Yes; he did not know anything about them.
2221. And that is why they were omitted? Yes; I did not attach any importance to them.
2222. You have always been ready to deliver these moneys over to anyone who would take them? Yes; and have had plenty of money to my credit always.
2223. And you could not get Mr. Rossiter or Mr. Maxted to take these moneys from you? No.
2224. Mr. Abbott in his evidence speaks of a book from which some leaves were taken out—are these the leaves? Yes.
2225. Can you tell us why you took those leaves out of that book? There is one book you have that has been completed; that exactly tallies with the one you have just put down. This is the book I kept for entries when they were settled up with Mr. King—this alphabetical book. I did not keep it because it was an alphabetical book; it was merely a book I had in hand.
2226. But why were those leaves taken out? When I took this over to Abbott to make certain entries in, it had never been used. It was one I kept, and I kept it in my own house. Abbott wanted a new book, and I took him over this new book, which also had not been used; but these leaves at the end of the book had been used for the memoranda entered here, and I said to Abbott, "Here is a book for you." He said he wanted an alphabetical index, and I said to him, "Take the end leaves out of this book, and I will sew them in another book," and I took them in his presence and sewed them in his book.
2227. Why? Because these had all been settled up from the very beginning of my holding the position.
2228. But was it because they contained a record of moneys you had paid to Mr. King? Yes.
2229. And you wanted to keep that record for your own information and your own protection? Yes.
2230. The reason you took the leaves out was that they contained a record of moneys that you had already paid to Mr. King? Yes.
2231. Did you take the leaves out yourself? No; I authorized Abbott to take them out.
2232. It was Abbott who took them out by your order? Yes.
2233. And put them in another book? No; I put them in this book.
2234. *Mr. Orick.*] Who always had possession of the book afterwards? I had.
2235. And they only contained a record of settled accounts? Yes, from the very first.
2236. *Mr. Ritchie.*] These were moneys you had received from inmates? Yes.
2237. And which you held in trust for them? Yes.
2238. *Mr. Bourke.*] When you paid any of the inmates' moneys to Mr. King, what receipt did you get? It was generally entered in the diary on each visit of Mr. King. There was a pencil mark put for them and he would look and initial in the margin of the diary "Received so and so, or such an amount"—whatever the sum was, sometimes 5s., sometimes 4s. 6d.
2239. If you had a cheque for fat when Mr. King visited your institution, and also some of the paid inmates' moneys in your despatch-box you would pay all this to Mr. King? No; I would not pay him any cheques; I always paid him in cash.
2240. Supposing you had received £3 for fat during Mr. King's absence, and say £2 of inmates' money which you were not to pay back to them—when Mr. King came would you pay that money to him? If it had not been banked, but we generally banked everything.
2241. If it had been banked you would give him the cash? We would have a settling up. I would deduct different small sums which would have to be refunded to the inmates and hand over to Mr. King the balance, being myself responsible that the inmates got the different sums that I had deducted.

2242.

*NOTE (on revision).—I am accused by Mr. Maxted of misappropriating various sums, viz., £10, £3, £1, and a few shillings, which were at the time of my suspension in the despatch box, which was locked by Mr. Green, he taking possession of the key.

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3 Sept., 1889.

2242. With regard to the tea that was received at your institution—how did you generally find that as to quality? As far as quality went as good as one could expect; but only the fifth of an ounce was allowed to each inmate, and it had to be divided into two meals; so that the men could not get very strong tea.
2243. Did you often find that the tea was bad; do you remember any occasion when you objected to the tea? Only on one occasion.
2244. What did you do then? The quality of the tea was not bad but it was full of sticks.
2245. What did you do? Sent it back direct.
2246. *Mr. Orick.*] How much tea did you say was allowed each inmate per day? The fifth of an ounce, and it had to be divided into two meals—breakfast and tea.
2247. As a general rule what would be the amount of tea used by one person? A pint.
2248. I suppose a quarter of a lb. of tea a week is considered a fair thing? That is the full ration that is allowed; that is what I should send if I were sending ration to Newington for any of the inmates.
2249. *Mr. Kidd.*] That was only one ounce every five days? That was all. Then I had a conversation with Mr. Maxted about the quality of the tea, and I myself got the two bottles to which he referred in his evidence. But I did not know then that Mr. Maxted was using them against me; he gave me to understand that he was using them against the contractor.
2250. *Mr. Bourke.*] Do you remember a man named White who was in Parramatta Asylum? Yes.
2251. Did that man make any complaint to you? He was always complaining before Mr. Maxted came. He was not very long there, he came from the George-street Asylum.
2252. What was the nature of his complaint? About being allowed to talk in the dormitories and smoke in the dormitories. He and a man named Burnes were very much after the style of Baird, the man who gave evidence at the inquiry. He came up one day—I believe this was before Mr. Maxted was appointed—with five other men as a deputation. I believe the same deputation waited upon Mr. Maxted afterwards, and I did not know anything about it. These five men were ushered into the office to me, and they made a long rigmarole about not being allowed to talk in the dormitories. Very often very old men in the institution would like to go to their bed and go to rest, and White was comparatively a young man and they would sometimes have these discussions, and the older men would complain to me and that was my reason for being a little strict in the matter.
2253. Did you allow them to talk in the dormitories? I never knew whether they talked or otherwise, as long as there was no discussion or complaint made.
2254. Have you never issued an order that they were not to talk in the dormitories? I have only instructed the wardsmen to keep proper order in the dormitories. If the old men complained I would send to the wardsmen and he would name the man.
2255. Did the old men sometimes complain that some of the men in the dormitory caused disturbance at night by their discussions? Repeatedly. Before Mr. Maxted was appointed, Mr. Rossiter had to be called late one night in consequence of the conduct of the man Burnes, who, though hopelessly blind, was in the habit of going about pulling the clothes off the old men and annoying them. Mr. Rossiter reprimanded the man, and told him that if he did not behave himself he would be sent to prison. He also used to trip up other inmates with his stick.
2256. Did you ever beat that man with an umbrella? No; I never did.
2257. Do you remember receiving any complaint about a man named M'Phee being ill-treated in a ward? Not until after I was suspended.
2258. Who complained then? Mr. Maxted. I had never heard anything about it.
2259. Do you remember a complaint being made by Mr. Maxted about the quality of the potatoes? On one occasion only.
2260. Did you see the potatoes on that occasion? I did, and I drew Mr. Maxted's attention to a memorandum made in the medical register by Dr. Violette.
2261. Do you remember the date of that memorandum? The 25th October. In the month of October potatoes are always going to seed. But we have good potatoes. If the potatoes were of inferior quality they were always picked out by the inmates, put into a bag, and given to the grocer on his next visit, and he returned the weight of good quality.
2262. The potatoes that were shown to Mr. Maxted were cooked? Yes; they were also shown to Dr. Violette, who, on the 25th October, 1888, wrote this entry in the medical register: "The potatoes as shown me, as taken from the wash-tub, are of good quality, and fit for any use to which they can be put.—W. Bradley Violette." Mr. Maxted visited the institution on the 30th October, and made the following memorandum in the medical register:—"These are the potatoes which Watsford complains were bad. He has also submitted some bread to me as being bad; I have found it perfectly good.—S.M., 30/10/88." The day on which Mr. Maxted made his memorandum he was in a great hurry, as he usually was when leaving the institution; and I called to him and said—"Mr. Maxted, I have something to say to you before you leave"; and he said—"What is it, Mrs. Cunynghame?" in a great hurry. I called him in and showed him this book, and he put his hand in the pocket of his coat and drew out a piece of bread, and he said what he has entered in the book. I said—"Go to the bread cupboard and look for yourself at the quality of the bread." It was not only once but repeatedly that Mr. Maxted did that sort of thing without speaking to me; and had I not called him into the office against his wish and shown him that memorandum, I would never have known that he had a complaint against me from Watsford.
2263. Do you remember a man named Henry Allen? Yes; he was an inmate wardsmen in the cancer ward.
2264. Did he misconduct himself in any way? He neglected to attend to the people who were sick. On my visiting the ward while the food was being issued at meal time, as I usually did, I saw that he neglected to ask the patients if they would take any more gruel. I asked them myself and they said none had been offered to them. I remonstrated with the man and told him he was very neglectful.
2265. What action did you take? I dismissed him into the yard, and he met Mr. Maxted who promised to intercede for him with me.
2266. To get him back into the cancer ward? Yes, but I would not have him.
2267. *Mr. Crick.*] Why did you put him out? He neglected to give the old men the gruel; there was a bucket of good gruel under the table.
2268. Did Mr. Maxted ask you to let him back? No, I do not remember Mr. Maxted speaking to me about him at all.
2269. You say he asked Mr. Maxted to intercede for him? Yes.
2270. And Mr. Maxted did not do so? I do not remember Mr. Maxted doing so.

- Mrs. S. Cunyngame.
3 Sept., 1880.
2271. *Mr. Bourke.*] Did you ever ask Mr. Maxted for any rules or regulations to guide you in the management of the institution? No, because I had previously drawn up rules, and when I spoke to Mr. Maxted about them he said he was going to make a few alterations. At present they are with Dr. M'Laurin, but a copy is printed in my letter-book.
2272. You drew them up yourself? Yes.
2273. But they have not been ratified? I do not think so.
2274. Do you remember a man named Daniel Watsford who was in the institution? Yes.
2275. Mr. Maxted has stated that he was put on partly at your request? That is not so. I refused to have him, and stated at the time to Mr. Maxted that I did not consider he had sufficient judgment—those were the words I used. Mr. Maxted said, "Mrs. Cunyngame, he will be a very useful man to you, because you have a large family of children"; but I said I thought he would give me trouble.
2276. Mr. Maxted has said that he was put on at your instance, is that true? No.
2277. Did you ever complain to Mr. Maxted that you wanted more paid assistants in the institution? I did repeatedly.
2278. And what did Mr. Maxted say? He said, "Hold it over, Mrs. Cunyngame, for a little while."
2279. It has been said that this man, Peter Abbott, who was clerk during your time, practically managed the institution—is that true? Not at all.
2280. What did Abbott do? The reason he was there so long was because I felt he was perfectly safe, and would never act on his own responsibility. If it was only a memorandum I wished made he would have to wait until I dictated it to him.
2281. We have been shown the books—he kept all in his own handwriting;—were these kept by him under your supervision? Yes, every book; and I always supervised the diary, and anything that was objectionable I told him to erase.
2282. Then all these books that he kept were under your constant supervision? Yes, and mostly entered at my dictation.
2283. Something has been said with regard to the reduction of Abbott's pay. When Mr. Maxted asked you to draw up a list of the paid inmates, with a view to reduce their pay, did you recommend that Abbott's pay should be reduced? No, I did not. I do not think I drew up the list at all; I think Mr. Maxted took a rough statement of everything.
2284. At your dictation? Yes; but there was no mention made of Abbott until it came back.
2285. In this list that Mr. Maxted drew up at your dictation, did you ask him to reduce Abbott's pay from 2s. to 1s.? Certainly not.
2286. When the list came back to you with the amounts that were to be paid to these inmates, what was Abbott put down at? 1s. instead of 2s.
2287. This was in the list that came to you from the head office? Yes.
2288. Is this the list you got from the head office [*list produced*]? Yes.
2289. In this list Peter Abbott is put down to receive 1s. per diem instead of 2s.? Yes.
2290. When you got this list, what did you do? I simply put it in my sideboard. I did not take it to the office until Mr. Maxted visited again.
2291. Why did you keep it there? Because I did not want to hurt the old man's feelings by telling him that Mr. Maxted had reduced his pay from 2s. to 1s. When I expected the next visit from Mr. Maxted I brought the list to the office with me, and I said, "Mr. Maxted, don't knock the old man off a 1s.; he deserves the 2s."; and he put in the margin in his own handwriting, "To remain as at present."
2292. Then you say that you never recommended to Mr. Maxted that Abbott's pay was to be reduced? No; I considered that he was worth the 2s.
2293. You considered him a very useful and reliable man? Yes. When I was suspended he was considered so reliable that Mr. Maxted gave him £50 a year, and classed him as a junior clerk in the Government service.
2294. You know that he is not now an inmate, but a Civil Servant? Yes. Mr. Maxted paid him because he was so reliable and could pass the stores, and yet he did not consider him capable of passing a few pounds of flour or tea for me.
2295. Mr. Maxted has said that when the institution was first established as an erysipelas hospital there were half a dozen patients when you first went there. You have told us, I think, that there were about thirty? There must have been about that number, male and female; I am sure there were ten or fourteen women.
2296. You remember the 20th October, I suppose? That was a feast day.
2297. In Dr. Violette's report of the 22nd October, which he considers has already been dealt with and settled, it is charged that certain men—Nimmo and Boucher—did not get their medical comforts on that day? We never issued spirits on the morning of a feast day. Beer, as I have described before, was very liberally supplied, not only by myself, but also by visitors, who were not able to judge how much these men could take.
2298. Is that the reason why the men did not get their medical comforts during the day? Yes; it was always an understood thing.
2299. What was the usual time for distributing the medical comforts? I would not distribute them at all unless I thought it was necessary.
2300. But what was the usual time? Ten o'clock in the morning.
2301. Would any one go round at night after the feast was over? Yes; that night Mrs. Paton and myself visited each hospital ward, and we went to each bed in the cancer ward, and gave the patients their comforts.
2302. That very night? Yes, that night at 8 o'clock. Mrs. Paton went with me. We went up-stairs to No. 1 and 2 wards, and they were all so quiet and appeared to be asleep that we both came down again, and put the bottles in the store-room.
2303. Were Nimmo and Boucher in either of those two wards where the men were all asleep? Yes, in No. 2 ward.
2304. Is that the reason they did not get their medical comforts that day? Nimmo was not allowed any comforts; he spoke for the other men. Boucher had been ordered gin, but it had not been given to him that day on account of his having been so liberally supplied with beer.
2305. You say you went round at night to give the men their medical comforts, but you thought they were all asleep in the ward? I knew they were asleep; we opened the door very quietly.
- 2306.

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3 Sept., 1889.

2306. *Mr. Crick.*] You say it was customary not to give them their medical comforts on a feast day? Yes, when they had taken beer liberally.
2307. *Mr. Bourke.*] According to Dr. Violette's report these men complained that they were compelled to take the beer;—do you know whether anyone forced the beer down their throats? I think if they had not wanted it they would have objected, and asked for something else, and the ladies would have come to me.
2308. It is also complained that they were told that if they did not take the beer they would not get anything else;—was that said by you or by any of the visitors? No.
2309. You do not know whether it was said by anyone else? No; the ladies say they do not remember anything of the sort.
2310. Another charge in Dr. Violette's report is that you abused Nimmo, and made disparaging remarks about the Quong Tart festival;—is that true? I could not have done so.
2311. It is said that you were distributing some pork, and while doing so made some disparaging remarks about the Quong Tart festival;—did you do so? No; Nimmo was saying a great deal about lemonade having been drunk by my friends, and I told him he was only one person, to let every one speak for themselves.
2312. But did you make any of these disparaging remarks? No; what could I say?
2313. About this pork? It was part of a sucking pig that had not been sufficiently cooked on the Saturday.
2314. It was pork remaining from the feast? Yes.
2315. Then it was not yours? No.
2316. Dr. Violette has said that it was some pork supplied by yourself, and that you said it was your own treat to the men;—is that true? No.
2317. *Mr. Crick.*] Did the men get any beer on the following day—Sunday? Yes; we made shandy-gaff with the beer and ginger-beer that was left from the feast.
2318. Did any of them refuse beer on the Sunday? No; they were all glad to get it.
2319. *Mr. Bourke.*] It has been said that you were very anxious to get rid of a man named M'Govern;—is that true? I brought him up to Dr. Violette.
2320. Why did you bring him before Dr. Violette? Because he was imbecile, and kept making charges about the warders wanting to take his landed property.
2321. You thought he was insane? No, I did not think so, because I knew he was imbecile.
2322. Then it was because he was imbecile? Yes, and because he was annoying everybody about the place. He made different charges about the wardsmen taking away the things. He had some money amounting to £1 14s. 9½d. which he left under his pillow, and which he could not find, and there was a great commotion in the ward, because everyone was afraid that he was going to be charged with having taken this money. I made the wardsmen take him out, and sit him on a chair, and search his bed, and they found one part of his money in one place and the rest in another place. I felt that it was not right to the other men that he should have this money, and make these charges against people, and that is the reason why I brought him under Dr. Violette's notice several times. There were memoranda in the book about his making charges.
2323. One of Dr. Violette's charges is that you called in Dr. Phillips to see this man, and that you wanted to get rid of him;—did you want to get rid of him? Not at all.
2324. Why did you bring him before the doctor? Dr. Violette had made an entry in the book that Dr. Phillips should be sent for, to see Carlon, and as I was leaving the surgery I said to Dr. Violette, "If Dr. Phillips is here, may I call his attention to M'Govern," and I understood Dr. Violette to say "Yes." Dr. Phillips came about 12 o'clock, and when he had finished with Carlon I had M'Govern brought in to him, and I asked him several questions. I said, "We can manage him; he is childish, and I thought it better that you should see him," to which Dr. Phillips assented, and there was nothing more about the man.
2325. *Mr. Crick.*] So that Dr. Phillips really came there on an errand authorized by Dr. Violette? Yes, to see Carlon, a man who was a raving lunatic.
2326. *Mr. Bourke.*] Was Carlon sent to the lunatic asylum? Yes.
2327. Do you remember a wardman named Edgar? Yes.
2328. Was Edgar a reliable man? I had no fault to find with him.
2329. Was he the man who distributed the medical comforts during your time? Yes.
2330. I believe Edgar was authorized by Mr. Maxted to administer these medical comforts? A man named Crawley used to distribute the comforts until Mr. Maxted spoke to me about allowing Edgar and Warner to do it.
2331. He asked you to allow Edgar and Warner to distribute the medical comforts? Yes.
2332. Then it was really on Mr. Maxted's authority that Edgar distributed the comforts? Yes.
2333. You recollect William Roy, I suppose? Yes.
2334. He is one of the men who gave evidence before the Asylums Inquiry Board? Yes. He was totally blind and quite helpless.
2335. It is a considerable time ago since he left the asylum? He left directly after the inquiry. A fund was raised for him, and he was taken out by his friends.
2336. Dr. Violette has stated that a great many men were sent before him on trivial charges;—were they sent before him by you? It all depends upon who the men were. If he would name the men I could tell;—for instance, I sent Baird before him.
2337. He says that a wardman named Hanson was frequently bringing men before him on trivial charges;—did Hanson report these matters to you before he brought the men before the doctor? Yes. Hanson was a man who had charge of all the minor work of the yard, and he used to come to me and say there were certain men who were able to work, but who refused to do so. At one time I was allowed to use my own discretion as to whether or not a man should be turned out of the institution, but after an order was received from the Colonial Secretary about this no man was turned out of the institution until his case had been brought before Dr. Violette.
2338. Supposing the doctor decided that a man had been insubordinate and abusive, what action would be taken? I would report the case to the Sydney office, and they would take whatever action they deemed necessary.
2339. Most of the men who were sent before the doctor by you were charged with refusing to work and using abusive language? The charge was generally one of insubordination; they were very seldom charged with abusive language.

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2340. *Mr. Ritchie.*] When did the regulation under which you had power to turn a man out cease to have effect? Before the inquiry by the Asylums Board—up to 1887.
2341. Then up to that time you had absolute control as to whether a man was to be allowed to be in the institution or not? Yes.
2342. *Mr. Kidd.*] Did you report the matter to the head office before you took action, or did you take action and then report what you had done? I would send a memorandum saying how the man had transgressed, and what action I had taken, and the Sydney office would inquire and approve or disapprove of my action.
2343. But the man would be turned adrift by you on your own responsibility before you would report the matter? Yes.
2344. *Mr. Bourke.*] That discretion was left to you until the time you have mentioned? Yes.
2345. Do you recollect the man named Rooney? Yes; very well.
2346. Dr. Violette says that Rooney complained that he had been persecuted by you, and that he was not allowed to go to church. Did he ever ask to be allowed to go to church? The men would not want to ask me; services were always held in the yard, and in Rooney's case, if he could get half a dozen men to take him to church—for he was quite helpless—there was no objection.*
2347. To church in the yard? Yes; there was always service there for Catholics and Protestants every Sunday morning, and every facility was offered to enable the men to attend mass or any other service.
2348. Was Rooney allowed to attend these services? No objection was ever raised.
2349. Did he ever ask you? If he did men were told off to take him; but he suffered from paralysis, and it required very strong men to assist him.
2350. Did you ever refuse Rooney? No.
2351. Do you remember the case of the man M'Coy? Perfectly well.
2352. What happened at the time when M'Coy was making a complaint to the doctor that made you so angry? M'Coy said that he was lousey, and that "Mother Cunynghame" gave him dirty clothes.
2353. What was it that made you angry on that occasion? It was because the doctor did not check the man.
2354. For what? For saying "Mother Cunynghame," and because he attached importance to what the man said, and refused to go and see the man's bed when I asked him. But I was not angry.
2355. When the doctor ordered the boots, did this man get them? He would get them from the head wardman.
2356. Then the matter of the boots was not brought before you at all. Was the head wardman always in charge of the boots? Yes; whenever he wanted ten or twenty pairs he would get them.
2357. Then if the doctor ordered a man to get a pair of boots who would see to that? If there was a special order I would see to it or send Hanson. Hanson said he had repeatedly offered M'Coy boots, but he would not take them, making some excuse.
2358. Was this man one of the complaining sort—was he very querulous? I considered him a little imbecile also.
2359. A troublesome man? No, not when he is left alone. He would never say a word to anybody, but walked up and down all day long.
2360. Did you know that he was left without boots for three weeks? No; he must have had boots. I would have known it if he had had no boots.
2361. *Mr. Kidd.*] I suppose there is always some difficulty in fitting the men with boots? They were never very particular—as long as they were boots.
2362. I mean as regards size? No; we would always make requisition for the sizes required.
2363. *Mr. Bourke.*] Do you remember the case of Cook, who was charged with stealing the medical comforts? Yes.
2364. Did you make an inquiry into the matter? I began, but I considered it a very serious matter, and I sent at dinner-time for Dr. Violette as he was going to George-street to call in and assist me which he did, and I put this man Cook into the yard that very evening.
2365. The result of the inquiry was that he was dismissed from the hospital and put into the yard? Yes.
2366. It has been complained against you that you did not give this man in charge of the police; why did you not do that? I did not think it was a clear case. I told the man to remain in the yard until Mr. Maxted came.
2367. It is said that you gave him his clothes? But he did not go until the following Tuesday; this happened on a Thursday.
2368. When he was leaving did you give him an order? No; he said he would go to Mr. Maxted and tell him what had occurred and I let him out on that promise.
2369. Did you let him out on the understanding that he was to go to Mr. Maxted and explain matters to him? When he told me he would do so I said he might have his clothes.
2370. You had no power to detain the man there? No; had he demanded to leave the institution two hours after this affair happened, I could not have prevented him.
2371. I suppose that at any time that a man demands to go out you must let him go? Unless he is in the hospital ward, in which case I should send for a doctor.
2372. You did not feel justified in giving Cook in charge? I had nothing to give him in charge for.
2373. Do you remember a man named M'Carthy who was an inmate of the hospital? He was only there for a short time—six or seven weeks.
2374. It was during his time in the hospital that these medical comforts were stolen? Yes, he made the complaint.
2375. It has been said that you abused this man M'Carthy and called him a spy and a lousey mischief maker? I could not have done so. I am not in the habit of using such language to the inmates no matter how badly they behaved. Whatever occurred took place in Dr. Violette's presence.
2376. *Mr. Williamson.*] You deny that you used such words? Yes.
2377. *Mr. Bourke.*] You are not in the habit of using abusive language? No, not to anybody.
2378. You recollect the case of Bannan I suppose? Yes, perfectly well.
2379. Who received him into the institution? Edgar.

2380.

* NOTE.—(On revision).—Dr. Violette, in his evidence, speaks of Rooney's chair, and my putting the onus on his shoulders of ordering the chair. The chair was requisitioned for and obtained. I cannot see where the persecution comes in.

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2380. Do you know where Edgar placed him? In No. 3 ward in the corner bed.
2381. Did you see him there? No, I did not see him there. I was pushing the door open when Edgar said "The man is all disarranged."
2382. When you went to No. 3 hospital ward on the Sunday morning to see Bannan, Edgar told you not to go in for the reason you have stated? Yes, and that the man was filthy dirty and the doctor had ordered him in to the isolation ward. Then he told me it was Baunan; of course I knew Bannan well.
2383. Did you describe Baunan's condition to the doctor on Sunday morning? I did not see him on the Sunday morning.
2384. You are charged with having put a man named Burnes in the isolation ward? Yes, I did put him there.
2385. What for? General insubordination. On the morning in question he and a man named Donald M'Kenrick had an argument in the shed and I had to send for the police to take M'Kenrick in charge.
2386. Did he become violent? He and another man were having a stand-up fight under the shed and this man Burnes was prompting them.
2387. Did you make a charge against Burnes of abusive language and riotous conduct? Yes, I told Dr. Violette.
2388. That was the reason why he was put into the isolation ward? Yes.
2389. Did you charge him with abusive language and insubordination? I do not think I made any specific charge; I merely sent for the doctor, and told him what I had done.
2390. The reason you put him in the isolation ward was that he was prompting men to fight? No. He jumped up when I went to him. He was lying with his face exposed to the sun.
2391. You said that two men were engaged in a stand-up fight, and that this man Burnes was prompting them? Yes; this occurred in the morning.
2392. Was it on that account that you put him in the isolation ward? No. He was lying on the grass at dinner time, and I went across the lawn to him and just touched him with a light parachute—a sunshade—
2393. To draw his attention? To put his hat up over his face. He jumped up, and I just moved quietly away, and he threatened to hit me with his stick. I called Edgar and Warner to take him up and put him in the refractory ward, which they did, and he was fighting and tusselling with them. I walked over behind them, and they carried him to the refractory ward, and there and then I sent for Dr. Violette to come and say whether or not he agreed with what I had done, which he did, and he made an entry in the book.
2394. Did you beat this man with your umbrella? Not at all.
2395. You simply touched him to draw his attention to you? No; to draw his hat over his face.
2396. *Mr. Kidd.*] Did he know that it was you who touched him? Yes, I spoke to him. He was not asleep.
2397. *Mr. Ritchie.*] You admit that you put the man in the isolation ward before you consulted the doctor, but you say that the doctor was immediately called in and ratified your action in the matter? Yes.
2398. *Mr. Bourke.*] You sent for the doctor immediately after you put the man into the ward? Yes.
2399. Do you remember a man named Sparkes, or Sharp, who was employed in the kitchen? No; I do not remember a man with either of those names.
2400. Do you remember any man being exempted from work in the kitchen by the doctor? Yes; they were repeatedly exempted from work.
2401. I mean from work in the kitchen? Yes.
2402. And when the doctor exempted them from work did you afterwards compel them to work there? No; I never willingly disobeyed the doctor.
2403. *Mr. Ritchie.*] Did you ever do so unwillingly? Not that I know of.
2404. *Mr. Bourke.*] Shortly after Mr. Maxted's appointment did you supply him with a return of medical comforts? I did.
2405. Was that return made at Mr. Maxted's request? It was.
2406. Did you say anything to Mr. Maxted about Dr. Violette giving away the comforts indiscriminately? No; but we had a conversation about it, and Mr. Maxted himself went up into the cancer ward and went about the institution. I myself did not pay any attention to what these men were getting; I knew the doctor had ordered it for them. Two or three men passed the window as Mr. Maxted and I were sitting talking of this matter; and as the men were passing by Mr. Maxted said, "Is that man receiving stimulants?" I replied, "I really could not say without looking at the book, but I have no doubt he is."
2407. Then it was at Mr. Maxted's own request that you supplied that return? Yes; and he spoke of a man named Jacobs, in the cancer ward, getting so much.
2408. That he was getting too much? The expression he used was this: "That man must be a walking public-house."
2409. The man Jacobs? Yes; he was getting a bottle of porter and 4 oz. of rum.
2410. Every day? Yes; and that was the expression that Mr. Maxted used to me.
2411. Then Mr. Maxted gave you to understand that Dr. Violette was giving these people too much? Yes; and he also said, when I made a remark somewhat kindly towards Dr. Violette, "If Dr. Violette does not do his duty we will soon get somebody who will." And another thing: what Dr. Violette had asked me to do was perfectly true, but I was caught on the spur of the moment. Dr. Violette and I had agreed that the medical comforts should not be interfered with until the dietary was working satisfactorily. Mr. Maxted came once in the morning, and he came again in the afternoon, and he said, "Mrs. Cunynghame, I know you can do this for me, and I must have it this evening."
2412. Do what? Give him this return of the spirits, which I did.
2413. He was anxious to curtail the quantity? I did not know what his object was. There was another thing that Mr. Maxted said to me on this very afternoon. When he was speaking of curtailing the issue of spirits he said to me, "Mrs. Cunynghame, do not you think you could substitute something such as gentian?" And he spoke of a "pick-me-up," which he said he was in the habit of giving to the reporters when he was a reporter on a newspaper up country. We were conversing in a friendly way, and I laughingly said, "Oh you are referring to a 'pick-me-up'—they are very good"; and he said, "Yes." He said, "Dr. B——, of Liverpool, is substituting something; don't you think you could introduce some gentian and ammonia into the spirits?"

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2414. Mr. Maxted wanted you to add gentian and ammonia to the spirits? Yes.
2415. Did you refuse to do so? Yes.
2416. *Mr. Kidd.*] Did he only suggest it? He asked me if I could do so.
2417. Your business was to obey the doctor's orders with regard to medical comforts? Yes, and I had also agreed with Dr. Violette that the medical comforts should not be interfered with until the new dietary was in good working order.
2418. Did you ever complain to Mr. Maxted that Dr. Violette was poisoning a man with morphia? Never.
2419. Did you ever complain that Dr. Rowling was poisoning a man with morphia? No. Mr. Maxted was asking me what was the effect of a hyperdermic injection of morphia, but I mentioned no person's name, and Dr. Violette's name was never mentioned in reference to morphia. I never mentioned the name of any one.
2420. Will you look at the diary and read to the Committee the entries with regard to the man Burns? The first entry is as follows:—
"Charles Burns was observed by the superintendent lying at full length on the grass, and sent the head wardsmen to ask him to get up, which he positively refused to do. The superintendent then went herself, and he again refused, and was also abusive. He was then ordered to a separation ward; refusing to walk, he was carried by the head wardsmen and two of the paid attendants. The doctor was sent for, and decided that he should remain until the Director's next visit."
- That was on the 2nd October. The next entry is on the 4th October, and is as follows:—
"A telegram was sent to the Director asking him to call at Macquarie-street at his next visit to Parramatta * * * A memo. was also sent to the Director having reference to Charles Burns in the isolation ward. Letter book, p. 108."
"While in the isolation ward he was visited by Mr. Maxted and Mr. Rossiter. I was present with Mr. Rossiter, but not with Mr. Maxted."
2421. Is there an entry by Dr. Violette concerning Burns in the medical register? Yes; the name "Charles Burns" is entered in the doctor's handwriting.
2422. Does that signify that the man was under his care? It means that the doctor saw him, and that he had nothing to say.
2423. The doctor saw him in the isolation ward? Yes.
2424. But supposing he were not in the isolation ward, would the doctor see him? Not at that time of day.
2425. His name would not be entered amongst the hospital patients? Not in the doctor's handwriting; this is a special case.
2426. That entry merely proves that he was under the doctor's charge? Yes.
2427. But he would not be in the doctor's charge if he were not in the isolation ward or in the hospital? Oh, yes; sometimes in the yard.
2428. Do you deny altogether that you told Mr. Maxted that Dr. Violette gave out the comforts indiscriminately? I do not remember saying anything approaching that.
2429. You deny it distinctly? I do.
2430. You also deny that you told Mr. Maxted that the doctor was poisoning some man with morphia? I never spoke of it in that way; I did not mention anybody's name.
2431. Did you represent to Mr. Maxted that Dr. Violette wished Dr. Phillips to come and see the man Bannan? I would have no object.
2432. But did you? I do not remember; I would have no object in saying that to Mr. Maxted.
2433. Did you represent to Dr. Violette that Mr. Maxted considered that Bannan was insane? No, I do not remember any reference to it whatever—merely a conversation I had.
2434. Then your authority for sending for Dr. Phillips to see Bannan was Mr. Maxted's telegram of the 10th October? Yes, and Dr. Violette's order in the medical register.
2435. Dr. Phillips in his memorandum in the medical register, regarding Bannan, said that the man was dangerous at times, but not dangerous enough to be sent to a lunatic asylum, and he therefore recommended that he should be put in a special ward; had you any such special ward in the institution? No.
2436. With reference to going through the wards at night, did you see that the paid wardsmen did that? Always.
2437. You are aware that they always went through? Yes; every night at 8 o'clock they were supposed to go through and report at the office anything that was specially required, which they did.
2438. You know yourself that they went through? I do.
2439. And they have made reports to you sometimes after going through? Yes.
2440. Often? Occasionally; I was always about and would generally know what was happening.
2441. Did Mr. Maxted ever say to you that he would give you one more chance? Never. He never gave me any idea that he was displeased with any action of mine up to within a week of my suspension.
2442. *Mr. Ritchie.*] And then what indication did you have? He walked through the hall and down to the reading-room and remained there hardly 10 minutes when he came back again and passed me very abruptly.
2443. Did he say anything then? No, he just nodded, and I was rather astonished.
2444. *Mr. Bourke.*] Then it was entirely from his manner? That was all; there was nothing said. He never gave me any idea that he was displeased with me.
2445. *Mr. Ritchie.*] That was a week before your dismissal? Yes.
2446. *Mr. Bourke.*] Were you in the habit of going through the hospital and asking the patients whether they had received their comforts—did you ever do that? No, I seemed to know they had. A man who did not receive his comforts would very soon let me know. I was in the habit of speaking to them, and I knew them all individually.
2447. And you inferred that as there were no complaints from them, everything must have been right? I thought so; and so would the doctor—the doctor would only know if anything was wrong.
2448. You remember of course the man Baird? Very well.
2449. Do you remember his being sent before the doctor for misconduct of some kind? Yes.
2450. What was the misconduct? He was before the doctor so many times.
2451. For refusing to work? Yes, that was the charge on one occasion.

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2452. What kind of work? It was just to employ him, I thought he would be better working; he could use his arms and hands, and he could have sat down and done anything that was required of him.
2453. What kind of work did you ask him to do? It was to clean some tins, after some great day we had. All the baking tins wanted cleaning, and I suggested to Dr. Violette that he was able to do that work, and Dr. Violette put in the book "able to clean tin ware."
2454. The doctor has said that he was brought before him, for refusing to do general work about the institution; did you ask him to do any other kind of work besides cleaning tins? No; there were so many to do all that was required. It was only to employ him and keep him out of mischief. He was very fond of gambling. This is what first caused the dispute with Baird. He was in the habit of gambling and taking away the old men's money, and the men under the shed had told me he was a great cheat. I had of course nothing to go by except what they told me, and I insisted upon their not playing for money.
2455. Playing cards? No, they never had cards—dominoes or draughts. I did not mind their playing for tobacco, but I would not allow them to gamble for money.
2456. When Hanson took men before the doctor and complained of them were you aware of all the complaints he made? I gave him a general order that if the men refused to assist in doing the out-door work of the institution he was to take them up to the doctor. This order applied to all the other wardsmen, because Hanson was not always there.
2457. In each individual case that went before the doctor were you aware of the complaint? Not if it were a very trifling one; but I was if it was anything very serious.
2458. The wardsmen had some discretion in the matter themselves? Yes.
2459. Would they often take men before the doctor with complaints that had not been made to you? I generally knew what was going on, because it is only a small institution, and very little could occur without my knowing something about it. On the daily course of walking round I would know every little thing that occurred.
2460. You know Peter Abbott? Yes, very well.
2461. You used him as a clerk? For anything that I required him to do.
2462. But what was his general work? He would sit in the office and attend to the books, enter admissions in the books and keep them for me if I was about the building.
2463. Did you find him a reliable man in that kind of work? No, every thing had to be dictated for him.
2464. Then these entries in the diary and the books he kept you had to constantly supervise? Always; he could not even write a memorandum or a report or anything like that.
2465. *Mr. Ritchie.*] Were all the entries in the books that have been put in evidence before this Committee correct to your knowledge? Yes; I generally looked at them in the morning.
2466. *Mr. Bourke.*] You always inspected them after Abbott made the entries? Always; the work was always done at night when I could devote time to go over it quietly with him. He was a very aged man.
2467. Was he a man who would not do anything on his own responsibility? Yes; that was one reason why I always relied upon him. I felt that he was perfectly safe; he never assumed.
2468. He would submit everything to you? Yes, and I knew he would never write a memorandum hastily or do anything that was indiscreet.
2469. Then it is not true that he was really the manager of the institution? Oh, no, he would be a very bad manager I should imagine if left to himself.
2470. With regard to the fat moneys, Mr. Abbott has said that these were not kept separate; which of these books show the entries of the fat moneys? The book with the leaves out and also my cheque book, the small red covered book.
2471. Will you show us the cheques for the fat money? This book marked K contains the entries of the cheques in Abbott's handwriting. Pritchard's cheques—The entries are as follows:—19th September, 1887, £2 9s. 7d.; 17th February, 1888, £2 14s. 11d.; July, 1888, £1 17s. 6d., that was paid into the bank on the 8th August; 10th January, 1888, £2 9s.
2472. Are all those entries in Abbott's handwriting? Yes.
2473. Then when Abbott said he kept no record of Pritchard's cheques he was mistaken? Yes; this has always been kept by him.
2474. You have also the bills representing the fat for which you got these cheques? I have a few; I tendered those in evidence this morning.
2475. When you received these cheques from Pritchard, what did you do with them? I put them into the despatch-box.
2476. With inmates' moneys? With everything.
2477. And Abbott would bank those cheques for you with other moneys? He or the messenger; he would not always go, the messenger would occasionally.
2478. Whoever went to the bank with your moneys took those moneys as well? Yes, all moneys, in fact; a special account of them was kept in that red book.
2479. The reason why you kept these in your private account was because Mr. King gave you authority to do so? Yes; and for the reason that it was safer to keep them in the despatch-box, because Mr. King's visits were uncertain.
2480. And the despatch-box was always there for the manager of the institution to see? Always, and the key was in the hands of the clerk except when he was away, and then it would be in my possession.
2481. Mr. Abbott has said that Mr. Cunynghame remonstrated with you for putting some man's name down on the pay-sheet? On one occasion he did.
2482. On only one occasion? Yes.
2483. Who was that man? Constadine.
2484. What was he doing? Everything that I required him to do.
2485. Did you put his name down? No.
2486. Only once? That is all, I thought I was entitled to put him down. He used to look after the mortuary, chop the wood, and do anything I required him to do. All he did for Mr. Cunynghame was to get his horse and buggy ready.
2487. *Mr. Williamson.*] He was not the groom, then? Yes, anything; he understood horses.
2488. *Mr. Bourke.*] There was a store in the asylum containing calicoes and flannels of which Abbott was in charge? No.
2489. Who was in charge of it? I was, no one else ever had the key.

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2490. Abbott says that sometimes calicoes and flannels were taken from that store to your private quarters, is that so? I can hardly tell, because I do not think the things were good enough for me to use.
2491. But for any purpose whatever connected with the institution? If I wanted bedclothes I would send one of the children up to Abbott with the key for 20 or 30 yards of calico. If I wanted flannel for bandages for the surgery I would send to the store for the flannel. All these things had red stripes through them.
2492. This occurs in Abbott's evidence, question 1522:
Have you seen Mrs. Cunyngame taking calico and flannel from these stores for her own private use? I have seen her take calico and flannel into her own private house, but whether it was for her own private use or not I do not know?
- If the tailor wanted 50 or 100 sheets I always tore off the sheets myself, so that perhaps he is right.
2493. It is a fact then that calicoes and flannels were taken into your private quarters, but you say they were used for the purposes of the institution? Yes.
2494. *Mr. Kidd.*] You say that all these calicoes and flannels had a red stripe through them? Yes; we were not in the habit of getting all these things until recently, such as table linen. It was only recently that we had goods of such good quality.
2495. I only wished to know if they were marked with a red stripe? Yes, the flannel and the calico.
2496. *Mr. Williamson.*] Previous to Mr. Maxted's coming? No, for the last three or four years; before that they were very rarely required. There has been very little flannel ordered from the Sydney office during my career. Not more than four or five pieces of flannel were required for the making of bandages.
2497. *Mr. Bourke.*] Then you say that if any flannel or calico was taken to your private quarters it was for the use of the institution? Yes.
2498. When provisions were taken from the hospital supplies into your quarters, what would they be for? For the men working about, or anything I required in fact.
2499. That is, for the men in your kitchen? Yes.
2500. Innates? Yes, and if I required to do anything for the sick myself.
2501. *Mr. Williamson.*] In your kitchen? Yes.
2502. *Mr. Bourke.*] And some of these stores would be for the people in the sick wards? Yes.
2503. *Mr. Kidd.*] Were most of the small things prepared in your kitchen for those in the sick wards? All of them, after Mr. Maxted came.
2504. And before? Before only occasionally. It depended on the man I had and the time I could devote to it. I would very often prefer going into the lower kitchen to do what was required.
2505. *Mr. Bourke.*] You superintended the cooking in a general way yourself? Always.
2506. In both kitchens? Yes.
2507. Something has been said with reference to your butcher's bills; will you now produce some of your butcher's bills? Yes.
2508. Are those monthly bills for July, 1887, July, 1888, and July, 1889? Yes, one month in each year, the amounts are as follows:—July, 1887, £1 10s. 3d.; July, 1888, £1 13s. 6d.; July, 1889, £1 9s.
2509. Do you also produce poultry bills which you paid while you were in the institution? Yes; we used to have poultry three or four times a week.
2510. Do you also produce your tea bills? Yes.
2511. And your vegetable bills? Yes.
2512. Do you know Dr. Walter Brown? Very well.
2513. Was he in the habit of visiting the Macquarie-street Asylum? Yes.
2514. Pretty frequently? He visited me very frequently, and if I was not in my quarters he would go to wherever I was in the building. He took particular interest in the institution, and if there was anything fresh going on he always exhibited a great interest in it, as did also his wife and his daughters.
2515. And I suppose you took him round the institution to explain any alterations? Yes, not only recently but during past years.
2516. *Mr. Ritchie.*] What was his purpose when he came to the institution? He was always my medical man.
2517. And attended you and your family? Yes.
2518. *Mr. Bourke.*] With reference to the tradesmen's bills, how many in family were there;—how many children? Five when I left the asylum.
2519. And yourself and Mr. Cunyngame? Yes; and sometimes a female servant.
2520. Besides the poultry, were you in the habit of procuring fish? Yes; two or three times a week.
2521. Then besides meat, you had poultry and fish at your own expense? Yes, continually.
2522. Do you know the Rev. Canon Gunther, of Parramatta? Yes.
2523. Was he in the habit of visiting the institution? Yes, repeatedly.
2524. Every week? Every week.
2525. On Sundays? No; every Thursday, and occasionally on Sunday morning; we had service every Sunday morning.
2526. And did you not have a service every alternate Thursday? Yes.
2527. Then sometimes he would come as often as twice a week? Yes, repeatedly, and oftener.
2528. *Mr. Ritchie.*] What did he do when he came? He would come in and see me, and go and see perhaps one or two of the old men, or he would want an old man for a friend or for himself.
2529. And did he view the institution throughout? He always seemed to take an interest in the institution.
2530. Did he walk through the Institution? Not each time he came, but if there was anything going on he was always interested in it.
2531. *Mr. Bourke.*] He held service for the Church of England? Yes.
2532. And he would see all those men, of course? Oh, yes; and he used to have chats with them.
2533. *Mr. Kidd.*] He used to look after their spiritual condition I suppose? Yes; and very often other wants.
2534. But that was his principal business? Yes.
2535. *Mr. Bourke.*] Do you know Dr. Phillips? Yes.
2536. Did he come frequently to the institution? Only if he was required. He was not like Dr. Browne.

Mrs. S.
Cunynghame;
3 Sept., 1889:

2537. How often would he be required? Sometimes twice a week, sometimes not for a month. It all depended on what there was for him to do. He was generally called in for Dr. Violette; after Dr. Violette came he was repeatedly there.
2538. Did you generally trust Peter Abbott to receive the stores? No; I did not trust him for this reason: they would come in in the afternoon, and would not be required until next morning, and if I were away from the building when they arrived I would walk down and see them on my return. They would be left on the table for me to look at.
2539. And if any of the goods were of inferior quality what would you do? I would send a messenger off with them direct to the different contractors. It was only the groceries that came in the afternoon, and they were not required until the next morning.
2540. You remember the case of Holmes? Perfectly well.
2541. Did that man ever ask you to be allowed to go to Newington? He was always allowed; it was an understood thing.
2542. Did he ever ask you? Yes.
2543. Did you ever refuse? Never.
2544. And on several occasions you allowed him to go? For eighteen months he was in the habit of going to Newington to see his wife.
2545. How long was it after Mr. Maxted's appointment that his wife died? It was on the 7th August, 1888.*
2546. And when he went crying to Mr. Maxted? It was after his wife's death.
2547. What caused him to cry, the death of his wife? She had died without his seeing her, or knowing anything about her illness.
2548. That was because a letter was not delivered to him at the time? He did not even know then about the letter; it was on Saturday that the letter came, and his wife had died during the week. I gave him an order or the cash to go and see his wife, and when he got there she was dead. I saw him coming in, and I spoke a few words of sympathy to him. I said—"What have you got in that parcel, Holmes?" and he said—"I have my wife's few duds"; and I sympathized with him, and he went into the yard. The next thing that occurred was that Mr. Maxted brought up this letter that I had given Holmes.
2549. *Mr. Williamson.*] Can you tell me when Mr. King retired? I cannot give you the date exactly.
2550. Can you tell me what time in 1887? No; he was ill for several months before he resigned.
2551. Could you give me about the date? We saw very little of him the latter part of 1887.
2552. Up to the time that Mr. King retired you had settled with him with regard to all matters relative to the inmates' moneys and everything else? With the exception of one or two accounts.
2553. Accounts of living inmates? I could not tell unless I saw the book.
2554. If Mr. King resigned in November, 1887, how long was it before he resigned that you settled up with him? Three or four months.
2555. Then that would be somewhere about August? He was ill at his house, and I went to him and asked him if he would have a settling-up, and he said, "No, Mrs. Cunynghame; it will be all right; it is perfectly safe in your hands." After Mr. King's resignation Mr. Rossiter did the work.
2556. Can you tell me when you settled up with Mr. King? Mr. King will tell you that; I could not state the date.
2557. In order to refresh your memory, will you kindly look at Mr. King's cash-book for 1885 and show me one item where you have settled up with Mr. King? I cannot tell from Mr. King's book.
2558. Will you swear that from May 25th, 1885, up to the time of Mr. King's retirement you ever paid him any money? Of course I did.
2559. Can you give me any date of payments of fat moneys made to Mr. King from 1885 up to the time he retired? According to the diary, page 342, Mr. King received £3 18s. 4d. on the 23rd of January, 1885.
2560. Is that the last? I could not say, this is only one.
2561. Is that the only item you have? Mr. King, I think, will be able to give you all this information.
2562. I want it from you? I should have to go back through all the diaries.
2563. Will you kindly let me know if you ever paid Mr. King anything after that date? I think this will have to be left for Mr. King to give you the information.
2564. Can you show me from Abbott's books where you paid Mr. King from that date you have just mentioned up to the time of his retirement? I made payments to him frequently.
2565. On account of fat moneys? Anything at all—everything.
2566. Can you show me in any book where you accounted for a cheque of £2 12s. 4d., received on the 30th July, 1885, from Pritchard Bros. for fat? I would not be able to do so unless I saw the diary.
2567. You have a book? I have not the dates.
2568. You gave the Committee certain dates a few moments ago? Those were out of the cash-book.
2569. Will you point out to me in that book where you paid any amount of £2 12s. 4d. received from Pritchard Bros. for fat on the 30th July? Yes; here is an entry, "Pritchard Bros., £2 12s. 4d." This is a list of all cheques I got from Pritchard Bros., they have been paid over.
2570. Where is the item £2 12s. 4d. on the 30th July in that book? Here is the item £2 12s. 4d., but it does not say the date.
2571. *Mr. Ritchie.*] Have you any record of having paid any lump sums to Mr. King? Yes; I see looking in old book that the sum I paid him was £12 7s. 3d.
2572. *Mr. Williamson.*] Looking at the list in the book marked "K," does that indicate all the moneys you have received and have paid to Mr. King? Yes.
2573. Will you turn over to the name of Simeon Wilson? Yes; I know all about Simeon Wilson. This money amounting to £4 7s. 6d. I believe was paid over to his friends who came from Newcastle.
2574. That man died on the 14th July, 1886, did he not? Yes.
2575. You did not pay that money to Mr. King? No, I do not say I did; I gave it to Simeon Wilson's friends.
2576. Consider again and see what moneys you paid to Mr. King out of all those, and what moneys you did not—just say to whom you paid these moneys? I do not say the cheques were paid, but the cash has been paid; not all at one time.

2577.

* NOTE (on revision).—Mr. Maxted charges me with disobeying his orders repeatedly in this case, and he made false representations to Sir Henry Parkes. Mr. Maxted did not see Holmes on his first or second visit. Maria Holmes died on the 7th August, 1888.

- Mrs. S. Cunyngname.
3 Sept., 1889.
2577. *Mr. Bourke.*] Are there any moneys entered there that you have paid to other persons besides Mr. King? The money paid to Simeon Wilson's friends.
2578. Any other? Paid to Neil Stuart, on behalf of Michael Toohey, £1.
2579. Any other? Edmund Still.
2580. What about that? It has been paid to Mr. King.
2581. *Mr. Williamson.*] Do you swear that Still's money was paid to Mr. King? Yes.
2582. Are you positive about that? Yes.
2583. Can you tell us on what date? I cannot, unless I can look at the margin of the diary.
2584. But that was all written at one time, was it not? It was taken from slips of paper.
2585. Will you swear that the list was not written at one and the same time? I could not swear that.
2586. That is not your handwriting? No.
2587. *Mr. Ritchie.*] Did Mr. King ever give you any receipt for these moneys? Only in the diary.
2588. He wrote in the diary himself? Yes, in the margin.
2589. You paid him these moneys when he came to the asylum? Yes.
2590. Or did you send them to him? In the case of cheques, I sent them to him by post, but when it was cash, I paid it to him when he came to the asylum.
2591. And what entries did you make—what receipt did you take? Only in the margin of the diary.
2592. And that diary is not here? No; there are two or three books, because these transactions extend over a long time.
2593. *Mr. Williamson.*] Was not that list written at one and the same time? I am unable to say.
2594. Why was it written there—on those pages X Y Z? It was taken from other entries on slips of paper and all sorts of rough entries.
2595. Did you never pay any moneys to Mr. King from the time you went to the institution up to 1885? Of course I did.
2596. Where is that list? When once the payments were entered in the diary I had nothing further to do with them.
2597. Did you not swear that the list already referred to was a complete list of the moneys you received and which you paid to Mr. King up to time of his retirement? I believe so.
2598. Do you swear that you received no moneys previous to that—you see certain dates at the top—you see Pritchard's cheques? Yes, I see Pritchard's cheques; they were all taken down on different pieces of paper.
2599. What I want you to explain is this. There is a list of names and the last item of Pritchard's cheques is dated 10/6/86, then you see a list of names.—Do you mean to swear that from the time you entered the institution up to the time Mr. King retired that was the only amount of living inmates' moneys you paid to Mr. King? To the best of my belief it was.
2600. Did you keep any account book besides that? No; the items were all on slips of paper until I got Mr. King's authority for that book.
2601. *Mr. Bourke.*] Did these slips show the amount you paid to Mr. King? No.
2602. *Mr. Williamson.*] Where is your list of dead men's moneys? Here in this book.
2603. Can you tell me what persons on this list are dead? They are all dead.
2604. If they are all dead how is it that that list is not included in this book? There are no names there.
2605. Will you look at that book marked "C" and tell the Committee how it is that the moneys of those men, who were living when they went into the institution, were not entered in that book? Because the other book was exhausted.
2606. Will you kindly say how it is that that list of inmates' moneys was not included in the book marked "C"? Because that has all been settled for.
2607. You see that Simeon Wilson's name is included in this book? Yes, 1886.
2608. Well how is it his name is included in that book. First of all you started with this one? Perhaps he came in a second time.
2609. Will you swear that he came in a second time? No, I could not without looking at the books.
2610. You say that the reason this list was made out was because the other book was exhausted. I will give you one item to start with—when did Simeon Wilson die? On the 14th July, 1886. That man was only in the institution four or five days.
2611. You say the reason that this list was made out was because the previous book was exhausted, and it was not in that book; now I am pointing out to you, first of all, that Simeon Wilson's name is in the book marked "C." Can you give me any explanation of that? That has been paid over.
2612. You have sworn that this list was a list that was not put in those books in consequence of those books being exhausted; now I point out to you, first of all, that the name of Simeon Wilson appears in the book? Yes, but I could not put it in this book when he was dead.
2613. But it is in that book. You have it in this list and you have it in the book? Well Mr. King will give you the information you require about that.
2614. I want you to give us the information. I want to know how it is that you have Simeon Wilson's name in that book, and also in the list? Well, through the neglect of Abbott if there is anything in it.
2615. *Mr. Bourke.*] The entry of Simeon Wilson's name on the list might have been taken from the book. Do you know whether that is so—you will observe that Simeon Wilson's account in book "C" is marked closed? Yes.
2616. And you have it entered here amongst the closed accounts in this book? Yes, I say still that it is closed.
2617. Consequently is it not probable that you took this entry from the book as it was a closed account? Yes.
2618. *Mr. Williamson.*] Do you admit then that most of the names on this list were taken out of the book? You must make a little allowance for me inasmuch as this book was taken away from me in a hurry.
2619. *Mr. Bourke.*] When did you last see this book? On the day of my suspension.
2620. *Mr. Williamson.*] You have sworn that that book contains a list of the moneys you paid to Mr. King? I believe so.
2621. You have sworn that the list on pages X Y Z is a list of moneys you settled up with Mr. King? Yes.
2622. Then I ask you the plain question, how it is that Simeon Wilson's name is entered in the book marked "C" when you have sworn that the reason why the list was made out was because the book was exhausted? Yes, I believe it was exhausted when the clerk asked me for another. 2623.

2623. *Mr. Ritchie.*] This was money you received from Wilson? Yes.
 2624. And you entered it in this book as being paid to Mr. King? No. The man came in and he only remained a few days, and his friends came to the institution and asked for this money. Whether I paid them the money in the presence of Mr. King, or whether Mr. King paid it to them for me, I am unable to say just now without a little consideration.
 2625. Then this book does not indicate that all these moneys were paid to Mr. King? No; it indicates settled accounts as far back as I could get a record of.
 2626. And you are not able to inform the Committee how you disbursed this sum of £4 7s. 6d.? I cannot say whether I gave it to the man's own friends. I have two letters.
 2627. You cannot say whether you gave it to his own friends or to Mr. King? It was given in the presence of Mr. King.
 2628. *Mr. Bourke.*] You are quite positive they got it, either from you or from Mr. King? Yes; and I think I paid it in the presence of Mr. King.
 2629. *Mr. Williamson.*] Do you recollect receiving a copy of that? (*Paper handed to witness.*) Yes; I remember that perfectly well.
 2630. Have you got the original? It is in the diary.
 2631. Will you read the document? It is as follows:—

Macquarie-street Asylum, 8/4/85.

Memo.—In reference to your memo., 1/4/85, relative to the services of deputy in cancer ward, also the services of the fever-cottage warder and female erysipelas wardswomen, although absolutely they are not in this case doing duty, their money is distributed amongst others whose avocations are not shown in the pay abstract, viz.: carpenter, tinsmith, shoemaker, milk-man, and second gardener and others.
 S. CUNYNGHAME,
 The Manager.

- 2631½. Will you read the endorsement on that memo.? The endorsement is as follows:—

This explanation shows that you receive £1 16s. 2d. for which you do not produce receipts. Allen, Fleming, and Jackson have signed for what they have not received. *This arrangement must not be continued.* If it is necessary that the carpenter, tinsmith, &c., should receive pay their names should appear on the pay-sheet. You are exposed to much blame in this matter, as the pay-sheet is wrongly acquitted.—P. KING, 10/4/85.

2632. You received that notification from Mr. King? Yes; and the pay-sheets were altered accordingly.
 2633. *Mr. Kidd.*] There is an entry in Mr. King's cash-book of £12 1s. 7d. received from the Macquarie-street Asylum on account of inmates;—how did Mr. King get that money? By cheque. It represents half the inmates' pension money. When the cheque would come from the pension office it would be banked to my account, and I would keep half the amount and would send the other half to the Sydney office.

THURSDAY, 6 SEPTEMBER, 1889.

Present:—

Mr. KIDD, | Mr. CRICK,
 Mr. RITCHIE, | Mr. EDMUNDS,
 Mr. HAWTHORNE.

JOHN KIDD, ESQ., IN THE CHAIR, *pro tem.*

Mr. Bourke, instructed by Mr. Herbert, appeared as counsel for Mrs. Cunyngame.

Mr. T. M. Williamson appeared as solicitor for Mr. Maxted.

Sarah Cunyngame, called in and further examined:—

2634. *Mr. Williamson.*] You said on the last day that the receipts for these moneys that were spoken of were initialled by Mr. King in the margins of the diaries? Some of them, I could not say all.
 2635. Will you take the diary and point out any items of money paid to Mr. King being either the money of deceased inmates or fat money? Here is an entry on 23rd January, 1885, as follows: "Pritchard's account and their cheque for fat £3 18s. 4d. to the Manager." Opposite to this, there is this entry in the margin by Mr. King, "Received, F.K." The cheque was received on 19th January and handed to Mr. King on the 23rd.
 2636. There is a cross over the sum of £3 18s. 4d., whose mark is that? It is yours I suppose; I never put crosses to anything.
 2637. Do you know what the object was in putting that cross? I could not say. It looks as if it was recently done; it is in pencil.
 2638. Will you look through the diary from 19th January, 1885, up to the time of Mr. King's retirement and show me any receipt for inmates' moneys or fat moneys handed to him? I will give you the dates—first of all, 30th July, 1886, £2 12s. 4d.
 2639. Is there any entry there showing where Mr. King received that amount? No.
 2640. *Mr. Bourke.*] Did you get any other receipts from Mr. King besides those in the diary? Yes; many others. There is a small bundle of receipts from Mr. King at present in the Macquarie-street Asylum.
 2641. *Mr. Williamson.*] Then do you still persist in saying that whenever you paid either fat money or the money of dead inmates to Mr. King he gave you a receipt in the diary? He did not always give a receipt in the diary, sometimes he gave other receipts.
 2642. On how many occasions did he give you a receipt in the diary for fat money? I am not able to say.
 2643. How many cheques did you receive for fat in 1885, only one? On the 23rd January, 1885.
 2644. Did you receive any other cheques? Yes; 3/8/85 and 2/10/85.
 2645. Did you hand those to Mr. King? Not cheques.
 2646. Did you hand him cash? I paid him cash.
 2647. How do you account for entering the receipt of the first payment in the diary, and not the receipt of the other two? Because, I was going to make an arrangement with Mr. King.
 2648. Did you make that arrangement? Yes.
 2649. In 1885? About that time.

Mrs. S.
 Cunyngame.
 3 Sept., 1889.

Mrs. S.
 Cunyngame.
 5 Sept., 1889.

2650.

- Mrs. S. Cunyngame.
5 Sept., 1889.
2650. Have you kept any entry of a cheque paid to you by Pritchard Bros. on 30th July, 1886, for £2 12s. 4d.? In that book with the leaves torn out there is an entry.
2651. Did you make any entry of it in the diary? No.
2652. Why? Because I was making an arrangement with Mr. King.
2653. You say the arrangement was made in 1885? It continued on.
2654. What was the arrangement? The arrangement was that if I occasionally got a cheque Mr. King would save the money up to buy a piano for the institution.
2655. Was that the reason why it was not entered in the diary? No; there was no special reason.
2656. Can you not give any explanation why you omitted these entries from the diary? It was optional as to whether I made entries in the diary or not. The diary was a book—
2657. For the supervision of the manager when he came? Yes, or anybody else.
2658. *Mr. Ritchie.*] A book in which to record anything eventful? Yes. I was not compelled to make entries in the diary.
2659. *Mr. Bourke.*] I understand that you held over this sum of £2 12s. 4d., and did not pay it to Mr. King? Yes; until three or four payments had accumulated.
2660. *Mr. Ritchie.*] You were holding them back in order to purchase a piano for the institution? Yes, I wanted Mr. King's authority to purchase the piano, and I wanted to keep this money until I got sufficient.
2661. You had Mr. King's authority before you held it back? Yes.
2662. *Mr. Williamson.*] On the last day you gave us a list of cheques as follows:—December, 1887, £2 10s. 5d.; September, 1887, £2 9s. 7d.; February 18th, 1888, £2 14s. 11d.; July 18th, £1 17s. 6d.; January 6th, £2 9s. That is perfectly correct? Yes; I believe so.
2663. Did you not receive a cheque for £3 2s. on the 29th July, 1887? I cannot say.
2664. Have you no record of the receipt of the sum of £3 2s.—have you nothing by which you can check the receipt of these moneys? Only at the end of the book marked K.
2665. Is there any such item there? No.
2666. *Mr. Crick.*] You cannot say whether you received it or not? I cannot.
2667. *Mr. Williamson.*] What check have you? The papers.
2668. *Mr. Ritchie.*] When you received any money, did you enter it in this book—is this a record of all the moneys you received? Only as I passed them over to Mr. King.
2669. Then this is simply a record of what you paid to Mr. King? Yes.
2670. Did you keep a correct record of all the moneys you received and paid away? I kept a receipt on the back of one of these for whatever I sent away—for cheques; that is, money in my possession. If I gave that up, I would get a receipt, or something acknowledging the receipt of the cheque.
2671. And you never entered it in your book? No, because I wanted to keep this money. Even now, if I had been settling up with Mr. Maxted, I would have asked him to allow me to purchase the piano with these fat moneys that have accumulated.
2672. What was your reason for not keeping a record of these moneys? I thought matters would be settled up; I did not think they would go on so long.
2673. *Mr. Williamson.*] Have you any record of the cheque for £3 2s. on 29th July, 1887, and where did you keep it? I am unable to say just now.
2674. Where did you keep a record of the cheques received for fat in book K? Yes, cheques paid away.
2675. But the cheques received for fat? I would keep those until I paid them away.
2676. But where did you keep the record? In the despatch-box.
2677. You did not keep them in any book? No, I kept them simply in the form of accounts from Pritchard Bros.
2678. As a matter of fact, within a month after the receipt of each of these cheques, did you not have them paid into your account at Parramatta? Yes.
2679. Then if you had them paid into your account within a month after their receipt they could not be in the despatch-box? These bills of Pritchard Bros. are a check on the moneys? But even that money is in the bank, and I am waiting to hand it over.
2680. *Mr. Kidd.*] Did you keep any record except Pritchard's bills? No.
2681. *Mr. Williamson.*] Does not the diary show the receipt of a cask of fat by Pritchard Bros. on the 1st January, 1886? Yes; to be repaid in soap.
2682. Is there not an entry of a cask of fat forwarded to Pritchard Bros. on February 19? Yes.
2683. And another entry of a cask of fat to Pritchard Bros. on 8th November? Yes.
2684. And on 13th December do you find that one cask of fat was forwarded to Pritchard Bros.? Yes.
2685. On 6th January, 1887, is there an entry of a cask of fat forwarded to Pritchard Bros.? Yes.
2686. Do you see an entry on the 9th February, 1887, of one cask of fat forwarded to Pritchard Bros.
2687. On 11th March, 1887, according to the diary, was a cask of fat forwarded to Pritchard Bros.? Yes.
2688. Is there also an entry of a cask of fat forwarded to Pritchard Bros. on May 2nd, 1887? Yes.
2689. Do you see also, on 8th June, 1887, an entry in the diary of a cask of fat forwarded to Pritchard Bros.? Yes.
2690. On July 27th there is an entry, "man headed up cask of fat,"—was that forwarded to Pritchard Bros.? In exchange for soap.
2691. What does the entry say? "Cask of fat, which was to be forwarded to Messrs. Pritchard in exchange for soap." The entry in regard to this fat is as follows:—
"Alfred Carr, the deputy bathman, who being by trade a cooper, was employed before dinner in heading up a cask of fat, which was to be forwarded to Messrs. Pritchard in exchange for soap, poured some water into a recently emptied run hogshead, made himself so intoxicated that he fell down in the mess-room at dinner time, and, after being brought outside, lay in a state of insensibility for some considerable time. He was, after recovering his senses, assisted to the bath-room, where he fell on the ground, cutting his head, and bleeding very profusely. Edward Butler and James Wymie were also intoxicated at dinner, but were able to continue their work after dinner."
2692. What became of the cask of fat? I suppose it remained there if it was not sent to Pritchard Bros.
2693. It either remained there or was sent to Pritchard Bros.? Yes. I might have got a cheque for it.
2694. Did you sell it to anybody else? Certainly not.
2695. There is an entry in the diary on the 27th July, 1887, that a cask of fat was headed up. I ask you plainly

plainly and distinctly what became of that cask of fat. Do you remember that particular cask of fat? I remember the men getting drunk, and I remember the cask of fat.

2696. Do you remember what became of it? It went to Pritchard Bros.; I had no arrangement with anybody else.

2697. Will you turn over to September 6th? On that date there is this entry, "A memo. was sent to Messrs. Pritchard, advising them having forwarded to them a cask of fat."

2698. *Mr. Kidd.*] With regard to the fat sent that day? Yes. I always advised them, so that they might send to the railway.

2699. *Mr. Williamson.*] The cask of fat referred to in the entry on the 27th July could not be the same cask of fat that was sent on September 6th? It might have been.

2700. Do you mean to swear that? It might have been. The men got so drunk that I do not suppose they completed what they were doing.

2701. Did it take them six weeks to get sober? There might have been another cask added to it.

2702. *Mr. Ritchie.*] What was about the average quantity of fat that accumulated? I always reckon that I got about a ton of soap a year in exchange for the fat.

2703. But how much fat did you accumulate? The contents of a hogshead. The quantity varied according to the quality of the meat; sometimes the cask would fill quickly, and at other times it would take longer.

2704. Can you give a rough idea? I should say it took about six weeks to fill it.

2705. The cask that was made up on the 27th July, when the men got drunk, was full at the time? There was an empty run cask which we intended to use as an additional cask for the fat, but the men got drunk over the empty run cask, and did not complete the full cask they were heading up. It was to be exchanged for soap, and I remember that we had to wait for the soap.

2706. *Mr. Crick.*] As it was to be exchanged for soap you would not in any case have received a cheque for it? No.

2707. *Mr. Williamson.*] You entered in the diary every occasion on which fat was forwarded to Pritchard Bros. in exchange for soap, and how is it that you did not also enter the occasions when you forwarded to Pritchard Bros. fat which was paid for by cheque? I have already explained in regard to cash received for fat, that I had Mr. King's authority for holding it for the purpose of purchasing a piano for the institution.

2708. *Mr. Kidd.*] If you did not send a memo. to Pritchard Bros. that they were to send soap in exchange for the fat, they would take it for granted, I suppose, that they would have to send a cheque? No; I always wrote to tell them when I preferred a cheque for the fat.

2709. *Mr. Ritchie.*] The question Mr. Williamson wishes you to answer is this—when you forwarded fat to Pritchard Bros. and wanted soap in exchange, you always made an entry in the diary; why did you not also make an entry in the diary in respect of the fat you forwarded for which you were to receive a cheque? When I paid Mr. King the first cheque in 1885, I had a conversation with him in which I asked if he would allow me to save up these moneys in order to buy a piano for the institution, and he agreed to the proposal. There was no arrangement made as to whether it should be entered in the diary. There was no mention made of entering it in the diary. I was neither instructed to enter it in the diary nor not to do so.

2710. *Mr. Williamson.*] What I want to know is this—when you wanted soap in exchange for the fat you entered it in the diary. When you wanted money in exchange for the fat did you also enter it in the diary? No, but I sent a memo. just the same.

2711. What was your reason for not making those entries in the diary? I can only say that I had no reason whatever.

2712. *Mr. Crick.*] You say you always sent a memo. to Pritchard Bros.;—if they have got those memos. I suppose they can be produced? Yes.

2713. *Mr. Williamson.*] You entered the cask of fat sent to Pritchard Bros. as a check upon what you sent away? No.

2714. What check had you upon the casks of fat you sent away from the institution? The receipts from Pritchard Bros., and the entries in the butts of the memoranda I sent to Pritchard Bros. On the receipt of each cask of fat Pritchard Bros. forwarded a memo. giving the weight, and these memos. I have produced to the Committee.

2715. Did you weigh the fat yourself before sending it away? No; I had no means of weighing.

2716. You trusted Pritchard Bros.? Yes.

2717. Then your explanation is this—that when you wanted soap you always entered in the diary, "cask of fat in exchange for soap"? Always.

2718. And when you wanted money, you never entered "cask of fat" at all, or that you wanted money? No.

2719. *Mr. Ritchie.*] Did you keep any record at all of the fat you sent away for money? When soap came a memorandum form was forwarded by Pritchard Bros., informing me that two and a half boxes of soap had been sent. When I required a cheque I sent a memorandum saying "kindly forward cheque in exchange for fat," and a cheque would be forwarded to me accompanied by a memo. of the weight of the fat.

2720. *Mr. Williamson.*] But you made no entry in the diary? No.

2721. *Mr. Ritchie.*] Then the only record you had of the casks of tallow sent to Pritchard Bros. which were paid for by money is contained in these receipts or memoranda from Pritchard Bros., giving the weight of each cask of fat as it was forwarded? Yes. Had Mr. Maxted or Mr. Rossiter settled up these money matters I would not have had even such records as I have. You might have come to me in twelve months time and said "Where on earth are your records?" The Director with whom I settled up would have taken these documents, and I should have had nothing at all. I acknowledge that I did wrong in this respect.

2722. *Mr. Crick.*] You mean that there was a bad system of book-keeping? Yes.

2723. *Mr. Ritchie.*] During the whole course of your dealings with Pritchard Bros. did you supply the institution with soap received for the fat? There may have been one box of soap purchased just before my dismissal, but I will not be positive. I have a slight recollection of purchasing soap but only on one occasion since 1882, but whether it was a few bars or a box of soap I am unable to say.

2724. There was no other soap purchased? No.

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2725. *Mr. Williamson.*] Will you look at that paper [*paper handed to witness*];—do you not see there a number of purchases of soap? This refers to Parranatta generally, and not to the Macquarie-street Asylum. I think you are wrong.

2726. Those purchases were in 1886? In 1886 and 1888—February and March, 1888.

2727. *Mr. Bourke.*] At any rate if those supplies of soap were sent to the Macquarie-street Asylum you have no remembrance of them? No.

2728. *Mr. Ritchie.*] You did not speak positively just now. I understood you to say that to the best of your memory only one purchase of soap was made? Yes; I did not even think then that I was correct.

2729. *Mr. Williamson.*] Will you look at those vouchers and read them to the Committee? The first is dated June, 1886, is signed by me, and is for the delivery of 224 lb. of soap supplied to the Macquarie-street Asylum, the amount being £1 10s. The next voucher is dated July, 1886, is initialled by me—the quantity of soap is 112 lb., and the amount 17s. 6d.; the next is dated August, 1886—the quantity of soap is 112 lb., and the amount 17s. 6d., and the voucher is also initialled by me. The others are as follows:—September, 1886, 224 lb. of soap, £1 15s.; February, 1888, 112 lb. soap, 15s. 2d.; March, 1888, 112 lb., 15s. 2d.

2730. Can you tell me how long the inquiry of the Asylums Board continued at your institution? I think the Board was only there about six weeks.

2731. Was not the inquiry going on from August, 1886, to May, 1887? I think so.

2732. Can you account to the Committee how it was that, pending that inquiry, you never received any money, but only soap, from Messrs. Pritchard? I suppose we were extra clean and required more.

2733. Extra clean? Extra particular.

2734. You admitted on the last day that in September, 1887—five or six weeks after the inquiry was concluded—you received a cheque from Pritchard Brothers for fat amounting to £3 9s. 7d. Can you give the Committee any explanation how it was that you started again to receive cheques after the Asylums Board had concluded its inquiry? No; I had no motive whatever, except that I was anxious to purchase the piano.

2735. Can you explain why it was that for twelve months, while the Board was sitting, you were not anxious to purchase the piano? We required the soap then; I can give no other reason.

2736. Can you give us any explanation of how it was that according to your own admission, though you received a cheque for £2 12s. 4d. on the 30th July, 1888, you discontinued receiving cheques from that day which was seven or eight days before the Asylums Board commenced its inquiry? No, I cannot give you any reason.

2737. Do you know when the Inquiry Board visited your institution? I think they came on the 6th August, 1886. I think we were extra careful for fear we would be scrutinized.

2738. Do you recollect saying to the Asylums Board that you only received soap in exchange for fat? No; I did not say that. I would have had no motive in telling a lie.

2739. Do you recollect giving this evidence before the Asylums Board:

6394. What is done with the fat which accumulates? The fat I exchange for soap.

6395. Where do you send it? To Mr. Pritchard's, at Camperdown.

6396. Do you send it direct or through the office? Direct.

6397. What is the quantity of fat which you are able to send away in that manner? About once in four months I send a 36-gallon cask, which by that time is generally nearly full. The quantity of fat depends upon the quality of the meat. During the last three or four months the meat has been very much better, and the quantity of fat has therefore been very much larger. Prior to that it used often to take six or eight months to fill the cask.

6398. When was this arrangement made? I think I ought to tell you that the arrangement with Pritchard is one which I have made myself of my own motion. Previous to about eighteen months ago Mr. Dunn, who is the person with whom I transact all business relating to the meat contract, used to demand this fat from me.

6399. On what ground? I do not know. He asked me if I would permit him to take it, and so carry out the same arrangement which he told me was carried out at George-street. I asked the Manager about it, and he said that I must not give the fat to Mr. Dunn, but that I might sell it to him, in which case I must produce a check, and hand it to the Manager. I tried that plan; but there was no means of weighing the fat, and Mr. Dunn used to fetch the fat and give me for it whatever he chose to consider its value. I thought this arrangement unsatisfactory, and I then made the arrangement to which I have referred with Mr. Pritchard, by means of which I obtained an exchange of soap for the use of the institution.—?

Yes.

2740. As a matter of fact, a month before you gave that evidence, did you not receive a cheque from Pritchard Bros. for fat? Yes; I must have done so, if you say so.

2741. On the last day you stated that the total amount of the cheques received by you from Pritchard Bros. was £12 1s. 5d.? No; that is the total amount of the cheques I hold at present.

2742. At the present time do you not hold in your possession cheques for fat amounting to £17 15s. 9d.? I may. I have only got on my list a total of £12 1s. 5d., and there is, in addition, an amount—about which I am doubtful—of £3 2s., which would make £15 3s. 6d.

2743. *Mr. Crick.*] Here is an entry of a cheque for £2 12s. 4d. for fat;—was that paid to Mr. King? I am doubtful about that; but I cannot account for its being there unless it was settled up.

2744. *Mr. Kidd.*] If you have not paid these two cheques of £3 2s. and £2 12s. 4d., that will just make the total amount in your possession £17 15s. 9d., the sum mentioned by Mr. Williamson? Yes.

2745. *Mr. Crick.*] To put this matter in a nutshell, you admit having cheques to the amount of £12 1s. 5d.? Yes.

2746. There is £2 12s. 4d. you say you may have paid to Mr. King? Yes.

2747. And there is £3 2s. that at the present time you cannot explain? Yes; but I think I will be able to explain it.

2748. Those three sums make a total of £17 15s. 9d.? Yes.

2749. *Mr. Williamson.*] You said in your previous evidence that Mr. King gave receipts in the diary;—where is the receipt in the diary for the sum of £2 12s. 4d.? I presume it has been paid to Mr. King, but I am not sure. I cannot account for its being in the book unless it has been paid.

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2750. You have looked at the vouchers from February to March, 1888, showing that you were supplied with 2 cwt. of soap for the institution? Yes.
2751. You have admitted receiving from Pritchard Bros. during the time they contracted to supply you with soap two sums of money, on the 6th January and the 14th February, the amounts being respectively £2 9s. and £2 14s. 11d.? I do not doubt but what I did.
2752. Can you give any explanation of how it was that knowing the institution wanted soap you received cheques? Because I was anxious to get a piano for the asylum.
2753. *Mr. Crick.*] Was the soap that was purchased ordinary soap, or was it perfumed or fancy soap? It was ordinary soap. I expect it was got in this way, I may have been busy, and one of the head wardsmen wanted perhaps ten or twenty bars of soap in a hurry.
2754. *Mr. Williamson.*] That would not come to 1 cwt.? We could not get less than 1 cwt. from the contractor.
2755. *Mr. Crick.*] You say you think this is how it occurred—that probably the head wardsmen wanted soap in a hurry and delivered this order? Yes.
2756. *Mr. Williamson.*] Did you keep a stock-book? Yes.
2757. Do you swear that you kept a stock-book showing what the contractors brought in and how it was disposed of? The goods were brought in by the contractors according to daily requisition. The daily requisition book was the only check I had.
2758. *Mr. Crick.*] Were these things supplied daily? Yes; everything was ordered day by day—the meat, bread, flour, tea, and everything that was required.
2759. *Mr. Bourke.*] You had a stock-book in which you kept an account of the flannel and calicoes? Yes; and the brooms and all the hardware.
2760. *Mr. Williamson.*] Did you keep a stock-book with regard to soap? It was entered in the diary—the quantity that came.
2761. That is from the contractor? It would be on the requisition form.
2762. Will you look at book “K”—the first name is that of James Whitehead;—can you tell me when he died? On the 16th April, 1883.
2763. There is a sum of 12s. to his credit when he died? Yes.
2764. Will you read to the Committee the other names on the list? Michael Connor—there was a sum of £2 11s. 3d. to his credit, and he died on the 18th September, 1883; William Marsh—there was 13s. to his credit, and he died on the 10th August, 1884; John Butcher—he died on the 22nd May, 1884, and there was 12s. 3d. to his credit; George Potts had 13s. to his credit, and died on the 24th September, 1884; James Brennan had 18s. to his credit and died on the 20th December, 1884; J. G. Plummer had £1 5s. to his credit, and died on the 16th July, 1885; Thomas Hubbard had £3 10s. to his credit and died on the 18th February, 1885; Thomas Harding had £2 16s. 4d. to his credit, and died on the 10th June, 1885; John Brown had £1 8s. 4½d. to his credit, and died on the 15th September, 1885; Samuel White had 9s. 6d. to his credit, and died on the 26th December, 1885; Edmund Still, £2 to his credit, died 18th November, 1885; John Daley, 13s. 2d. to his credit, died 14th February, 1886; Thomas Colvin, 12s. 6d. to his credit, died 10th April, 1886; James Johnson, £1 8s. 9d. to his credit, died 9th May, 1886; Richard Cook, 10s. to his credit, died 17th June, 1886; George Grey, £5 10s. to his credit, died 20th November, 1884.
2765. Will you swear that George Grey did not die on the 2nd August, 1887? Not the one to whom I am referring; there might have been another George Grey.
2766. What is the amount to his credit? I have £5 down. I only remember one George Grey.
2767. Will you continue the list you were reading? James McFarlane, £2 17s. 4d., died 9th April, 1886; Simeon Wilson, £4 7s. 6d., died 14th July, 1886; John Beadon, 17s. 6d., died 26th July, 1886; Edward Macelroy, £2, died 9th July, 1886; Edward Arkey, 19s. 8d., died 25th October, 1887.
2768. Did you ever keep a list of the inmates' moneys deposited with you besides that contained in book “C”? Yes, in book marked “K” too.
2769. Is this book “K” after book “C” or before it? They are both together.
2770. Did you keep any other books besides these with regard to the inmates' moneys? Yes; I kept this book [marked U] prior to K 1.
2771. But this is simply a book of disbursements, and not of receipts. See if it is not a book of disbursements—moneys paid away? And cheques too—cheques paid into the bank, including inmates' moneys. It is a general book.
2772. Was it only in book “C” and book “O” that you kept a debit and credit account of the inmates' moneys? And also the red book; one is not complete without the other.
2773. Are these the only books that refer to the inmates' moneys—book “C,” book “K,” book “O,” and the last book put in marked “U”? Yes.
2774. You refer to a man named George Grey who you said had £5 to his credit and died on the 20th November, 1884;—can you show me in any of these books any entry relating to the receipt of his money and the disbursement of it? Grey never had any money issued to him.
2775. But you say that when he died he had £5 to his credit? That was forwarded to Mr. King.
2776. You say that Grey had £5 to his credit when he died on the 20th November, 1884. I want to know in what book you kept an entry of the deposit of that money, and how it was paid away? I simply gave it to Mr. King, as that small book will show.
2777. Prior to Grey's death? He died the day the money was taken from him. The George Grey to whom I refer is a man who is supposed to have appropriated money belonging to a man named Doherty. I did not know where the money was, and could not find any trace of it, but when Grey took very ill this money was found on him. He died either the same day or nearly so, and the money was paid over to Mr. King.
2778. *Mr. Edmunds.*] You said there was some book which would show the payments to Mr. King? I expect the receipt in this case will be amongst those which I have spoken of as being at the asylum. When I sent the money accompanied with a memorandum from the corner of the form would be turned back and returned to me with the word “received,” and that paper would be put among the other receipts.
2779. *Mr. Williamson.*] In book “C” you have a debit and credit account of certain inmates' moneys, showing when they were paid away;—have you any book to show when you received this money, and when it was paid away? No, I have not.

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2780. *Mr. Crick.*] Does not this entry in the book which I hold in my hand show that it was paid to Mr. King? Yes; but there is no date.
2781. *Mr. Kidd.*] If the money was only received from the man just before he died I do not suppose you would open a debit and credit account? No; I did not know that he had this money in his possession.
2782. How did you come to enter it in that book;—I suppose from the slips to which you have referred? Yes. These entries were taken from slips of paper that were put in the despatch-box and which were a record of moneys there deposited.
2783. *Mr. Edmunds.*] Were they all entered in the book at the same time? No; at different times.
2784. *Mr. Williamson.*] You referred to a man named James Johnson; he died on the 9th May, 1886, having £1 8s. 9d. in his possession. Will you look at book "C" and show me any debit and credit account in Johnson's name? I do not see anything in book "C."
2785. Can you tell me how much he originally paid to you and how it was disbursed? Yes; I have the account here. The amount deposited was £1 15s. 9d. on the 2nd April, 1886. Various small sums were paid to him amounting in all to 10s., leaving a balance of £1 8s. 9d.
2786. There is nothing in that book to show what was done with the money? No.
2787. Nothing to show that Mr. King received it? No.
2788. *Mr. Bourke.*] The account is marked "closed"? Yes.
2789. *Mr. Crick.*] I suppose the book containing that account was open to the inspection of Mr. King? Yes; on the occasion when I paid him it would be open to him.
2790. *Mr. Williamson.*] The list in book "K" is taken partly from some of the books and partly from slips of paper in the despatch-box? Yes, after comparing the entries with the book in use.
2791. You have referred also to a man named Edmund Still who had £2 to his credit and who died on the 18th November, 1885; can you show where Still's name is in any of these books? The money Still had when he died was stolen from him, and when I obtained it I put it in the despatch-box to his credit.
2792. And you put in a slip of paper marked with his name? I have no doubt I could find the receipt.
2793. *Mr. Kidd.*] The amounts on the lists you read just now to the Committee may not all be accounted for in these books, but if they are not accounted for there they are accounted for on some slips that were put in the despatch-box? Yes; and the money has all been paid over to Mr. King.
2794. And you think you can find these slips? Yes, some of them.
2795. *Mr. Williamson.*] Then if there are no receipts amongst the receipts at Parramatta for the moneys of the persons to whom I have referred you have never handed over those moneys to Mr. King? Oh, no; I have handed them over to Mr. King, and he will say so in my presence.
2796. But if you have no receipts at Parramatta? No, I would not say that. You must take Mr. King's word. If he says they were not paid over to him I will stand the consequences.
2797. But you told us on the last day that you always got a receipt for these moneys? Not always.
2798. *Mr. Kidd.*] Abbott the clerk made these entries; he must have got them in some way. Are you sure he did not get them from books you have been keeping and from documents you have still got or that should be at Parramatta? No, I do not think I have the documents, because I considered the matters closed, and would attach no more importance to them. Those slips he took, and he closed the accounts in this book, and it was at my request that he entered about twelve names on one occasion.
2799. But how did you furnish him with the information;—was it from the books or from slips you had? From both. Where the names did not occur in the book they were obtained from slips which were deposited with the money in the cash-box.
2800. If money was obtained from a man the day before he died it was not entered in any book at all? No.
2801. For instance, when you got £5 from Grey on the same day that he died, you did not make it a point to enter that because there was no necessity to keep a debit and credit account? No; the money was merely rolled up in a paper and put in the despatch-box with a memo. of the date and the man's name.
2802. When no small sums were paid away to the inmates you did not think it necessary to open an account in the book? No.
2803. You stated on the last day that when Mr. King retired, or shortly before, you settled up all the accounts on that list? Yes, with the exception of one or two.
2804. Did you ever pay money to Mr. King in a lump? I paid it to him at various times as it accumulated. Whenever it was convenient to him I would go to the despatch-box, take these papers out, and give him the money.
2805. Would that transaction be entered in the diary? I do not think so.
2806. On the last day you stated that when Mr. King received these moneys he always initialled them on the margin of the diary? If an entry had been made for the purpose.
2807. Have you had a chance of looking through the diary during the adjournment? Yes.
2808. Can you show me amongst the items shown in the diary as having being received by Mr. King one of the items in book "K"? No; but there are several entries of money having been received by Mr. King from me.
2809. Pensioners' moneys? No, not pensioners' moneys.
2810. Then the only receipt you could have outside of the diary would be an ordinary receipt, which you say is amongst the bundle in the despatch-box? Yes.
2811. When you paid Mr. King the moneys of these men did you pay him by cheques or in cash? In cash.
2812. Did you never pay a cheque? I could not say I never did. We always settled up our money matters by my asking for so many advances on account of different men. £2 was what I was supposed to get. I would ask for £2 for certain people, and then at the end Mr. King would say, "There is only so much coming to you."
2813. Then you can trace no cheque that passed through your account where you had paid Mr. King for this list marked in book "K"? I have not looked.
2814. You furnished Mr. Maxted with a list of other moneys you had in your possession, and which are referred to by Mr. Maxted in his report, amounting to £33 7s. 9½d.? On the 12th September, 1888, I sent to Mr. Maxted £1 6s. by cheque.

2815. Will you look at Mr. Maxted's report of the 4th December;—you see there the list of moneys with a total of £33 7s. 9½d. ? Yes.
2816. You furnished Mr. Maxted with that list, did you not? I authorized a gentleman to do so for me—Mr. Gale.
2817. Where did you obtain that list from? From book "C."
2818. The book was in your possession? Yes.
2819. Do you swear that that is a correct list of the moneys of living inmates in your possession? I would not like to swear that without proper consideration.
2820. But surely you must have taken some consideration at the time? I took none whatever because I thought the matter would be settled up in a few hours. I had no idea it was going to be such a serious affair.
2821. As a matter of fact you furnished the list to Mr. Maxted? I did not; I authorized a friend to do so.
2822. I suppose you saw the list after it was prepared by Mr. Gale; did you go carefully through it? I did not.
2823. Then you cannot vouch for its correctness; the amount might be £50 for all you know? I consider it near the mark.
2824. *Mr. Bourke.*] Mr. Gale had the book to go by? Yes; I handed him the book, and asked him to give a list to Mr. Maxted of the open accounts. I made no reference to the deceased inmates. I only referred to those who were receiving weekly allowances, and it was in answer to a memorandum I received from Mr. Maxted stating that the men were asking for advances.
2825. *Mr. Williamson.*] Are you prepared to swear that that is a correct list? I would not like to swear it; I believe it is correct.
2826. Had you any moneys at all belonging to living inmates that were not entered up in the book "C"? Since reading the evidence of Abbott I believe there were three amounts in the despatch-box.
2827. Then there were three others in the despatch-box? I believe so; I did not know at the time.
2828. Has Mr. Maxted now got a complete account of all the moneys you received? Are there any moneys in your possession of which Mr. Maxted has not now a knowledge? He has the book, and I have the money.
2829. Whether by giving him the book or by memoranda, or in any other way, have you now informed Mr. Maxted of all the moneys belonging to living inmates that you have received? Yes.
2830. According to this list furnished in the despatch-box? No; I go according to that book.
2831. When Mr. Maxted assumed office, why did you not furnish him with a list of deceased inmates' moneys, living inmates' moneys, and fat moneys? It required a little conversation with Mr. Maxted, and I asked him when he had an hour or two to spare to sit down quietly and talk the matter over.
2832. Did you ever furnish him with any list? I did not; he did not ask me for one. He only said, "Wait until a more appropriate time," and that he would get slips printed, and we could talk the matter over.
2833. You furnished Mr. Maxted with a list of living inmates' moneys when called upon? I did.
2834. Did you, at the same time, furnish him with any list of deceased inmates' moneys? I did not.
2835. Can you give any explanation of that? Yes; I had never thought of it.
2836. Or the fat moneys? No; because I did not consider that was the time to settle up. And another thing, it was inconsistent on the part of Mr. Maxted to have repeated interviews during my suspension without granting me an inquiry in a proper manner. That is my reason. Mr. Maxted sent for me two or three times during one or two days, and it was not consistent.
2837. Then the only explanation you can give why you did not furnish a list of the fat moneys and deceased inmates' moneys at the time you furnished a list of the living inmates' moneys, is that you never thought of it? No; it would have required explanation from me to Mr. Maxted, which I was willing to furnish from the day of his appointment.
2838. Have you ever made out any list at all of the deceased inmates' moneys which you have in your possession? It was impossible for me to do so, as I was not in possession of the book.
2839. But you had book "C" in your possession up to the time of your inquiry? I had no idea I was to be suspended.
2840. But you had it for a week after your suspension? I was waiting to know what I was going to be dismissed for. I thought I could see Mr. Maxted and talk the matter quietly over.
2841. *Mr. Crick.*] I think it is already in evidence that you made several attempts to have an interview with Mr. Maxted? Yes.
2842. *Mr. Williamson.*] Can you supply the Committee with any list of dead inmates' moneys in your possession at the present time? I am unable to do so, because the book has been in Mr. Maxted's possession since my dismissal, and he would not meet me, although I repeatedly requested him to do so.
2843. *Mr. Ritchie.*] In his report of the 4th December Mr. Maxted says—"I should first state that soon after my appointment I asked the Superintendent if she held any moneys belonging to inmates, and she informed me that she did not"? That is not true.
2844. Then he says again—"I then directed that all collections from the men should be forwarded to the Sydney office, and this was done in a number of cases subsequently"? I do not remember any conversation of the kind. I repeatedly forwarded Mr. Maxted pension moneys.
2845. He says also—"On October 17th my order was repeated in writing"? I could not settle these money matters without having a conversation with Mr. Maxted, and each time I asked him he declined.
2846. Is it a fact that he did repeat this order in writing? No; not that order. He never gave me the order, so that he could not repeat it.
2847. *Mr. Williamson.*] Will you look at this letter from Mr. Maxted to yourself, dated 9th of August, 1888, and kindly read it to the Committee? It is as follows:—

Madam,

9 August, 1888.

As it is intended to liquidate all accounts of the Department as far as possible, will you have the goodness to forward, on the last day of each month, a complete statement of your claim for money expenses as petty-cash, with the necessary vouchers attached, as also a statement of all moneys received, in order that there may be no inconvenience in carrying out the new arrangements in connection with the books in the Sydney office.

I have, &c.

2848. *Mr. Ritchie.*] Referring to these words in Mr. Maxted's report of the 4th of December, "On October 17th my order was repeated in writing." Do you admit receiving that order in writing having reference to inmates' moneys? No.

2849.

Mrs. S.
Cunynghame.
5 Sept., 1839.

Mrs. S.
Cunynghame,
5 Sept., 1889.

2849. That is the written order? No; it has no reference to inmates' moneys. Mr. Maxted in his report of the 4th of December says:—"I then directed that all collections from the men should be forwarded to Sydney office, and this was done in a number of cases subsequently."

2850. What were these moneys you forwarded? Pension moneys belonging to the inmates. On the 12th of September, I sent a cheque to Mr. Maxted for £1 5s.; on October the 18th, I sent him a cheque for £14 5s.; on the 25th of the same month, I sent a cheque to Mr. Maxted for £11 19s. 7d., and on the 3rd of November, I sent him a cheque for £3.

2851. Did you also receive this letter from Mr. Maxted:—

Madam,

I have the honor to request that you will be so good as to have an account made up on the last day in each month of the sums received by you during the month under the head of collections, and forward the same, with remittance, to this office, that the necessary returns may be forwarded to meet the requirements of the Auditor-General.

I have, &c.,

17 October, 1888.
SYDNEY MAXTED,
Director.

The Superintendent Macquarie-street Asylum.

Yes.

2852. Mr. Williamson.] In reply to those letters from Mr. Maxted, did you forward the following:—

Joseph Leahy. I enclose a P.O. from Boston, U.S.A., in his favour. He receives these orders repeatedly, when he goes out, procuring a fresh order for his readmission. He is exceedingly lazy, and a great difficulty is experienced in getting him to assist. Will you deduct a portion of his keep in the Asylum—the date of his admission, 25/6, 83—this being the first time this course has been adopted in Leahy's case?

Yes. I merely sent this to the Director, as money matters were so unsettled, and I had Mr. King's authority previously for doing as I had done, and I had no authority from Mr. Maxted in reference to money matters.

2853. Mr. Ritchie.] And you had authority previous to that for carrying out such a system as this, and charging an inmate with part of his expenses? Yes; from the Sydney office.

2854. Mr. Williamson.] In reply to those letters of Mr. Maxted did you also forward the following:—

Peter Dow, 69, No. of order 2535, who came in last evening, deposited £3 10s. for safe custody. I herewith enclose my cheque for £3 (say three pounds), retaining the balance, 10s., to be paid to him as required.

After Mr. Maxted's appointment, and after the receipt of that first letter from him you always forwarded any sums received from the inmates, and also for the sale of fat, did you not? There were no sales of fat.

2855. Did you stop selling it after Mr. Maxted was appointed? I got a cheque in July, and there was not another cask ready.

2856. But that was before Mr. Maxted was appointed? Yes.

2857. Did you forward that cheque to Mr. Maxted? No; I wished to speak to him about the piano; I could not get an explanation.

2858. Will you turn to your evidence given before the Asylum's Inquiry Board at page 147? Yes.

WEDNESDAY, 11 SEPTEMBER, 1889.

Present:—

MR. HOWE,
MR. RITCHIE,

MR. KIDD,
MR. CRICK.

JAMES PETER HOWE, Esq., IN THE CHAIR.

Mr. Bourke, instructed by Mr. Herbert, appeared for Mrs. Cunynghame.

Mr. Williamson appeared as solicitor for Mr. Maxted.

Sarah Cunynghame called in and further examined:—

Mr. S.
Cunynghame,
11 Sept., 1889.

2859. Mr. Williamson.] Do you recollect giving the following evidence, page 147, before the Asylum Inquiry Board:—

6310. If you find money in a letter what do you do? I take charge of it.

6311. Do you give the inmate a receipt for it? I do not.

6312. What do you do with the money which you impound in this way? Sums over £2 I send to the Manager.

6313. Does he send any receipts? He receipts my diary.

6314. When has he an opportunity to receipt your diary? It is always before him when he visits the institution.

6315. That is to say once a fortnight? Yes.

6316. What do you do with sums less than £2? I take charge of them myself and issue them to the inmates in sums of 2s. 6d. a week.

6317. What book do you keep showing how much money an inmate has to his credit? I keep the account in a small book.

Is that perfectly correct? Yes.

2860. You say that when Mr. King visited the institution, which was about once a fortnight, the diary was always in front of him? Yes.

2861. And his attention was called, I presume, to any entries of moneys that were to be handed to him? I would not say once a fortnight, but occasionally; if there was anything particular his attention would be drawn to the diary.

2862. On the last day when you gave evidence you said he had given you some other receipts which you believed were at the institution; did you call at the institution? I did.

2863. When did you call? Last Monday morning.

2864. Did you find anything that was of service to you with regard to any moneys that you had paid to Mr. King? I found several old receipts.

2865.

2865. Before 1883? Yes. I produce one dated the 8th of October, 1880, to the following effect:—"An inmate named George Mee has deposited the sum of £8 for safe custody. Please receive the same.—S.C. Received.—F.K." I produce also another receipt by Mr. King for £7, dated the 15th January, 1880.
2866. In looking through the diary do you find that on the 7th June, 1880, there is a receipt by Mr. King? I believe so; that was in the despatch-box.
2867. Have you been able to find anything else beyond these? No. I asked the clerk to hunt up a small parcel for me containing different memoranda. I did not specify receipts. I simply said that I wanted to get this parcel. He told me he could not find it, and did not remember anything about it; but the office had been changed. He assured me that no papers had been destroyed, and promised to look for them.
2868. You told us on the last day that Mr. King always receipted your diary? I did think so. There ought to be several receipts like those I have produced.
2869. As a matter of fact, there ought to be at least 200? Oh, no.
2870. Where were these separate receipts kept—in the despatch-box? No; in a pigeon-hole, with other official documents and different memoranda from Mr. King.
2871. Where did you obtain the two receipts you have now produced, and which were given in 1880? In the despatch-box.
2872. Why were they kept in the despatch-box? Because they were old ones, and had been condemned. I did not know they were there until I found them.
2873. Can you tell me the amount of money you forwarded to Mr. Maxted since you took office? There is one amount of £10 6s. belonging to M'Grath, as to which I have a query.
2874. You retained £2 and sent £14 6s. to the head office? Yes.
2875. The question I asked you was how much money did you forward to Mr. Maxted from the 1st of August when he was appointed until your suspension? I made the following payments to Mr. Maxted, as shown by the entries in my bank-book, when the cheques were cashed, namely—9th of August, 1888, £2; 9th of August, 1888, £4 17s. 6d.; 12th September, £1 5s.; 4th of October, £3; 18th of October, £14 5s.; 25th of October, £11 19s. 7d.; 3rd of November, £3; total, £40 7s. 1d.
2876. You say you forwarded these moneys to Mr. Maxted from the time of his appointment to your suspension; how was it you did not forward the other moneys you had in hand? Because it required an explanation to Mr. Maxted.
2877. Has not Mr. Maxted, during the time he has been visiting the institution, been with you in the office at times for an hour and an hour and a half? He has been with me the whole morning.
2878. Then how is it you have not explained to him with regard to these moneys? He has confined himself to certain matters alone.
2879. But surely, he being there with you all the morning in conversation, you would have had a chance of talking to him? I asked Mr. Maxted to let me explain money matters, and he said, "Wait, I am getting slips printed." This occurred not once, but on two or three occasions.
2880. But did you never have a list;—you had all these moneys there, and surely Mr. Maxted could have ascertained whether or not the list was correct? No; it required explanation.
2881. What was the explanation? It was necessary that I should explain about the piano. I wanted to get a piano for the institution, and had saved up money for the purpose.
2882. That was only with regard to the cheques for the fat. The money of the deceased inmates was not to go for a piano. You have told me that you have been all the morning in conversation with Mr. Maxted, and surely you could have said what you had to say with regard to these moneys of deceased inmates in two or three minutes? But Mr. Maxted was always uncomfortable—always in a hurry to get out of the place, and if he was there all the morning he would confine himself to certain matters—diet for instance.
2883. Had you not ample opportunity when you were conversing with Mr. Maxted to intimate to him that you had a certain list of deceased inmates' moneys? And I did so on more than one occasion.
2884. Did you ever produce the list? I did not. The money matters generally required explanation, and it was necessary to go through the books.
2885. What explanation was necessary with regard to the deceased inmates' money? My reason for detaining them.
2886. Could you not have stated that in two or three minutes? When I proposed to do so, Mr. Maxted said, "Wait till I get slips printed"; and he had slips printed.
2887. As a matter of fact, can you give either Mr. Maxted, or any other gentleman, a correct list of deceased and living inmates' moneys? Not unless I go through the book.
2888. And even supposing you go through the book? Well, I will do so as nearly as I can, considering the way money matters were.
2889. Can you furnish Mr. Maxted or any other gentleman at the present time with such a list? I cannot do so at the present moment.
2890. But can you at any time furnish a list of the dead men's moneys and living inmates' moneys? Most certainly I can.
2891. Did you not say on the last day in answer to me that you would not swear that you could give a correct list of the deceased inmates and living inmates who had deposited money with you? My statement was distinctly that I could not do so without referring to this book, and I really could not. I believe I could do so if I took this book and went over it quietly with somebody, and took out the separate accounts.
2892. Have you ever received moneys from inmates which you have never entered in any of the books? Never.
2893. In your former examination, you told Mr. Bourke that you had authority from Mr. King to enter a cook in your establishment as a wardman and so forth? No; I had authority from Mr. King to use whatever help I required.
2894. I am speaking of the way you entered them on the pay-sheets? I do not think I told Mr. King that I was going to put my cook down as a wardman, but simply that I put him down to some outside situation.
2895. But do you recollect saying, on a previous occasion, that Mr. King had given you authority to fill up any vacancy by putting in the name of your cook? No; he gave me authority to use what help I required, but I do not think the cook was mentioned or the help specified. 2896.

Mrs. S.
Cunynghame.
11 Sept., 1885.

2896. And charge the Government? He did not say charge the Government. I did not make a compliment of it; I merely did it.
2897. When did you receive this authority from Mr. King? It was always understood.
2898. But when did you receive the authority? From the very beginning, I believe. I have always done it.
2899. Cannot you fix the date? I cannot.
2900. As a matter of fact, on the 10th of April, 1885, did you not receive a communication from Mr. King? Mr. King wrote to me on the 1st of April, 1885—I had been asking for certain help—and this was my answer:—

Macquarie-street Asylum, 8/4/85.

Memo.—In reference to your memo., 1/4/85, relative to the services of deputy in cancer ward, also the services of the fever-cottage warder and female erysipelas wardswomen, although absolutely they are not in this case doing duty, their money is distributed amongst others whose avocations are not shown in the pay abstract, viz.: carpenter, tinsmith, shoemaker, milkman, and second gardener and others.

S. CUNYNGHAME.

The Manager.

2901. Will you read the memo. written by Mr. King on the back of that, dated the 10th April, 1885? It is as follows:—

This explanation shows that you receive £116s. 2d. for which you do not produce receipts. Allen, Fleming, and Jackson have signed for what they have not received. *This arrangement must not be continued.* If it is necessary that the carpenter, tinsmith, &c., should receive pay, their names should appear on the pay-sheet. You are exposed to much blame in this matter, as the pay-sheet is wrongly acquitted.—P. KING, 10/4/85.

These men, the tinsmith, the carpenter, or whoever I wished to put on the pay-sheet, were put down to any vacancy. The situations were never altered. Then there were three or four men whose names I was in the habit of putting down in petty cash, and in reference to whom there was no receipt on the salary abstract.

2902. *Mr. Bourke.*] Were these men paid out of petty cash before their names were put on the pay-sheet? They must have been, because I did not produce their names on the salary abstract.

2903. And is that what Mr. King objects to—their being paid out of petty cash? Yes; because the receipt was informal. They should have been on the salary abstract.

2904. *Mr. Williamson.*] From what period had you been putting down people in your kitchen as occupying different positions, and paying them with the Government funds? From the very day of my appointment; not only in my kitchen alone, but whatever help I wanted.

2905. And you believed it to be perfectly correct? I did, and believe so still.

2906. Can you give any explanation of how it was that after Mr. Maxted's appointment you discontinued the practice, and sent in a proper pay-sheet? There had always been proper pay-sheets.

2907. But I mean putting down your cook, and so forth? I would not have done this if Mr. Maxted had not authorized me to do it.

2908. I want to know how it was that after Mr. Maxted was appointed you ceased to send in these fraudulent pay-sheets? I never sent in fraudulent pay-sheets.

2909. Well, fictitious pay-sheets? Nor fictitious. I never thought for a moment that I was doing such a thing. When Mr. Maxted came he agreed with me that the diet should be altered. I had a certain time within which to perform this duty, and I agreed with Dr. Violette that in the meantime he was not to interfere with the medical comforts, such as spirits. Mr. Maxted came one day and caught me on the hop, and I gave him a report, not against Dr. Violette, but about the quantity of spirits that was issued. He then gave me certain instructions about the pay-sheet, and sent me a list of only the men who were to receive pay.

2910. As a matter of fact, did you not tell him who were the men to be paid? I told him that I could manage with certain men being paid.

2911. How could Mr. Maxted know who was employed in the kitchen or at other avocations, and whether or not the men were good men, unless you had spoken to him with reference to the matter? Of course I gave Mr. Maxted a list. It was at my dictation.

2912. At your dictation a list was made out? Mr. Maxted made the list himself, and then I made out the pay-sheet accordingly.

2913. Did you tell Mr. Maxted on that occasion what you had been doing with regard to putting down the cook and these other people? No. When we were talking the matter over I merely said what a saving it would be to the institution if I could get a paid cook. I always understood that I was to have a paid cook, but I never got one.

2914. *Mr. Kidd.*] You said that certain of the inmates were not engaged in the particular occupations for which they were put down on the pay-sheets; what was done with the moneys put opposite to the names of these men on the pay-sheets? It was paid to the men who performed the work.

2915. Although the man might be employed at something else other than that stated in the pay-sheet he would receive the money that was put opposite his name? Yes.

2916. What was the rate of pay that was given to inmates under those circumstances? About 3d. a day; but it varied very much. If I had a man this month who was getting 2d. a day, and I knew that he was a good man, if there was a vacancy next time at 6d. a day I would give him the situation.

2917. And would he get the 6d. a day? Yes.

2918. The money was never retained by you in any instance;—it was paid over to the same man? Always. There were about fifty-eight situations, and as the men were to have a liberal diet under the new regulations, I considered they ought to assist in the institution without being paid until one or two good paid men were selected and the new arrangements were in perfect order.

2919. As a matter of fact, were not some of the men mentioned on the pay-sheet employed on your private farm, feeding your pigs and cultivating the farm? Will you give me the names of any who were employed on my farm?

2920. *Mr. Ritchie.*] Will you say whether you did or did not employ men on your farm who were paid by the Government? Certainly not. Not one penny of Government money was paid to any of the men for working on my farm.

2921. Had you any men working on your farm who were not paid? No. Every man who was there I paid myself.

2922. *Mr. Williamson.*] Do you know a man named Connell Boyle? Yes. I have his receipt here.

Mrs. S.
Cusyngame.
11 Sept., 1899.

2923. Was he working on your farm? He was not working there. He used to go out in the morning and come back in the evening, and he did this only for about eight or ten days.
2924. Will you swear that this man was not supplied with provisions from the store belonging to the institution? No; he received his food and took it out with him every morning.
2925. Did he not take out the cart belonging to the institution? No.
2926. Whose cart was it? My cart. And he did not take it out because he was a very infirm old man.
2927. What was he doing out there? I do not know. He was very anxious to go; it is a nice change for the old men.
2928. Do you wish us to believe that he simply went out there for pleasure? You may believe it or not, but it is true.
2929. What used he to take out in your cart? I do not think he ever drove the cart; I do not think he was able to do so.
2930. You said just now that he did? No, I said it was our cart and not the Government cart. He did not take the cart out; we had other men to do that.
2931. Will you swear that he did not go out with the cart? He might have gone out in the cart; I am sure he did not drive the cart for he was not able.
2932. Did not some other inmates of the institution drive the cart;—was it not driven by men belonging to the institution? Yes.
2933. What used they to take out? Dirt and rubbish from the cleaning out of the yard and all the filth.
2934. Used they to take out food for the pigs? Yes; that is rubbish.
2935. Can you tell me who were working on the farm? No; I had so many working there. I have receipts amounting in the aggregate to over £100, money paid for labour on the farm.
2936. If you paid this man Boyd in money for working on the farm, why should you feed him and clothe him at the Government cost? I did the same thing for several neighbours. I thought it a great thing to get the men away.
2937. According to your statement, the man was doing nothing, why then did you pay him? I was not there to see what he was doing.
2938. Did you send him out on your own business? No; the head wardsman might have done so.
2939. *Mr. Kidd.*] Is the document which you produce a receipt dated the 10th of June, 1886, and signed by Connell Boyle for money paid to him by you for labour done while he was on your farm? Yes.
2940. *Mr. Williamson.*] Did he not take out provisions and clothing belonging to the institution? He had his breakfast and took with him his dinner and tea, and went out in a suit of clothes.
2941. Do you recollect a man named Alexander Thompson? Yes.
2942. Was he working on your farm? For a few days.
2943. Will you swear that he was not working on your farm for two months? I am positive he was not.
2944. Was he not supplied with provisions from the institution while he was working on the farm? He must have been, for he could not get food there.
2945. What you admit then is this, that all the men who were working on your farm were fed from the Government stores? There were not more than two. Occasionally one would go out with the horse and cart, and take all the refuse and keep the place clean.
2946. Not more than two? Not at one time.
2947. How many men altogether belonging to the institution were employed on the farm off and on, during the time you had it? About 100 I should think.*
2948. *Mr. Kidd.*] You said that Alexander Thompson was employed for a day occasionally on your farm? Yes.
2949. Do you produce a receipt for money paid to him for what he did amounting to 10s.? Yes.
2950. *Mr. Williamson.*] You say that the total number of men employed on your farm was about 100.†
2951. As a matter of fact, were not all these men supplied with provisions from the Government store? Some would go for a day and come back again in the evening; some would go and stop for a month, and some would stop for two or three months, just as I required them.
2952. If they stopped there for two or three months you would send stores out to them? No; a man would come in with a bag and get his daily allowance.
2953. From the Government store? No; from the kitchen; I would not give it to him; the man in the kitchen would give it to him.
2954. It came from the Government store? No; all articles of diet came in by requisition daily.
2955. Did you ever attempt to sell the refuse that came from the institution? No; I did not think it was worth selling.
2956. Do you not know as a matter of fact that even your tenant subsequently gave a good price for the refuse. What was he giving? Only one payment was made by our tenant; I could not say what he gave; he regretted giving so much.
2957. Could you not give any idea? I could not; he never paid me anything.
2958. Have you got a tenant there now? No; I am living there.
2959. *Mr. Ritchie.*] Had you a tenant before your suspension? Yes; Mr. Gould lived there for three months after I was suspended.
2960. Then you gave the refuse to him free of all charge? Yes. We had been keeping pigs of our own. I told him he could have the refuse until some arrangement was made. I did not make any charge, but simply gave it to him, and he used to send his horse and cart and take away the dirt and all the stuff, as we had been in the habit of doing.
2961. Was there any arrangement between you and him afterwards for this stuff? None whatever. I did not think it was worth selling.
2962. *Mr. Williamson.*] How long was he a tenant before your suspension? Quite twelve months.
2963. Surely the old men belonging to the institution did not go out while he was tenant? No.
2964. When you arranged that he should pay you a certain rent, was not the refuse taken into consideration? No; not a word was said about it. Mr. Gould will tell you that himself.
2965. Were you keeping pigs at the time that Mr. Gould was a tenant? No; we sold them to him.
2966. Did he give you a bonus to go on the farm? No. 2967.

* NOTE (on revision):—Not more than twelve permanently employed off and on.

† NOTE (on revision):—When I made this statement I was thinking of the amount of money I had paid to various men.

- Mrs. S. Cunynghame.
11 Sept., 1889.
2967. Did he buy out all you had there? He made the arrangement with Mr. Cunynghame. I had nothing to do with it. Mr. Sargeant, butcher, George-street, Parramatta, valued the pigs, and they were sold accordingly.
2968. But I suppose you gave him to understand that he could have the refuse? No. I did not make any arrangement with him. I was very glad to get rid of it.
2969. Do you recollect Mr. Dunn coming to you and wanting to buy the refuse? Mr. Dunn came so often. Yes; I think I spoke to him about its being so small.
2970. Do you recollect his wanting to buy it and your telling him it was not worth carting away, and that you wanted it for your fowls? Yes.
2971. Had you not at this time 200 or 300 pairs of fowls and ducks? I do not think I had 200 or 300 pairs. We were always eating poultry and always buying poultry.
2972. As a matter of fact were you not selling the eggs? If I had too many I would sell them.
2973. Did you not sell the eggs to the contractor? Never.
2974. Will you swear that you did not sell the eggs to any of the contractors? Yes. I never sold an egg to a contractor in my life. I had no dealings with the contractors.
2975. As a matter of fact you bought large numbers of fowls and other poultry down at Mr. Brodie's now and again? No; not so much at Brodie's. Mr. Ferris Wilson used to buy them.
2976. Was not he a contractor? No; it is his brother the auctioneer of whom I am speaking.
2977. Mr. Bourke.] You bought them from the auctioneer? Yes; he supplied them.
2978. Mr. Williamson.] And these fowls were kept on the premises belonging to the institution? Yes, and we used to feed them with our own corn—corn from Mr. Cunynghame's stable—and I frequently supplied the sick.
2979. Do you recollect having a groom? We had many.
2980. Do you recollect a man named Thomas Hutchinson? No.
2981. He was in the asylum a short time previous to your suspension? Then he was evidently a stranger, and I would hardly know him.
2982. Do you not know that he was engaged in the kitchen? I do not know him by that name. I know a German, a stranger to me.
2983. Do you know as a matter of fact that he was acting for some time as groom for Mr. Cunynghame? He could not have been a groom if he was in the kitchen.
2984. But you turned him from a cook into a groom? No, I do not think so.
2985. You do not recollect the man? No.
2986. Do you recollect a man named Henry Wilkinson? Yes; he died three years ago in the institution.
2987. Do you recollect putting him down in the pay-sheet as a wardman for No. 3 dormitory when he was actually a groom for your husband? I do not recollect putting him down as a wardman. Perhaps he was a wardman and attended to the horses at the same time; he could do both.
2988. But did you put him down in the pay-sheet? I have no doubt I did. I have his receipt here.
2989. Do you recollect a man named Robert Corns who was woodcutter at the institution? I do not know the names of all the men in the yard. I call them by some name, but I cannot say that I recollect the name of Corns.
2990. Did not the contractor supply the institution with a certain quantity of wood? Yes, as much as was required.
2991. Did you ever send any of that wood out to your farm? No, I am quite sure I did not.
2992. Will you swear that? Yes.
2993. Were you in the habit of sending out straw? Yes. The straw that was condemned as I proposed burning it off the premises.
2994. And blankets? No, not blankets. I do not know what they would use blankets for.
2995. You used to send straw out from the institution? Yes, from the lower yard.
2996. Used you to send out blankets? No, unless an old man wanted a blanket to cover him, and in such a case he would take it with him; we would not send it.
2997. As a matter of fact, then you used to send out to the farm a quantity of provisions and goods from the store? No; a man used to come in and get his ration.
2998. And take whatever he wanted? No; he could not take whatever he wanted; his proper ration would be given to him.
2999. As a matter of fact, have you not yourself, helped to put blankets into the cart for the purpose of their being taken to the farm? If I did, they were our own blankets, and I was going out to stay there for two or three days.
3000. Will you swear they were not blankets belonging to the institution? Yes, I will.
3001. When men stopped on the farm for two or three months, would they be supplied with blankets from the institution? They generally had their own swags.
3002. Do you recollect after your suspension alleging in the presence of Mrs. Brooks, that the Government had nothing to do with the living inmates' moneys, that it was a matter between you and the inmates? It was hardly that; it was something to that effect. I was so indignant at Mr. Maxted accusing me of deceit in the presence of Mrs. Brooks, that I scarcely knew what I was saying at the time.
3003. Do you know Mr. Green? Yes.
3004. Do you recollect saying to Mr. Green, that the Government had nothing whatever to do with the living inmates' moneys, that it was simply a matter between you and the inmates? I said something to that effect—hardly that; and Mr. Green took the book on the understanding that I was to have it back to have money matters settled up, and he gave me a receipt for it.
3005. Did that take place between you and Mr. Green then? Yes, he came for the book.
3006. Will you tell us the conversation that took place between you and Mr. Green? Mr. Green came with an order from the Colonial Secretary's Office for the two books. I refused to give up one, and I said look through it yourself and you will see that it is my own private book. I showed him both books and said that I declined to give them both up, but that he could take one which he did giving me a receipt and an understanding to return it that matters might be settled up.
3007. You say that there was an understanding that he was to return it? Yes.
3008. When Mr. Maxted demanded the book from you did you not hand him a memo. to this effect "Sir, I have already sent an account of the weekly moneys due to the men by me, and prefer detaining the book until I have been further advised"? Yes.

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3009. Did the list you mention there set forth any dead men's moneys? No; but Mr. Galo will give evidence on this matter.
3010. Did you produce any of these books before the Asylum's Inquiry Board? I do not know.
3011. I mean the little books referring to the dead men's moneys? They did not ask for them.
3012. You heard Abbott's evidence the other day; what was your object in tearing out the leaves X Y Z while the Commission was sitting? That is not true; and I did not tear them out to begin with—I told Abbott to take them out for me.
3013. You have stated before that Abbott tore them out? He did not tear them, but took them out at my request.
3014. Then Abbott makes a mistake in saying that you tore them out? He certainly does.
3015. What was your object in taking them out at the time the Commission was sitting? I cannot say it was at that time.
3016. Abbott says it was;—are you prepared to deny that? Yes, I am prepared to deny it.
3017. Were not the leaves taken out during the time the Royal Commission was sitting? No.
3018. Then Abbott is again making a mistake? Yes.
3019. You also heard Abbott's evidence to the effect that you were not at the institution in the afternoons, and were generally out driving? I did not go out until after 4 o'clock, sometimes 5 in the summer, sometimes 6. I did not go out every day. I have no doubt Abbott was speaking of years ago. I had Newington as a branch asylum, and then I was backwards and forwards repeatedly. I had 150 men at Newington.
3020. As a matter of fact when you were not present yourself in the afternoon you used to allow Abbott to receive the goods from the contractors? Only the grocer came, and he was generally there before 4 o'clock.
3021. During the time that Abbott was in the institution did you go through the hospital once a day? I was in and out all day long.
3022. As a matter of fact used not Mr. Cunynghame occasionally go through the hospital in order to do your work? Not to do my work. Being resident dispenser he used to go up between 6 and 9 o'clock a.m. He never left the institution until 9 o'clock a.m.
3023. As a matter of fact have not days and days gone by without your going through the hospital wards? Yes.
3024. Then you simply relied upon the wardsmen reporting to you anything that took place? No; I depended on Mr. Cunynghame and the various doctors—Dr. Beattie, Dr. Richards, Dr. Bowling, Dr. Rutter, and Dr. Violette? During my confinements, and a few weeks occasionally during any illness, the doctor was always aware that Mr. Cunynghame performed these duties for me, he being resident dispenser.
3025. If it happened occasionally that you did not visit the hospital for days and days, how could you check the distribution of medical comforts ordered by the doctor? I gave the medical comforts out, and I could sit in the office and do that.
3026. How did you know that the unfortunate men in the hospital received them? Because Mr. Cunynghame or the doctor would tell me.
3027. But were not the medical comforts distributed after the doctor had gone? The men would soon let the doctor know if they did not get the comforts.
3028. Did you not admit before the Royal Commission that you had not been in the hospital for eight or nine months? That was a mistake. If I said that, I meant officially. I could not live in the institution and not go round during such a long period. I did say seven months, but it should have been officially, because I went round whenever it suited me.
3029. You mean you had not gone through officially? Yes.
3030. What was the time of your official visit? The morning visit. But I used to go whenever it suited me and whenever I felt called upon to do so. I do not deny making the statement referred to, but it will be seen by reference to the context that I alluded to my official visits. I had a severe illness at that time, as Dr. Brown can testify.
3031. The evidence you gave on this point was as follows:—
8126. Do you visit the hospital regularly? Not lately. Up to seven months ago I usually did, and when I thought it necessary I would visit it three or four times a day.
8127. You do not visit the inmates regularly? Not during the last few months, since the inquiry has been going on. My baby is seven months old, and I have not been through the ward since, nor for about two months before.
- As it is put there it seems very silly. It does not convey the meaning I intended. I did not say how many times I had been round since the baby was born. The baby was seven months old.
3032. The evidence was read over to you, I presume, and you were very careful, as you had previously given evidence? I do not think the evidence was sent to me for revision.
3033. *Mr. Kidd.*] The meaning of your evidence was that during the period mentioned you had not gone round the wards officially every morning? Yes. The dispenser visited for me, there being no paid attendants to act for me.
3034. *Mr. Ritchie.*] What do you mean by the word "officially"? At 9 o'clock.
3035. Would you not consider that you were on duty at all times when you went through the wards? I might go through with a visitor, or I might go up to see anything specially for myself.
3036. You would not call that an official visit? No.
3037. Still you would consider it your duty to do anything that you saw was wanted on those occasions? Yes; I used to go to the office at 9 o'clock, and I would stay there perhaps until half-past 9 or 10 o'clock. Then I would make my rounds through the hospital wards and through the dormitories. If I thought a personal visit to any particular part was not necessary I might say to Abbott, "Petor, go through a certain dormitory for me"; or I might say to Hanson, "Go and look at No. 5 dormitory, and see if those cobwebs that I ordered to be removed yesterday have been taken down, and let me know." I do not say that I walked all over the institution.
3038. *Mr. Williamson.*] Did you ever visit the hospitals except when you were accompanied by a visitor? Most certainly I did.
3039. Between the time when the Royal Commission sat and your suspension did you ever visit the hospital wards except when you were accompanied by a visitor? Most certainly I did; and from the time of Mr. Maxted's appointment I visited them three or four times a day.
- 3040.

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3040. Did you not admit in your previous evidence that after Mr. Maxted's appointment you only went through the wards once, and that was in the morning, and that you never went on the Sunday? I could not have said that. After Mr. Maxted's appointment I was present three or four times a day, at every meal, regulating the new dietary.
3041. Do you not recollect saying that while there were no complaints you presumed everything was correct and consequently did not go through the wards? I was always there three times a day.
3042. Do you swear that? I was looking after the diet, so I must have been there.
3043. Since Mr. Maxted's appointment do you recollect being away and never visiting the hospitals for two or three days at a time? I was never away for one day since Mr. Maxted's appointment.
3044. As a matter of fact, did you not simply rely upon the wardsmen to report anything to you in connection with the hospital, and consequently did not give much attention yourself to the hospital? I must have given attention when I was there to regulate the dietary. I could not have worked harder.
3045. I simply want to ask you with regard to visiting the hospital whether you did not rely upon the wardsmen's reports that they were doing their work properly and did not pay any attention to the hospital yourself? Why, I helped to feed the sick myself, not once but repeatedly.
3046. If you visited the hospital every day, how was it Cook was able to steal the medical comforts for so long a period? It was not proved that he did steal them.
3047. You admitted turning Cook out of the place for stealing the medical comforts; how was it that Cook had been stealing these medical comforts for so long a period if you had gone through the hospital every day? I had never heard of his stealing them. When I did hear, I of course took action directly.
3048. You say you went through the hospital every day. If that is so, how was it that Cook had been stealing these medical comforts for so long a period? If he had been stealing them I do not suppose he would have stolen them in my presence. He would not be likely to come and tell me, and if nobody else told me how would I be likely to know.
3049. You have sworn that you went through the wards for the purpose of checking the distribution of the medical comforts? I did not swear that at all I said I gave them to the paid attendants.
3050. And you relied upon the paid attendants distributing them? I should not think they would drink them.
3051. Did you rely upon the paid warders or attendants distributing the medical comforts? Yes, and if they did not do so the patients in the hospital would soon let me know.
3052. Had Cook been taking the medical comforts for about a month or five weeks? I could not say he took them at all.
3053. Was that the allegation? Yes; the party who made the charge had only been there for six or eight weeks.
3054. Do you recollect Dr. Violette saying in his evidence that you were apparently anxious to get rid of M'Govern? Yes.
3055. Is that correct? No; I was not anxious to get rid of him.
3056. Did you ever ask Mr. Maxted to get rid of him? I might have done so.
3057. Did you not write the following communication to Mr. Maxted on the 22nd September, 1888:—
Will you kindly send the orders for the transfer of Peter Jorgenson, Joseph Sweeney, and James M'Govern, to the George-street Asylum in lieu of four selected by Dr. Marr to the ophthalmia department of this asylum?
Yes; four ophthalmia cases were to be transferred from George-street to Macquarie-street, and the three men mentioned in my letter were picked out to go to George-street in place of the four ophthalmia patients, and their names were submitted to the doctor.
3058. Why did you forward this letter—to get M'Govern removed? He was only one of many.
3059. One of three? One of fifty.
3060. One of the three mentioned? He was one of three who were selected from fifty to be transferred to George-street, in order to make room for the ophthalmia patients.
3061. Why did you pick M'Govern? He was not picked; he was merely one of others. (His admission to Macquarie-street, September, 1888, order attached.)
3062. One of fifty for the purpose of being transferred, so as to enable you to take the ophthalmia cases—was that it? Yes; the letter says, "In lieu of four selected by Dr. Marr."
3063. *Mr. Kidd.*] Is this a usual course? Yes.
3064. *Mr. Williamson.*] Before writing this letter did you ask the doctor to transfer M'Govern or Jorgenson? No; I would not have written that letter if I had asked the doctor, and he had said "No." The following memorandum on the subject was written by Mr. Rossiter, "As the Macquarie-street Asylum is very over-crowded these men may be transferred; but the question must be brought before the Director as to whether the doctor should not select the men to be transferred, or the Director himself, instead of the superintendent." This memo. was never sent to me.
- 3064½. You were anxious to get rid of this man Jorgenson? No; he was merely one of many.
3065. *Mr. Kidd.*] The reasons you have given were the reasons that actuated you in asking that these men might be removed to make room for others? Yes.
3066. *Mr. Williamson.*] Was not Jorgenson one of the men who complained of the stealing of the medical comforts? This man was brought under the notice of the doctor for selling his porter.
3067. And also M'Govern? Oh, no! M'Govern was always under the doctor's notice.
3068. Was he not one of those men who complained about the stealing of the medical comforts? Yes; he had only been a few days in the institution.
3069. Do you recollect Dr. Violette saying, amongst other things, in presence of your husband, not to treat these men in the way you had been doing out of resentment? No; I do not think so.
3070. *Mr. Kidd.*] You have no recollection of it? No.
3071. *Mr. Williamson.*] You will not swear he did not? I do not remember it.
3072. Do you know that Mr. Cunynghame spoke to the doctor? I did not know that; I never heard him speak to the doctor.
3073. Or to Mr. Maxted? No.
3074. Do you recollect one day going into the store-room when your husband was asking Mr. Maxted to intercede to prevent you? No, I do not.
3075. Do you recollect your husband remonstrating with you? Certainly not;—not in the presence of Mr. Maxted.
3076. In the presence of anybody? No; he would not remonstrate with me in the presence of anybody.

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3077. Did you tell him to mind his own business that you were the superintendent? Not on that occasion.
3078. Do you recollect telling him to mind his own business when the doctor was present? I decline to answer that.
3079. Since the doctor gave his evidence have you tried to probe your memory to ascertain if you can recollect clearly the case of Kilmare? No.
3080. You know who the wardsmen were at the time? Warner and Edgar.
3081. And the inmate wardsmen? Drew was away for a holiday that time. Kilmare died on the 8th or 10th of October.
3082. Will you look at the Medical Register and see where Kilmare's name occurs previous to the 1st of October? Here is an entry on the 24th September and another on the 20th September. The first entry of Kilmare's name occurs on the 5th September.
3083. Opposite his name on the 1st October is the entry "continue medicine?" Yes.
3084. On the 2nd and 3rd October there is nothing opposite his name? No.
3085. Then the doctor could not have seen him on those days? The doctor saw him every day.
3086. But there is no entry in the Medical Register? The doctor did not think it requisite. If a patient did not require medicine, of course no entry was made in the book.
3087. *Mr. Kidd.*] If medicine was prescribed on the 1st, and it was to be afterwards continued, would there be an entry in the book every day it was continued? No, only when the bottle was exhausted. The entry would then be made by the dispenser, unless the doctor ordered fresh treatment.
3088. *Mr. Williamson.*] His name is mentioned on the 4th, and it does not occur again until the 6th? It takes four days to exhaust an 8-oz. bottle, and I think it is usual to give an 8-oz. bottle.
3089. Have you a vivid recollection now of Kilmare's case;—do you recollect Mr. Maxted speaking to you about his case? I do not.
3090. Do you recollect Mr. Maxted stating to you that Drew had informed him that you had not seen Kilmare for two or three days? Mr. Maxted did not mention anybody's name. I do not know what he might have said to Drew.
3091. Then you deny *in toto* what Mr. Maxted has sworn with regard to this man Kilmare? He came down and had a certain conversation with me—
3092. He had a certain conversation with you, and you first of all said that the man was all right—that you had only seen him a short time previously, and then Mr. Maxted told you the man was dying? That is decidedly untrue.
3093. You have heard some evidence with regard to the man Elmas, will you look at the Medical Register for the 23rd and 24th of September do you find Elmas's name there? Yes; and the entry "Continue"
3094. In whose hand-writing is the word continue? The dispenser's.
3095. Do you see Elmas' name on the 24th? No.
3096. Is it there on the 25th? Yes, and the entry "Phthisis, cough mixture".
3097. *Mr. Kidd.*] And that is the dispenser's entry too? Only the name not the prescription.
3098. In whose hand-writing is the prescription? Dr. Violotte's.
3099. *Mr. Williamson.*] Can you find the name entered on any previous day? The man was only in the institution for three or four days.
3100. The first entry in the book was on the 23rd when the word "continue" is placed opposite the name; therefore there should have been a previous entry? If such entry has been omitted I can only surmise that it has been the fault of the attendant.
3101. I want to know if there is any entry previous to that on the 23rd, when the word "continue" is written? Yes, on the 20th September there is this entry opposite the name of Elmas "Phthisis, hospital, cod liver oil and maltine".
3102. *Mr. Bourke.*] So that the entry "continue" on the 23rd would refer to that prescription? Yes, the bottle of medicine would then have been exhausted.
3103. *Mr. Williamson.*] Do you remember Charles Burns? Yes; he was a very insubordinate man.
3104. Is it true that you beat that man with your umbrella, and drove him off the grass? No.
3105. Did you refuse the men the use of this grass-plot? I did not refuse them but it was an understood thing; there was no order that they were not to use it. I did not refuse them and I did not order them off the grass. They did not go on the grass. It was an understood thing that it was a lawn.
3106. As a matter of fact did you not allow your horse and your cow to graze there? Yes; I said so before.
3107. If the men were not allowed to go on to this grass-plot where could they go to—were they simply kept in the shed? No, they had a very nice yard, and they could go into the garden and into the lower yard. They could walk all about everywhere.
3108. As a matter of fact did you ever allow them to go into the lower yard? Well, I did not drive them there, and I did not tell them not to go.
3109. Did you ever allow them into the garden? Yes.
3110. Only those who were working? No.
3111. The whole of the inmates? If they wished to go, they were never told not to go.
3112. Do you recollect Mr. Maxted complaining to you about Pokorney's case? No; the only thing I remember was some woman coming from Sydney with a message from Mr. Maxted. I think he gave the woman a note to me about some case, but I really do not know. Mr. Maxted never complained during the whole time he was coming to Macquarie-street.
3113. Do you recollect any conversation at all with Mr. Maxted when he complained to you of your neglect in Pokorney's case? Pokorney lay in the next bed to Kilmare.
3114. It was in connection with some sour milk; do you recollect a man who would not eat? Yes.
3115. Do you recollect Mr. Maxted complaining to you about the neglect in Pokorney's case? I have no recollection of it. Mr. Maxted was not in the habit of complaining. If he complained he had a very nice way of complaining; he was particularly civil.
3116. Do you recollect Mr. Maxted calling you up into the ward where Pokorney was—sending for you, and your going up? He might have done that, and I should have had great pleasure in going.
3117. Do you recollect when you went up his complaining to you, and telling you that he had neglected the case, that the milk was sour and so forth? I never heard of this. Perhaps Drew had better give the explanation.

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3118. Do you recollect anything at all about it? I simply say that if Mr. Maxted complained to me it was a very nice way of complaining, and if I went up into the ward it was a great pleasure to do so.
3119. Do you recollect a man named Daniel M'Carthy? Yes; he is the man who made all the disturbance in No. 3 hospital with Rooney.
3120. Do you recollect in what ward he was a patient? He was in the middle bed of the inside No. 3 ward, adjoining my quarters.
3121. Do you recollect that man singing out to you to come in as one of the wardmen, Cook, was beating Smith? He did not call me, but I went in.
3122. Did you not refuse to go in? M'Carthy did not call me.
3123. Did you refuse to go in? I heard a disturbance and went in; it was adjoining my house.
3124. Did you not then say that Smith should be removed to the isolation ward? No, I did not. Poor old Smith, no one could touch him; he is a harmless old man, and would not hurt a fly.
3125. Do you not recollect saying this: "I will hear nothing against the wardmen; you do not come here to do as you like, but to do as you are told"? No, I do not remember that; I believe Daniel M'Carthy to be bad enough to do and say anything, and also Rooney.
3126. I suppose there were other inmates there at the time? Yes, there were M'Govern, O'Niel, Cadogan, Rooney, Jorgenson, and I think a man named Jenkins. There were only about eight. I think Elmas must have been there.
3127. With regard to the list you sent in in reference to the supply of liquor, what was your object in starting with the date first referred to there? It was at Mr. Maxted's request.
3128. Was it a verbal or written request? Verbal. It must have been made in the conversation I had with him. I do not know that there was anything written about the matter.
3129. *Mr. Bourke.*] What is the first date on the list? April 28, 1887.
3130. *Mr. Williamson.*] Did Mr. Maxted ask you to send in a twelvemonth's return or a return from a specific date? I am unable to say just now.
3131. When that matter was referred to, do you recollect discussing the question of the Royal Commission's report? I cannot say I do. If I did I did not attach any importance to it.
3132. You are not prepared to say then that when you were speaking to Mr. Maxted with regard to that return of spirits you did not have some conversation with him relative to the report of the Royal Commission? I am prepared to say that no conversation ever took place between Mr. Maxted and myself about the Royal Commission in the Macquarie-street Asylum—neither in the office, in the wards, or in the yard.
3133. You said a moment ago that if any conversation did take place with reference to the Royal Commission's report you did not attach any importance to it? Yes; and you now ask me if I remember, and I say distinctly that no such conversation took place.
3134. You said that if a conversation did take place in reference to the report of the Royal Commission you would not attach much importance to it? I distinctly say that no conversation in reference to the report of the Royal Commission was ever held in the Macquarie-street Asylum between Mr. Maxted and myself.
3135. Never referred to in any possible way? No. This was on the 8th October. The following Saturday I said to the clerk, "This new arrangement has been so beneficial that I will tell you what I will do, Peter. Mr. Maxted has asked to be supplied at the end of the month with a list giving the quantity, the reductions, and the prices of the spirits. We will not wait till the end of the month; I will get you before Saturday to have this list ready for me to give to Mr. Maxted."
3136. *Mr. Bourke.*] That was why you started on that date? No; that was at Mr. Maxted's request.
3137. *Mr. Williamson.*] Do you recollect Mr. Maxted ever having the report of the Royal Commission in his hand? No.
3138. And calling your attention, amongst other things, to the cruelties and so forth that were spoken of? I have told you before, no.
3139. You heard Mr. Bourke state in his opening address to the Committee that the trouble at the asylum between you and Mr. Maxted arose because you refused to take meat from the contractor, Mr. Dunn? Yes, and I say so now.
3140. Can you fix that date at all? At the present time I cannot.
3141. Will you look at this document and see if it is signed by you? Yes, it is; but Mr. Dunn gave me to understand when he came for this that it only applied to the period since Mr. Maxted had taken office. The document is as follows:—

From Superintendent, Macquarie-street Asylum, to R. L. Dunn, Esq.

20 September, 1889.

THE meat supplied by Mr. R. L. Dunn has been of good quality until the 6th of the present month. Since that date the meat has on several occasions been of poor quality. The average of overplus has been 12 lb. per day, thus making up for the quality. The new arrangements necessitate my giving the inmates joints, and beef will be required to be supplied with the fore and hind quarters, and the mutton in the whole and half sheep.

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3142. As a matter of fact, at the time you gave that letter Taylor Bros. had ceased to supply meat to the institution? Yes.
3143. Can you tell me when Taylor Bros. ceased to be contractors? Soon after Mr. Maxted was appointed—some time in September, I think. They did not cease to be contractors, but they sub-let, and Mr. Finlayson had to supply the meat. Mr. Dunn could not supply the quality for the price.
3144. But when did Taylor Bros. cease to supply the institution with meat? On the 15th August.
3145. Then Dunn supplied the meat from the 15th August up to the time you gave him the certificate on the 15th September? Yes.
3146. You have told us that there was no ill-feeling between you and Mr. Maxted until some two weeks before your dismissal, and that you were on the best of terms? Always.
3147. That he was polite, gentlemanly, and courteous in his manner towards you? Yes; and all my friends know that.
3148. Do you recollect writing this letter to the *Mercury*,—

Sir,

Following up the thread of the narrative of my case, I should like to point out to you that immediately upon the appointment of Mr. Maxted to the position of Director of Government Asylums he appears to have made a dead set upon me, devoting both his own and his clerk's time to correspondence with me and visits to the institution?

I did not write the letter.

3149.

3149. Did you cause it to be written? I am only speaking of things as they were; it did seem so to me, and it does now.
3150. Did you write that letter or cause it to be written? Yes; I knew it was written; it was hardly from my dictation.
3151. *Mr. Crick.*] You saw it before it went to the Press? Yes.
3152. *Mr. Ritchie.*] It was written after your suspension? Yes.
3153. *Mr. Bourke.*] Do you remember being asked about an invoice for fat, amounting to £3 2s.? Yes.
3154. Have you looked through the books since, and can you tell us anything further about that invoice? I have an invoice for £3 2s. which is without a date.
3155. Can you tell us now whether or not you paid that money over to Mr. King? No, I did not; it is entered in the red book as being passed into my account.
3156. *Mr. Crick.*] The invoice shows that you received the amount from Pritchard Bros.? Yes; and it was banked to my account on the 4th August, 1887.
3157. *Mr. Bourke.*] How is it that you were doubtful about the amount when you were asked by Mr. Williamson? Because the invoice had no date, and was therefore misleading.
3158. You say that you have some cheques for fat moneys now in your possession? Yes.
3159. Those cheques, including the £3 2s. just referred to, make a total of £15 3s. 5d., instead of £12 1s. 5d., the amount at which you previously fixed your indebtedness on the score of fat moneys? Yes.
3160. And the reason you did not include this item of £3 2s. was because the invoice having no date you were doubtful about the matter? Yes, and I had overlooked the entry in the book marked "KI."
3161. *Mr. Crick.*] Then you now admit owing to the Government the sum of £15 3s. 5d. for fat money? Yes.
3162. *Mr. Bourke.*] You were asked if you did not also have in your possession a cheque for £2 13s. 4d. which you received for fat;—will you look in your book now and see whether or not you paid that money to Mr. King? The sum of £2 12s. 4d. is entered here as being paid to Mr. King, and not having the invoice of Pritchard's bill I say still that the amount has been paid to Mr. King.
3163. When you paid Mr. King the fat moneys, what did you do with the invoices? I gave them to him.
3164. Then for the moneys you have paid him you would have no invoices in your possession? No.
3165. You have said that sometimes when you paid money to Mr. King he made entries in the margin of the diary? Yes.
3166. It has been said that there is only one entry there;—in the first place, is there not a receipt initialled by Mr. King on the 29th July, 1886? Yes.
3167. What is that a receipt for? For 28s., being four weeks' keep in the asylum of Frederick Barber. There is also a receipt by Mr. King for pension money on the 8th July, 1886; there is another receipt by Mr. King on the 3rd July, 1887; another on the 29th August, 1887; and there is one on the 23rd January, 1885. All these are receipts in the margin of the diary in Mr. King's handwriting.
3168. In addition to these receipts in the diary, you stated that you got receipted memoranda from Mr. King sometimes? Yes, a few of them; I could not say how many.
3169. I believe that since last meeting you have visited the Macquarie-street Asylum, to see if you could find those receipts? Yes.
3170. And you only found two, which you now produce? Yes, two old ones.
3171. You could not find any later than these? No.
3172. Has the office been moved since you were there? Yes; the office has been moved from the main building into the superintendent's quarters.
3173. And you requested Abbott to hunt up the papers which you required? Yes.
3174. But the two you produce are examples of the others? Yes.
3175. When you first commenced to take money from inmates the amount was small, I suppose. Yes.
3176. How did you keep the account at that time? On a slip of paper. The different dates would be entered, and the slip left in the despatch-box.
3177. And you have a sample slip in your hand which you submit to the Committee? Yes.
3178. You said in reference to passing the stores that you were sometimes out and allowed Abbott to pass the stores;—were you then speaking of the time before Mr. Maxted was appointed or since? Before Mr. Maxted was appointed.
3179. What was your custom since Mr. Maxted's appointment with regard to passing the stores? I was there and received everything and passed everything. I was never away from the building.
3180. If you happened to be out when the stores came what would be done? They would be left on the table until I returned. But after Mr. Maxted's appointment until I was suspended I was never absent, except on one day, when I went to the Women's Industrial Exhibition.
3181. Then, as a matter of fact, you were far more careful and hardworking after Mr. Maxted's appointment than before? Yes, I was working always, and had very little help except that the men were always very willing and well behaved.
3182. You were in the habit of advancing petty-cash for the use of the institution? Yes.
3183. Is there any amount due to you by the Government now on account of petty-cash? Yes, about 30s.
3184. Are there any other sums due to you by the Government? Yes; there is a sum of £3 10s. for twenty mess-boxes at 8s. 6d. each.
3185. Anything else? And a sum of £13 6s., which was left in the despatch-box.
3186. That is to be credited to you against the total amount of inmates' moneys? Yes.
3187. Is there anything else due to you besides the two sums you have named? There is an amount in lieu of rations for a little over four months, namely, from 20th June to the 20th November, which I roughly calculate at about £8 15s.
3188. *Mr. Williamson.*] Did you ever make any claim? Yes; I have been to the Sydney office, I did not make a claim in writing.
3189. *Mr. Bourke.*] Something has been said about keeping the men off the green. On the day when the Committee were at the asylum, you observed that there was a large quantity of clothes hanging up to dry, and that they were in the yard? Yes.
3190. Was that where you usually hung the clothes to dry? No.
3191. That place was always left open for the men? Yes.

Mr. S.
Cunynghame.
11 Sept., 1889.

WEDNESDAY, 18 SEPTEMBER, 1889.

Present:—

MR. HOWE,

MR. KIDD.

MR. GRAHAME,

JAMES PETER HOWE, ESQ., IN THE CHAIR.

Mr. Bourke, instructed by Mr. Herbert, appeared for Mrs. Cunyngame.

Mr. T. M. Williamson appeared as solicitor for Mr. Maxted.

Sarah Cunyngame recalled and further examined:—

Mrs. S.
Cunyngame,
18 Sept., 1889.

3192. *Mr. Bourke.*] You have said that the only record you had of Pritchard's cheques were the invoices you produced? Yes.

3193. Have you not also some entries in the books of Pritchard's cheques? Yes; they are entered in my private book as having passed into my account at the bank.

3194. You have seen the vouchers that were presented to the Committee showing that purchases of soap were made from the contractor (Mr. Kelly) in 1886? Yes.

3195. When you were asked by Mr. Williamson about soap being bought, you did not recollect those? No; I know how it occurred now. The soap was required in a hurry, and the head wardman put it down on the requisition, and therefore I had overlooked it.

3196. With regard to the man Rooney and his easy chair, why was it that you refused at first? I did not refuse. He said he required a chair from his own friends, and this being a Government institution, I had been given to understand that private property was not allowed, and I said that the Government would provide him with a chair. As soon as the chair was requisitioned for it came.

3197. On the occasions when entries were made in the diary that fat was sent away, and that soap was to be returned, did you always get soap? Yes; about a ton of soap a year was supplied.

3198. It was said by Mr. Williamson that for twelve months while the Asylums Board was sitting you received no cheque. As a matter of fact I believe the Inquiry Board was sitting about eight and a half months? Yes.

3199. And it appears by your book that you received no cheques during that period? I had no reason for not doing so.

3200. In the book in which is kept an account of the cheques received from Pritchard there is an interval of about eight months during which no cheques were received. Can you tell us whether there is a similar interval at any other time during which no cheques were received from Pritchard? Yes; there was such an interval between the 23rd January, 1885 and the 3rd August, 1885.

3201. In that case there was an interval of seven months between the receipt of the cheques? Yes.

3202. Could you give us any idea as to how many times a year you paid money to Mr. King? I could not say positively how often—whenever he felt inclined to have a settlement. So everything was satisfactorily arranged with Mr. King up to the time of his illness, prior to his retirement.

3203. Did your account at the bank always leave a margin to cover these moneys? Always.

3204. Have you your bank account here to show that? Yes.

3205. It will show that you always left a margin to cover the amounts you held? Yes.

3206. Did Mr. King know that your servants were paid by the Government 2d. and 3d. a day? Yes; he always told me I was entitled to any help I required.

3207. Did you generally have a servant of your own? I always had a servant woman and also a little nurse girl if I required one.

3208. So that these men you had belonging to the institution would not have done very much for you? No; they were always pleased to come and also to receive a few shillings, and anything I required them to do they did, not only about my home but whatever was required.

3209. You were asked about taking your own servants and others off the Government pay-sheet soon after Mr. Maxted was appointed. Do you remember receiving this letter from Mr. Maxted on the 27th September, 1888:—

MADAM,—I have the honor to request that you will be good enough to remove the names of all the inmates from your pay-sheet for the ensuing month (October), with the exception of those appearing on the annexed page, so that the amount paid as wages to inmates may be considerably reduced. In cases where you may consider it advisable you may issue extra tobaccos for work performed by inmates, but it will be necessary for you to keep a separate account of the tobacco thus issued.

Then follow a number of names and the amounts each person is to receive per day. Was it in consequence of that letter that certain names were taken off the pay-sheet? Yes.

3210. You have seen the letter put in from Mr. King dated 6th May, 1887, where he said you would have to leave the Asylum unless subordination could be maintained? That is not as it should be.

3211. Do you remember the letter? Yes.

3212. Do you know what it refers to? It refers to a report I believe, I sent about an inquiry in reference to Baird, Roy, Rooney, and one or two others, who had given evidence before the Inquiry Board.

3213. Was it in reference to insubordination on their part? Yes, they were defying my authority, and inciting the inmates to quarrel, because they knew I had no power to dismiss them, or to take any action, and I forwarded a report to Mr. King. Mr. Rossiter was at the time Acting Manager, Mr. King being indisposed.

3214. Then it was in consequence of that report that Mr. King wrote the letter of the 6th May, in answer to Mr. Rossiter's communication? Yes. Mr. Rossiter saw Mr. Walker, and told him that it would be impossible for me to go on managing the institution unless my authority was upheld.

3215. It was the custom some time ago for you to allow men to go out to work for people round about Parramatta, was it not? Yes.

3216. And they received some little payment for it? Yes; they received whatever the people liked to give them.

3217. And in such cases would they take their rations with them? Yes, always, or come in to dinner.

Mrs. S.
Cunynghame.
18 Sept., 1869.

3218. If a man went out like that, of course he would have the asylum clothing on him? Yes.
3219. And if he came back to his tea, after working all day for some one outside of the institution, he would not be refused his tea because he had been working for somebody else? No.
3220. Do you remember the man Henry Wilkinson? He died three years ago.
3221. Do you remember that, just after you were suspended, Mr. Maxted sent to you for a list of the inmates' moneys? Yes; he asked for the names of the men who were taking advances.
3222. Is this the memorandum he sent you, "28th November, 1888. Will Mrs. Cunynghame kindly send in the account-book of inmates' moneys, as some of the men are asking for advances"? Yes.
3223. Then you understood from that memorandum that he wanted a list of the living inmates' moneys? Yes. I knew that they wanted their weekly allowance, and of course I did not think anything about the deceased inmates or the other accounts that were not opened.
3224. Is that the reason why the dead inmates' moneys were not included in that list? Yes.
3225. As a matter of fact the dead inmates' moneys amounted in round numbers to about £14? Yes.
3226. And at that time the Government owed you about the same amount, did they not? Yes, quite that much.
3227. Did you make use of the expression "that it was a matter between you and the inmates"? Yes; I said something to that effect, but not exactly in those words.
3228. You said, in answer to Mr. Williamson, that you were sometimes days and days without going through the hospital. Will you tell us on what occasions those were? During my confinement.
3229. And in cases of illness? Yes; I was very seldom ill.
3230. The Government knew you were married? Yes. And my husband, the resident dispenser, always performed my duties with the doctor's consent, and always conveyed messages from me and to me.
3231. Did Mr. King and Mr. Maxted know that Mr. Cunynghame was representing you in the institution? I do not know about Mr. Maxted, because I do not think I was ill during Mr. Maxted's time.
3232. Even when you were well Mr. Cunynghame helped you? Yes; every morning. When Mr. Maxted was appointed Mr. Cunynghame declined to go through the hospital wards as he had usually done, knowing that I was so anxious to assist Mr. Maxted in carrying out the new arrangements he was making.
3233. During those months when you were ill, was Mr. Cunynghame in the habit of going regularly through the institution for you—that is to say, doing your official duties in the morning? Yes.
3234. And during the other part of the day you would be in and out as occasion required? Yes; any time I felt able to go.
3235. Since Mr. Maxted's appointment have you ever been away from the hospitals? No; not for one whole day, and never in the afternoon. On looking at the diary yesterday afternoon I found that Mr. Maxted visited the institution about 100 times, and he never on one occasion came and found me away from the building, repeatedly visiting two and three times in the day.
3236. Part of Dr. Violette's charge against you is that you were anxious to get rid of M'Govern, because he gave evidence in Cook's case? Yes.
3237. Do you remember the date of Cook's affair; you held an investigation;—did you receive a letter of the 7th September referring to that? Yes.
3238. Then it must have taken place before the 7th September? Yes.
3239. Is this M'Govern's admission order into the Macquarie-street Asylum:—"No. 2,487, 24/9/88. To the Superintendent, Macquarie-street Asylum,—Admit James M'Govern an inmate—country order"? Yes.
3240. Then that admission order being dated the 24th September M'Govern, as a matter of fact, could not have been in the institution at the time of Cook's affair? Not by that.
3241. You have said that you allowed horses and the cow to pasture on the lawn;—why did you allow that if it was understood that the inmates were not to go on the grass? It took fully five years to cultivate this lawn that has given so much offence. It was Sunday, and the man did not take the cow out.
3242. But was there any reason for allowing the horses and the cow on the lawn? No. I did not pay any attention to it; the men merely put them there for an hour or two to eat the grass.
3243. Keep it down? Yes. We did not have any occasion to mow it, and the cows ate it down every Sunday.
3244. You remember going into the hospital when it was said that Cook was beating Smith? Yes.
3245. As a matter of fact, was Cook beating Smith? Certainly not. The old man used to go to sleep and make a fearful noise in his sleep.
3246. Do you remember receiving the following letter from Mr. Maxted about the meat:—

Madam,

20 September, 1888.

The meat contractor has just forwarded to me your memo. relating to the future supply of meat. The contractor has the Colonial Secretary's authority to supply the meat in pieces. This need not interfere with the new arrangements being carried out, and it does not appear to have done so thus far. You will of course see that the meat is of good quality. I am informed that you have a copy of the authority referred to, but I will apply for a copy to-morrow.

Yes, I remember that letter. There is a minute in the diary on this subject which I discovered yesterday, and which I should like to read to the Committee. It is as follows:—

Mr. Hugh Taylor and Sub-Inspector Intimer were present. The latter watching on behalf of the police, and the former in consequence of an anonymous letter which he had received.

I believe the beginning of this entry has reference to a coroner's inquest.

In consequence of the tenders for the new meat contract being obliged to be in the Treasury by noon to-morrow, Mr. Dunn asked the Superintendent to give him a list of the description of meat that it would be necessary to supply each day, and he received the following:—

Monday.—Beef, fore and hind-quarters alternately.	Friday.—Mutton, supplied as above.
Tuesday.—Mutton, whole or half sheep.	Saturday.—Beef
Wednesday.—Beef, supplied as above.	Sunday.—Beef or mutton, or some of each.
Thursday.—	

Meat to be delivered not later than 7 each morning. The Superintendent also gave Mr. Dunn a memo. having reference to the quality of the meat supplied, also the average overplus beyond that ordered. See Letter-book, fol. 101.

3247. *Mr. Kidd.*] Which Mr. Hugh Taylor is there referred to—the elder or the younger? The elder—Mr. Hugh Taylor, the Member.

3248. Was he the contractor for the meat? No. Mr. R. L. Dunn was the contractor.

3249. *Mr. Bourke.*] Who supplied the meat—Taylor Brothers—Mr. Hugh Taylor's sons? Yes.

Mrs. S.
Cunynghame.
18 Sept., 1889.

3250. *Mr. Williamson.*] At this time—20th September? Yes; up to the 1st October. Mr. Finlayson supplied the meat for Mr. Dunn to my asylum.
3251. *Mr. Kidd.*] But what did Mr. Hugh Taylor want to come with the Inspector for? There was an anonymous communication. I do not know why he came, but I remember that there was a great rumour about it, and I was a little bit put out.
3252. *Mr. Bourke.*] Was not Mr. Hugh Taylor in the habit of coming when there was any complaint about the meat? Yes, repeatedly.
3253. *Mr. Williamson.*] When there was any complaint about the meat? No, not complaint, but anything at all.
3254. *Mr. Bourke.*] He came to see about the meat generally, just as if he were the contractor;—is that so? Yes.
3255. Is there an entry in the diary on the 16th or 17th September about the quality of the meat? No. There is the following entry on the 1st October, 1888:

Messrs. Taylor Brothers brought their account for meat for last month, amounting to £56 14s. 9d.

3256. Will you look at the 18th September, and see if there is an entry? Yes; on that date there is the following entry:—

In consequence of the poverty of the beef supplied by the contractor, a stew had to be supplied again to-day with soap, and a memo. was sent to Mr. Dunn asking him to supply mutton for to-morrow's issue of good quality.

[The original letter of Sept. 18, 1888, was tendered as evidence by Mr. Bourke on last Committee day.]

Department of Government Asylums for the Infirm and Destitute,

Madame,

Manager's Office, Sydney, 18 September, 1888.

During my visit yesterday I noticed in your diary you had recorded that the meat was so poor that you had been unable to carry out the instructions as to dietary; yet I found no similar record in reference to the butter and tea, which I saw were both unfit for use, nor was there any indication that the goods which you agreed with me were of such bad quality, had been sent back. This matter is one of so much importance—indec the success of the changes I am making so largely depend upon it—that I must request you to be most careful to see the good quality of the provisions, for which you are responsible, is fully maintained. It will not do for an inmate attendant to receive any articles supplied to the Asylum; they must be received and passed by you, or, if you should be absent, by a responsible official, who must immediately on your return submit them to you for approval or otherwise. You need not incur the expense of purchasing suet for the puddings, the dripping from the soups will do.

I have, &c.

SYDNEY MAXTED,

Director.

3257. At the last sitting of the Committee Mr. Williamson put in a memo. in which you said that the meat was good up to the 6th of September;—do you remember that? Yes. The entries in the diary will prove the correctness of my evidence.
3258. After the 6th of September was the meat supplied to you by Dunn or Taylor Bros. of bad quality? It was so poor that I could not issue it in joints to carry out the new arrangement.
3259. Have you ever complained to Mr. Maxted or shown him any of this meat? Repeatedly. I kept a rib of beef, and when Mr. Maxted came I sent down to the dairy for the rib of beef, and he rolled it in a piece of paper and took it away with him.
3260. Did he tell you what was the result of his inquiries? No; he did not say anything more about the meat.
3261. Do you remember a man named Burns, who made threats about Mr. Taylor? I remember Robert Parkes.
3262. Did he say anything to you about Mr. Taylor? Yes.
3263. What did he say? He said he had put me away to Mr. Taylor, and that my reign here would be very short. There were two or three of them.
3264. As a matter of fact, were there several men in the institution who threatened you with Mr. Taylor's anger? Yes; I could give the names of them.
3265. You were asked (Question 2174) when you first received cheques for fat, and you said that during 1883, 1884, and 1885 you received no cheques for fat;—is that correct? No; it ought to have been 1882, 1883, and 1884.
3266. Then during the first three years you supplied the fat to Pritchard you received no cheques? Yes; in the answer I gave before the years should have been 1882, 1883, and 1884.
3267. Have you been able to find any of those receipts you spoke of? No, I have not asked the clerk since whether he found the parcel I spoke about; I have not seen him since. Besides receipts, the parcel contained memoranda and authorities for different things.
3268. A great deal has been said about Roy and Baird;—how long ago is it since they left the institution? Baird was turned out of the institution by the Colonial Secretary's authority twelve months before I was suspended; that would be two years ago. Roy left shortly after the inquiry—about June, 1888. Vavasour left the day after the last meeting of the Inquiry Board.
3269. Were the moneys you now hold received before Mr. Maxted's appointment? Yes.
3270. The moneys you received since his appointment you always sent to him? I think there are one or two sums that I did not send.
3271. In his evidence in support of the charge of untruthfulness against you, Mr. Maxted says that you told the Commission that you never received cheques for fat? I did nothing of the sort, and there was no mention of cheques. I simply said that I supplied the institution with soap, which I had done.
3272. Were you asked anything about cheques? No, there was no mention of cheques.
3273. You say that once in six weeks the fat would be exchanged for soap? Not so frequently in those days, because the meat was of very poor quality.
3274. Have you seen the salary-book of the inmates lately? Yes, I saw it in the Committee-room at the last meeting.
3275. And did you see according to that book that the following salaries are now paid to certain people in the institution, namely:—Peter Abbott, £50 per year; George Hawkins Baker, £145 a year; T. Edgar, £60 a year; C. Warner, £60 a year; Daniel Watsford, £60; P. Dryer, £26; C. Crawley, £26; W. Johnson, £24; W. Stirling, £60; J. Smith, £125;—is that the case? Yes.
3276. Showing a total of ten persons in the institution now being paid? Yes.
3277. You remember the Commission of Inquiry that has been spoken about so often? Yes.
3278. Who were the members? Mr. T. K. Abbott was chairman, and the other members were Dr. Ashburton Thompson and Mr. Hugh Robison, Inspector of Charities.

3279.

3279. When they were holding their inquiry here, were you present during the hearing of the evidence? Never.
3280. Were you represented by anybody? No.
3281. You had no opportunity of cross-examining the witnesses? No, I never had a word to say.
3282. And how many people did they call altogether? About 14 out of about 290 inmates.
3283. You have seen the evidence since; were these fourteen people or the greater number of them adverse to you? Only about five were adverse to me and my management.
3284. Were any witnesses called by the Committee to rebut the evidence of the men? No.
3285. Do you know whether all the members of that board subscribed to the report? They did not.
3286. How many did not? Mr. Hugh Robison objected to sign.
3287. You wrote a reply to the report did you not? Yes.
3288. Will you hand it in to the Committee? Yes.
3289. Did you receive the following letter on the 4th September from Mr. Maxted?—

Mrs. S.
Cunynghame.
18 Sept., 1889.

Dear Mrs. Cunynghame,—I have directed the books to be sent up to-morrow. Will you kindly put Watsford on. I think it will be well to let him superintend the arrangement of the mess-tables, look after the men in the evenings, and patrol the wards occasionally until say 10 o'clock. This will give him about nine hours of duty daily. He can fill up his time in that period in any other way you wish. You may buy in Parramatta about £1 worth of drafts, dominoes, &c. You can set to work with the new diet at once. I send you a copy of the table. Kindly keep a daily diary of the meals.

Yes.

3290. On the 20th October, which was a feast day, did you receive the following address from the inmates?

Dear Madam,—We, the undersigned inmates of the above institution, beg to tender you our sincere thanks for the invariable kindness and rectitude wherewith you have fulfilled your onerous duties to us as matron of this Asylum, and wish you to accept this small token of our esteem and gratitude. Trusting that you will long be spared to continue your kind offices, and wishing you, Mr. Cunynghame, and family, every happiness and prosperity, We are, &c.

[Here follow list of names, or number of signatures.]

Yes.

Peter Christopher Abbott recalled and further examined:—

3291. *Mr. Williamson.*] You kept the diary? I did.
3292. And you did all the correspondence in connection with the institution? Yes, except that when Mrs. Cunynghame required any particular memorandum written, she used to dictate it.
3293. It has been sworn before the Committee that Mr. King used to give receipts in the diary for inmates' moneys? I do not recollect that he gave receipts except on certain occasions when money was sent to him. Generally speaking, he did not receipt the diary, but there is one receipt for fat money which I have seen myself.
3294. Was that in 1885? I cannot say.
3295. Can you give the Committee any explanation of why you did not enter the fat cheques in the diary? A general order from Mrs. Cunynghame.
3296. To what effect? "You need not put that in; it is going down for a cheque—for money to be returned."
3297. What you mean is this,—that when she wanted a cheque for the fat she requested you not to enter in the book that fat had been sent to Pritchard? There was one general order that I received in the first instance, that when fat was sent to Pritchard it was not to be entered in the diary.
3298. That is, if she wanted a cheque? Yes.
3299. Was any such order given to you with regard to moneys of deceased inmates? No; I cannot say that Mrs. Cunynghame ever gave me any orders about not entering deceased inmates' moneys in the diary.
3300. The only explanation you can give why entries were made when fat was sent to be exchanged for soap, and not entering fat that was sent when you wanted a cheque was because of a direction you received from Mrs. Cunynghame? It was.
3301. Are you aware of any fat cheques since 1885 that were paid to Mr. King? No.
3302. *Mr. Kidd.*] Did you not state, when you last gave evidence, that Mrs. Cunynghame gave you fat cheques from time to time to put in the despatch-box? I did.
3303. And these cheques, from time to time, were paid into the bank to Mrs. Cunynghame's credit with other moneys taken from the cash-box? I do say so.
3304. *Mr. Williamson.*] The question I put to you was this: Did you know of any of those fat moneys being paid to Mr. King since 1885? No.
3305. When Mr. King received money did you make out the receipt—I mean when he did not receipt the diary? No; Mr. King made a memo. in the margin of the diary when he received any money.
3306. But, apart from the diary, since 1885, were any separate receipts given by Mr. King to Mrs. Cunynghame? Not that I am aware of.
3307. *Mr. Kidd.*] Not given through you? No.
3308. *Mr. Williamson.*] Did you ever make out any receipts like those to be signed by Mr. King? [*Paper shown to witness.*] No.
3309. *Mr. Bourke.*] Those are dated 1880? Yes.
3310. Were you in the asylum in 1880? I believe I came at the end of 1881. I know this handwriting; it is that of the clerk who preceded me.
3311. *Mr. Williamson.*] What was his name? Adams.
3312. Did you make out all receipts? Generally speaking, yes.
3313. And any receipts for moneys would be handed to you? Yes, they would, and be put away.
3314. Mrs. Cunynghame has said that there were some receipts in one of the pigeon-holes in the office? Mrs. Cunynghame paid a visit to the office—I believe after the sitting of the Committee—and I could not find any receipts. I have searched since and cannot find one receipt.
3315. What you say is this, that when moneys were paid to Mr. King he always receipted the margin of the diary? Yes.
3316. *Mr. Bourke.*] You say you do not know of any fat moneys being paid to Mr. King? I do, on one occasion, when he gave a receipt in the diary.
3317. Were you present when Mrs. Cunynghame paid moneys to Mr. King? I was not.

Mr.
P. O. Abbott.
18 Sept., 1889.

- Mr. P. C. Abbott.
18 Sept., 1889.
3318. *Mr. Williamson.*] Is your recollection clear with regard to Mrs. Cunynghame tearing the leaves X, Y, Z out of the book? I did not see her do it.
3319. Did you tear them out? Certainly not. I was not implicated in the matter at all. I had nothing to do with those monays.
3320. She swears that you tore them out;—did you tear them out? Certainly not.
3321. Suppose Mrs. Cunynghame asked you to tear them out, would you do it? I might do it at her direction, but I certainly did not do it myself.
3322. *Mr. Bourke.*] Mrs. Cunynghame does not say you did it yourself, she says she asked you to do it? Mrs. Cunynghame is mistaken there.
3323. You do not recollect? Had I attempted to do such a thing she ought to have turned me out of the office at once.
3324. *Mr. Williamson.*] At any rate, do you recollect her asking you to tear the leaves out of the book? Certainly not.
3325. What you say is this, that when the Royal Commission was sitting she took the book away, that the leaves were in when she took the book away, and that when it was returned the leaves were out? Yes; X, Y, Z were out.
3326. *Mr. Kidd.*] And they were put back again? Into another book.
3327. *Mr. Bourke.*] They were put into another book? Yes; when I saw them here I saw them in another book.

Philip M'Cauley called in, sworn, and examined:—

- P. M'Cauley.
18 Sept., 1889.
3328. *Mr. Williamson.*] Where do you reside? The other side of Campbelltown at present.
3329. What are you? A railway man.
3330. What are you doing on the railway? I am working on the duplication of the line.
3331. Were you an inmate of the Macquarie-street Asylum at any time? Yes.
3332. I believe you were an inmate from the 9th July to the 24th December last year? Yes.
3333. And you were here under the name of M'Carthy, having been sent from the Sydney Hospital? Yes; I got an order from Dr. Strong; my name was entered as M'Cauley in the dispensary, but the name M'Carthy was written on the card over my bed, and it was in that way that my name appeared as M'Carthy when I came to the Asylum; my right name is M'Cauley.
3334. You have no interest in this matter—you have been in no way influenced by Mr. Maxted? In no way whatever.
3335. I believe you were an inmate of No. 3 hospital in this asylum? Yes.
3336. I believe you were in the next bed to Cadogan? Yes.
3337. And a man named Cook was the wardman? Yes.
3338. Used this man Cook to rob the patients of their medical comforts? Yes.
3339. How? By taking their eggs and grog and porter.
3340. And how used he to get rid of them? He used to take them sometimes down into the yard, and he told us himself that he used to sell them in the yard, and he used to put the medical comforts into the matron's kitchen through the window repeatedly.
3341. You mean Mrs. Cunynghame's kitchen? Yes. He used to get upon the bed and put them into a party inside who received them.
3342. *Mr. Bourke.*] Did you see them do these things? Yes.
3343. You saw him get up on the bed and put them through the window? Yes, more than once—more than half a dozen times.
3344. *Mr. Graham.*] You do not know who received them at the other side? I do not. He used to get up on the foot of the bed occupied by a man named M'Govern, and put them in, and he used to get the empty bottle back.
3345. You did not hear him say to whom he gave them? No; I used to hear the voice on the other side, but I did not know who it was.
3346. *Mr. Kidd.*] Was it a female voice or a male voice? It was a male voice, I think.
3347. *Mr. Graham.*] You believe it was a man to whom he gave the comforts on the other side? I do.
3348. *Mr. Williamson.*] Did you subsequently inform Edgar, the attendant? I did.
3349. And the Director? I did.
3350. And an inquiry was held? Yes; the inmates advised me not to make any complaint or any charges against Cook.
3351. You wanted to make some charges against Cook, and you were warned against doing it? Yes.
3352. *Mr. Bourke.*] By the inmates? Yes.
3353. *Mr. Kidd.*] Was there an inquiry about this matter at the time? Yes.
3354. And you gave evidence then? I gave evidence to Dr. Violette, and I stated the case to Mr. Maxted when he came up. The doctor put Cook out of the ward. The thing was so clear against him that he had to admit it himself, and then I requested that he should not be allowed to go away until the Director came up. Next morning Cook went away.
3355. The doctor dismissed Cook from the ward? Yes.
3356. *Mr. Graham.*] Was it ever ascertained who got the medical comforts from Cook? He used to take them to the yard and he used to drink them himself. He used to drink a bottle of porter every day for dinner that belonged to a man named Jorgenson. He drank a bottle of porter belonging to that man for about seven weeks, and he used to make no secret of it.
3357. *Mr. Williamson.*] During the time that you were in No. 3 hospital, used Mrs. Cunynghame to come to see how matters were going on? Occasionally she would come in the day-time—very seldom.
3358. *Mr. Graham.*] She did not go every day? No.
3359. *Mr. Kidd.*] The doctor came to the hospital every day, I suppose? Yes; he might miss a day, but he came regularly.
3360. *Mr. Williamson.*] Did Mrs. Cunynghame ever go at night at any time? Never; she used to come to the window outside, but not inside.
3361. What did she come to the window for? To speak to the wardman.
3362. She did not go through the hospital though at night? No; never during the time I was there.
3363. After you had made a complaint with regard to the way things were going on, how were you treated? Very poorly.

3364. *Mr. Grahame.*] You consider you got punished for what you did? Yes; and I was told that I would get that punishment before. P. M'Cauley.
3365. *Mr. Williamson.*] How were you treated? I had previously had the privilege of being able to walk through the wards, but after the complaint and inquiry my clothes were taken away, as I understood, by Mrs. Cunynghame's orders, and I was not allowed to get out of bed at all. Then I asked the doctor if he would allow me to get up and walk about through the wards. The doctor said yes, and then I got my clothes. On several occasions Mrs. Cunynghame told me that I had no business to be there, and that I was a mischief-maker, and the cause of all the disturbances in the hospital. She said she would have me transferred to a Coast hospital. I told the Director when he came up. 18 Sept., 1889.
3366. Did she call you a sneak? She did.
3367. And a liar? Yes.
3368. Did you then receive a notice that you were to be moved out of the hospital? I did. She sent Edgar into me to tell me that I was to go in the morning, and I refused to go on the Saturday morning. I refused to go until I saw Dr. Violette.
3369. Did you ask to be removed to Liverpool afterwards? This order came up on the Friday night.
3370. But in consequence of the way you had been treated, had you previously asked to be removed to Liverpool? Yes, I had spoken of it.
3371. *Mr. Bourke.*] To whom? I believe I spoke of it to Mr. Maxted. Mrs. Cunynghame stopped the privileges I had after the inquiry was over—my beef-tea, and milk, and rice.
3372. *Chairman.*] What was the inquiry? The inquiry by the doctor into Cook's conduct.
3373. *Mr. Williamson.*] Was Mrs. Cunynghame present at that inquiry? Yes. Mrs. Cunynghame, Dr. Violette, and Cook were present. Mrs. Cunynghame said in my hearing that she would pull Cook through.
3374. While you were in No. 3 hospital did you see Cook ill-treat a patient? I did.
3375. What was the patient's name? He was a man named Smith.
3376. What was Cook doing to him? He was very bad with bed-sores and he asked Cook to give him a turn in the bed. Cook went over and got him by the leg like that, and lifted him and threw him down on the bed repeatedly, and this man Smith sang out—in fact it was a kind of cry; at all events Mrs. Cunynghame must have heard him in her own kitchen because she came to the window and sang out "Wardsman what is the matter?" He said that Smith was annoying him, and she said that she would have Smith shifted to the isolation ward. She said, "You did not come here to do as you like, but to do as you are told."
3377. Did she come in? No.
3378. *Mr. Kidd.*] Mrs. Cunynghame was not present when the wardsman was pulling Smith about? No, she did not come into the hospital that night.
3379. *Mr. Williamson.*] Was Smith removed to the isolation ward? No, he was not.
3380. You say that Cook lifted him and threw him down? Several times; the man roared—sang out.
3381. Was he annoying Cook? No, he was not; he simply asked to be turned. In fact, the same night Cook refused a man a drink of water who was not able to get out of his bed.
3382. And this is the man she said she would pull through at the inquiry? Yes.
3383. *Mr. Kidd.*] Did this man, who was pulled about, pull through—did he get better? No, he died.
3384. How long after? I heard of his death about a month after I was transferred to Liverpool, and I believe he was helped on the road too—to the best of my belief.
3385. *Mr. Grahame.*] But Cook had gone then. Was Cook there when the man died? No.
3386. *Mr. Williamson.*] But the way Cook treated him did not do him any good, apparently? No, Cook did not treat anyone well.
3387. Do you recollect seeing Mrs. Cunynghame with regard to an anonymous letter that was sent to Sydney? Yes, I had a conversation with her about the letter.
3388. Did she come to you with reference to an anonymous letter? Yes.
3389. Did she produce the anonymous letter? She did not.
3390. Did she ask you to put your signature to anything? Yes.
3391. What did she ask you? She came into the ward about 11 o'clock and said to Wardsman Cook, "I believe you have got some pretty good writers here," and he made some remark which I did not understand. She told Cook to get all the men's signatures on a piece of paper. I refused to put my signature to the paper; I said I wanted to know what it was for. Mrs. Cunynghame came in and she asked me why I objected. I said, "I do not know what it is for, and I do not sign anything unless I do know what it is for."
3392. *Mr. Williamson.*] What was Mrs. Cunynghame's manner during the time you were here? I was pretty fairly treated until we had that inquiry.
3393. And after that inquiry what was her manner? Well, the sooner I could get away out of it the better.
3394. *Mr. Kidd.*] Do you think you got what the doctor ordered for you? No, I did not; it was stopped.
3395. *Mr. Grahame.*] Was Cook taking your comforts, too? It appears that there was a new scale of rations, and the extras the doctor allowed me Mrs. Cunynghame said I was not to have and that I should not have them.
3396. *Chairman.*] Did you ever complain that you never received them? I told Mr. Maxted.
3397. But if you were in the hospital why did you not complain to the doctor? I did not get a chance, because it was only the second time she refused me. Mr. Maxted told me to ask the doctor for those things I was getting. The doctor came next morning and I asked him and I certainly got them.
3398. *Mr. Williamson.*] I understand that you were afraid to complain of Mrs. Cunynghame for fear you would be a marked man? I was. I was told that repeatedly.
3399. You were actually afraid? Yes.
3400. And from the way the inmates were treated it appeared to you that there was no proper supervision? None.
3401. Where did you hear Mrs. Cunynghame tell Cook that she would pull him through? There was a partition in No. 3 hospital; there were two compartments with four or five beds in each. She was going out of the door and she said, "I will pull you through, Cook." She admitted in the presence of Dr. Violette

P. M'Cauley. Violette that she had a suspicion that Cook was taking some of the men's comforts from them, because he said, "I came in the other morning and he was having eggs for his breakfast and he is not allowed eggs."

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3402. *Mr. Bourke.*] Who asked you to give evidence here? Mr. Maxted.

3403. Did he have any conversation with you about the evidence you were to give? I have never spoken to Mr. Maxted since I left here, except once at Liverpool; I never spoke to him before to-day.

3404. When you found that Cook was taking these medical comforts did you complain to anybody? I complained to Edgar.

3405. The wardman in the hospital? Yes.

3406. What did Edgar say? He said he believed Cook had been doing it all along.

3407. Did the stealing of the medical comforts cease after you complained to Edgar? After Cook went away it ceased.

3408. When you complained to Edgar did he take any action in the matter? Certainly.

3409. What did he do? He made Dr. Violette acquainted with the circumstance.

3410. So that as soon as ever you complained about this matter the thing was seen to? Yes; it was seen to on the Monday.

3411. How long was it going on before you complained? For five or six weeks.

3412. Why did you not complain all that time? Because I was not able to leave my bed.

3413. But you saw the wardman and Mrs. Cunynghame sometimes and did not complain? I did complain.

3414. I mean during the first five or six weeks? I did.

3415. You said just now you did not? For some time after I first went there, and when I was unable to leave my bed, I did not know whether or not these men were getting medical comforts; but as soon as I was able to walk about I could see the cards on the wall, and could tell what the men were getting.

3416. You say that as soon as you complained things were improved? Yes.

3417. Do you not know that Mrs. Cunynghame and Dr. Violette held the inquiry at which you gave evidence? Yes, Mrs. Cunynghame, the doctor, and Cook were present.

3418. How often in the day would Mrs. Cunynghame come to the hospital? I never saw her twice in the one day, and I have known occasions when she has not been there at all for three days and four days.

3419. Were you bedridden at this time? Yes.

3420. Did you ever sleep in the day-time? Very seldom, and very little at night.

3421. You slept very little at night? I slept very little for five weeks.

3422. Did you ever go to sleep during the day? Never to my knowledge.

3423. You say that after you reported about the theft of these medical comforts you were poorly treated;—who was it treated you poorly—did Mrs. Cunynghame do so in any way? My beef-tea was stopped by her orders, so the wardman told me.

3424. How do you know it was by her orders? Because the wardman told me.

3425. How do you know it was not the doctor who stopped your beef-tea? When I asked the doctor he replaced it.

3426. But you do not know whether he stopped it or not? No.

3427. What were you suffering from? I was hurt in the back by a fall of timber.

3428. You were not suffering from consumption? No.

3429. You say that Mrs. Cunynghame called you a sneak and a liar;—who heard her? Myself.

3430. Who else? I cannot say.

3431. *Mr. Kidd.*] Did she say it in a harsh sort of way, or gently? As harshly as she could.

3432. *Mr. Bourke.*] You do not know that anybody else heard her? No.

3433. Did anyone else see Cook ill-treat Smith besides yourself? Yes; Codogan must have seen.

3434. Who was present besides you? Codogan was in the next bed to me.

3435. Was anyone else there? There were two or three blind men there; they could not see it.

3436. You say he took him by the leg and lifted him up? Yes; and he pulled him out of the bed.

3437. Where was Edgar while this was going on? I could not tell you.

3438. He was not in the hospital? No.

3439. Did you make any complaint to Edgar about this ill-treatment? I did and to Dr. Violette too.

3440. And what did the doctor say;—did he investigate the matter? He did, and the consequence was he turned Cook away.

3441. Cook was turned away for stealing the medical comforts? Yes, and cruelty.

3442. Was Smith a bedridden man? He was.

3443. Didn't he get up and walk about the place? He used to walk when he went in first; he would be able to go down to the yard and come back again with a great deal to do, but owing to Cook's ill-treatment he very soon got so that he was not able to walk.

3444. At the time you speak of was he able to get about the ward at all—to get up and walk about? No, he was not. He might just get out of bed when he would lay down on one side; he could not turn.

3445. Was he a very old man? I should think he would be a man of 80 years of age.

3446. After the inquiry of which you have spoken for how long were your comforts stopped? Only until I asked Dr. Violette, he gave them back to me.

3447. Was it a day? Yes, more than two days.

3448. A week? It might be a week; it might be more.

3449. Two or three days? Yes.

3450. Did you ask Dr. Violette whether he stopped your comforts? I did not.

3451. Did he make any remark when you asked for them? I told him my comforts had been stopped, and asked him if he would allow me to have them.

3452. Did he make any remark? He made no remark, but only said, "You will have them M'Carthy."

3453. *Mr. Kidd.*] What sort of comforts were they? Beef-tea, and a drop of milk and a bit of rice.

3454. *Mr. Grahame.*] You do not know whether the doctor stopped them, or whether Mrs. Cunynghame stopped them? The wardman told me it was Mrs. Cunynghame; of course I had to go by what he said.

3455. *Mr. Bourke.*] What wardman? The wardman who came after Cook.

3456. Do you know his name? No; I do not.

3457. Was it Edgar? No.

3458. Did you ever make any complaint to Mrs. Cunynghame herself? No.

3459.

3459. *Mr. Williamson.*] Because he was afraid he would get the run.
 3460. *Mr. Bourke.*] Why were you afraid you would get the run; who put that in your head? All the patients told me.
 3461. Can you tell us their names? Mrs. Cunyngame said she would listen to nothing that was said against the wardman.
 3462. Did she say that to you? She said so, in my presence.
 3463. Who else was present? The others who were in the ward—five or six.
 3464. Can you tell us their names? I believe Cadogan must have heard it, if he was not asleep.

P. McCauley.
 18 Sept., 1889.

James Rooney called in, sworn, and examined:—

3465. *Mr. Williamson.*] You are an inmate of the Macquarie-street Asylum? Yes.
 3466. How long have you been in the asylum? Upwards of five years.
 3467. You gave evidence before the Royal Commission? Yes, on 27th November, 1886.
 3468. Do you recollect being in No. 3 hospital-ward last year? I do.
 3469. Who was in the hospital with you? A man named M'Carthy, Cadogan, M'Govern, Jorgenson, Smith, and an old man named Greenfield. Those were all who were in the same half of the ward as myself. Then there were several others in the other half of the ward.
 3470. During the time that M'Carthy, Cadogan, Smith, and the others were there, did you know of the inmates losing their medical comforts? Yes, I remember the whole of the circumstances. On the 2nd June I made an application to be removed from No. 1 down to No. 3 ward, for reasons which it is not necessary, I suppose, to explain, as they have no connection with the present case. Dr. Violette kindly consented, and sent me down, on the 2nd June last year, into No. 3 ward. I was removed on the Saturday afternoon, and on Sunday morning the wardman, whose name was John Cook, with whom I was previously slightly acquainted, boasted to me that he was very well off there, that he had two eggs for his breakfast every morning and a bottle of porter at his dinner, that he got a great deal of grog and other things, and was almost as well off as if he was outside. I thought it strange that he should make this confession to me, especially as I had reported another wardman for things not very decent, yet he made no secret of it to me. That was on 3rd June. Cook told me he was in the habit of getting those things; and of course I could see him draw the bottle of porter at dinner, and could see him drink it, and he would tell me that it was Guinness' double stout, and pass remarks about it, saying that he was very well off; that it was fattening; that he got two eggs for breakfast, and got other medical comforts—so much rum from one and so much rum from another.
 3471. *Mr. Kidd.*] Were you deprived of any medical comforts through him? No, never.
 3472. *Mr. Williamson.*] Do you know a man named Smith? Yes; I remember him.
 3473. Do you recollect hearing him cry out at any time? I remember him one Saturday night. He was rather restless, and Cook turned him in bed a short time previously, and he asked to be turned again, as he was suffering from bad circulation of the blood, and Cook lost his temper with him, and I heard him slap him in the bed, and Smith cried out, "Oh, Jack, don't kill me; you'll break my back." Mrs. Cunyngame came to the window when she heard the cries, and she asked what that was. Cook said, "It is this old man Smith, who is giving a lot of annoyance," and Mrs. Cunyngame said, "Smith, if you don't behave yourself, I will bring you up before the doctor," and she said, "Bring him up before the doctor on Monday morning."
 3474. Did she come in? No; she spoke through the window from outside. We heard the voice from outside. Smith was crying, and no one came to investigate the cause of the complaint. She took Cook's word. We all knew Cook was in the wrong, but we dare not open our mouths.
 3475. Why did you make no complaint to her? I really believed it would have been useless.
 3476. Why? Well, I heard Cook himself often boast and say that Mrs. Cunyngame had told him she would always protect him; to be as rough as he liked to the patients, she would always protect him.
 3477. Were you afraid to make a complaint? I always found that whenever I made any complaint I was always opposed in it.
 3478. When you made a complaint to Mrs. Cunyngame, what would she do? I sent for her on one or two occasions, but she would not come, and I made the complaints to her husband. Her husband always opposed me; always tried to bully me, and to make it appear that I was in the wrong and that the wardmen were in the right.
 3479. And what you speak about took place after Mr. Maxted was appointed? What we are talking about now occurred long after Mr. Maxted's appointment.
 3480. *Mr. Kidd.*] How long—six months? Oh, no. Mr. Maxted was appointed on the 1st August, and this occurred about the end of August, because Cook left on the 3rd September, and it was only a short time before he left.
 3481. *Mr. Williamson.*] Did Mrs. Cunyngame, after the sittings of the Royal Commission, go through the wards in the day-time? Not for a long time after the Royal Commission.
 3482. Since Mr. Maxted's appointment? She was not in the habit of visiting the wards until about the time the paid wardmen were appointed. She was not in the habit of visiting much up to that time. After they were appointed she used to visit oftener. At the time a man named Adams and another named Godden were appointed she visited the wards oftener, but up to that time she did not. Mr. Cunyngame visited the wards up to that time.
 3483. After Mr. Maxted was appointed did she ever visit at night-time? I only recollect her visiting the wards officially at night on one occasion, and that was when a muster was taking place, and she went round with the men who took it in company with Watsford and I think Crawley.
 3484. *Mr. Kidd.*] Were you badly used about this time? Not about this time.
 3485. Have you been badly used by Mrs. Cunyngame at any time? Well, I know so little about Mrs. Cunyngame that I can't say she ever badly used me.
 3486. *Mr. Williamson.*] As a matter of fact, have other persons been badly used? Yes; I was within about 3 yards of a man who was ill-used.
 3487. You know of your own knowledge of people being ill-used and ill-treated? Yes. I know of dozens of men who have been ill-used in the institution during my five years.
 3488. *Mr. Graham.*] By whom? By cruel wardmen.

J. Rooney.
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- J. Rooney. 3489. You yourself have no reason to complain of harshness on the part of Mrs. Cunynghame to you? Well, as I told you before, Mrs. Cunynghame was so seldom in the ward that I could not say she personally used hardness to me.
- 18 Sept., 1889. 3490. *Mr. Williamson.*] In consequence of improper supervision, cruelty was carried on? It was on account of improper supervision; and her husband encouraged cruelty to me.
3491. How? He got the doctor to stop my extras once, because I sent back a bottle of medicine that did not agree with me, and another time, because I reported a wardaman for beating a dying man's head against the wall. He got very wrath, and turned me out of the hospital into the yard.
3492. Did you apply for a chair? I did.
3493. When? Shortly after I got down from No. 1 to No. 3 ward, the first week in June. I asked Dr. Violette to be kind enough to allow me to buy a chair, as there was no chair there for me to sit upon, and as I was very bad and could not sit upon a hard wooden chair, and he said "Yes." I was in the act of getting a letter written when Mrs. Cunynghame came into the ward, and said there was no private property allowed, and that I could not be permitted to send for a chair, but that Dr. Violette was going to get a chair at the Government expense. Of course I said that was all right—as long as I got a chair I did not care at whose expense it was. After about a fortnight the chair arrived, and Mrs. Cunynghame came into the ward and said in the presence of all who were there that I was to be allowed to sit on the chair; but she said to Wardsman Cook, "That chair is for you; it is for anybody and for everybody who wants to sit on it, and if anyone is sitting on it he must not be compelled to rise if Rooney wants it."
3494. *Mr. Bourke.*] How long ago was that? In June, 1888.
3495. *Mr. Williamson.*] That continued up to Mr. Maxted's time? The chair came in June, and Mr. Maxted of course did not come until August. Of course we had the use of the chair all the time it was in the ward, but the wardsmen told me that the matron told them to try to put someone else in it so as to inconvenience me.
3496. As a matter of fact you gave evidence before the Royal Commission condemning the management of the institution? Yes; and I was persecuted in every shape and form ever afterwards for it.
3497. Up to the time of Mrs. Cunynghame's suspension? Yes.
3498. And do you know as a matter of fact that up to the time of her suspension other people were put in this chair to keep you out of it? Well, no, the wardsmen did not do that. He told me he would not take Mrs. Cunynghame's advice in that way. He did not put anyone in; he said he would disobey her in that respect; he said it would be a cruel thing to put anyone in.
3499. Who was the wardman? Cook; he was there up to the 3rd of September.
3500. You say she persecuted you up to the time of her suspension, because you gave evidence before the Royal Commission;—in what way have you been persecuted? Well, if I asked for any favour of him Mr. Cunynghame always opposed me.
3501. Mr. Cunynghame? Mr. Cunynghame came round with the doctor. Several times Mrs. Cunynghame would not be there. It was only on odd occasions that Mrs. Cunynghame came in, and when she did she did not come near me. She would generally go round and ask this one how he was and that one, but she always passed me by; she always showed that she had a vindictive feeling against me, because she never would speak to me but passed me by and spoke to everyone else.
3502. *Mr. Kidd.*] What do you mean by asking for favours? Well, the slightest indulgence. On one occasion I asked Dr. Violette to change me to a bed next the wall. There was a bed that fell vacant next the wall, and on account of my being blind and paralyzed it is better for me to have a bed next the wall and I asked Dr. Violette to change me into that bed and Mr. Cunynghame opposed it, and said the matron had great objection to anyone being removed from one bed to another, and he asked Dr. Violette not to do it, and Dr. Violette complied with his request.
3503. *Mr. Bourke.*] Did you ever make any complaint to Mrs. Cunynghame herself? Yes. On one occasion I was brought before her and she asked me of what I had to complain, and I said that the potatoes were hard and she said, "They are quite good enough for you, and if you want any better you can go outside and get better."
3504. How long ago was that? That was not during Mr. Maxted's time; it was three years ago.
3505. Mr. Williamson asked you whether Mrs. Cunynghame came into the hospital at any time and you said you only remembered her visiting there once; since Mr. Maxted's appointment had she been in the habit of coming to the hospital? Occasionally.
3506. Every day? Oh, no. Sometimes three or four days would elapse when she would not come.
3507. Is it possible that Mrs. Cunynghame could be in the ward without your knowing;—you being blind you would not know Mrs. Cunynghame from anyone else if she came into the ward without speaking? I would only know her if she spoke.
3508. You have not told us yet how you were persecuted. During the last three months before Mrs. Cunynghame was suspended, in what way were you persecuted. Did you ever ask Mrs. Cunynghame herself for any favour that was refused? I do not think I ever asked her for any more than that.
3509. Were you not shifted pretty often by the doctor at your own request? No. I was once shifted at my own request and I was put out of the hospital at another time for reporting the wardman for beating a dying man's head against the wall.
3510. Can you tell us of any ill-treatment towards you by Mrs. Cunynghame herself? Mrs. Cunynghame did not personally ill-treat me; it was her subordinates.
3511. *Mr. Kidd.*] You do not know of any act of cruelty by Mrs. Cunynghame herself to any patient? It was always by subordinates.
3512. *Mr. Bourke.*] And it was much worse years ago? Oh, a great deal worse years ago. When I came here first the cruelty was something fearful.
3513. It has been better since Mr. Maxted's appointment? Yes, Mr. Maxted paid good attention; we were better protected after he came no doubt.

Dixwell Jones Cadogan called in, sworn, and examined:—

- D. J. 3514. *Mr. Williamson.*] You are an inmate of the Macquarie-street Asylum? Yes.
- Cadogan. 3515. And you have been so for some considerable time? Yes, over five years.
- 18 Sept., 1889. 3516. I believe that during last year you were in No. 3 hospital? Yes.
3517. And previous to that you had given evidence before the Royal Commission? No. 3518.

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3518. When you were in No. 3 hospital do you recollect a man named Macauley being there? Yes.
 3519. Also a man named Smith? Yes.
 3520. And the last witness, Rooney? Yes.
 3721. And Cook was the wardsman? Yes.
 3522. Can you tell me the date when you left No. 3 hospital? I went down to the yard when the hospitals were changed.
 3523. Were you there during the whole time that Macauley was there? Yes.
 3524. Do you know of the medical comforts being stolen? Yes.
 3525. And you know also of the ill-treatment of the man Smith by Cook? Yes.
 3526. Did you see it yourself? Yes.
 3527. What did he do to him? He was very unkind to him.
 3528. In what respect? He was unkind to him in every way.
 3529. Do you recollect one night Cook ill-treating this man Smith, and Mrs. Cunyngame coming? Yes.
 3530. Did she come in or stand at the window? She stood at the window.
 3531. What remark did she make? She said that if Smith did not alter he would be put in the isolation ward.
 3532. This man, Smith, was suffering from bed sores was he not? Yes.
 3533. And in every respect he was in very bad health? Yes.
 3534. Can you tell me the month when the hospitals were changed? No.
 3535. How long ago was it that you were removed from No. 3 ward? About nine months ago.
 3536. Up to the time of her suspension did Mrs. Cunyngame ever visit the hospital at night? Very seldom—about three or four times.
 3537. How long were you in that ward? From March—about nine months.
 3538. And during the whole of that time Mrs. Cunyngame only visited the ward three or four times at night? Yes.
 3539. Used she visit it in the day-time? Very seldom.
 3540. Up to the time of her suspension? Yes.
 3541. During the time that Mr. Maxted was Director used she visit the hospital in the day-time? Very seldom.
 3542. During Mr. Maxted's time did she ever visit it at night? Yes; on two or three occasions.
 3543. When you say very seldom, do you mean for instance once every two days or once every three days? Perhaps once or twice in a month she used to come.
 3544. *Mr. Bourke.*] During Mr. Maxted's time? No.
 3545. *Mr. Williamson.*] But during Mr. Maxted's time? During Mr. Maxted's time she never used to come into the hospital, with the exception of the last week.
 3546. *Mr. Bourke.*] Never used to come at all? Very seldom.
 3547. In the day-time? Very seldom.
 3548. *Mr. Williamson.*] And in the night-time during Mr. Maxted's time she visited the ward two or three times? Yes.
 3549. Was that during the last week? Yes.
 3550. *Mr. Grahame.*] Mrs. Cunyngame did not visit the ward in the night-time except during the last week? No.
 3551. And she went three or four times during that week? Yes.
 3552. *Mr. Williamson.*] During Mr. Maxted's time, while you were there, did you see ill-treatment going on—were the patients looked after? Well, there was one fellow there; I do not know his name; he slept in the next bed to me—he was very bad. If you knew the room—there were about eight beds in it. I cannot say that anything happened with the exception of Smith.
 3553. Who used to see that the medical comforts were attended to, if Mrs. Cunyngame only visited the wards seldom? Edgar, the paid wardsman.
 3554. Then you say that Edgar used to look after the medical comforts? Yes.
 3555. And did Mrs. Cunyngame ever speak to you at all—ask you if you ever received your medical comforts, or anything of that kind, during the time of Mr. Maxted's appointment? No.
 3556. She never came round and asked you if you had got your medical comforts? No.
 3557. *Mr. Grahame.*] Were you robbed of your medical comforts? No; I took care they did not rob me of them.
 3558. *Mr. Williamson.*] Do you know the men who were robbed? Yes.
 3559. Do you know if Mrs. Cunyngame went to those men and asked them anything about the medical comforts until the complaint was made? Not at all.
 3560. There was no supervision on her part with regard to the hospital? No supervision at all.
 3561. You have not been in any way influenced by Mr. Maxted? No.
 3562. As a matter of fact has he ever spoken to you? No.
 3563. *Mr. Bourke.*] Has any one at all ever spoken to you about the inquiry?—
 3564. Do you know a man named Stirling? Yes.
 3565. Did Stirling speak to you about the evidence you were going to give here? Not a soul knows the evidence I give here.
 3566. You said just now that during Mr. Maxted's time Mrs. Cunyngame was not in the habit of going through the hospital at all in the day-time? Very seldom.
 3567. Could you tell us how often in the week? I could not tell you exactly.
 3568. But about? I will swear she was not there three times a week.
 3569. Were you always in the hospital? Yes.
 3570. Bedridden? Yes.
 3571. You never went out? No.
 3572. Did you ever sleep in the day-time? Yes.
 3573. *Mr. Kidd.*] You slept when you could? Yes.
 3574. *Mr. Grahame.*] I suppose she could go through the ward while you were asleep and you would not know? Yes.
 3575. *Mr. Williamson.*] But she could not always go through while you were asleep? No.
 3576. *Mr. Bourke.*] Did visitors ever go into the hospital? Yes.

- D. J. Cadogan.
18 Sept., 1889.
3577. How often in the week would that occur? Perhaps there would not be visitors once a week.
3578. After Mr. Maxted was appointed the food was somewhat better—there was a better dietary scale? Yes.
3579. And in the hospital, who assisted and helped to give the food to the inmates;—do you recollect whether Mrs. Cunynghame was in there at meal-times to help? No.
3580. Did she never give you your food at dinner-time or tea-time? No.
3581. Did you ever see her giving anyone else food in the ward? Yes. I recollect she came there and spoke to some of the people.
3582. At meal-times? Yes.
3583. Did she ever give them their food and assist the helpless ones. Were there any helpless ones in the ward who could not eat? Yes.
3584. Who fed them? The deputy wardman.
3585. Did you ever see Mrs. Cunynghame feeding any of them? She came there just about once or twice.
3586. To feed the helpless? Yes.
3587. Was she unkind to those helpless people—was she harsh to them? Well, I can't say.
3588. You never saw any harshness? No.
3589. Did you ever hear any of these people who were robbed of their comforts complain to Mrs. Cunynghame about it? No.
3590. Even if she only went into the hospital once a week they would then have had an opportunity of complaining to her? Yes.

Thomas Ghost called in, sworn, and examined:—

- T. Ghost.
18 Sept., 1889.
3591. *Mr. Williamson.*] You are an inmate of the Macquarie-street Asylum? I am now an inmate of the George-street Asylum.
3592. You were an inmate of the Macquarie-street Asylum from the 27th March, 1883, to the 15th August, 1888? Yes.
3593. And subsequently from the 22nd August, 1888, until the 11th December, 1888? Yes.
3594. During the time that you were in the Macquarie-street Asylum, did you ever hold any of these situations:—In 1885, third cook; 1886, third cook; 1887, in charge of reading-room; 1888, in charge of reading-room; 1888, deputy in No. 4 hospital; June, 1888, gateman; July, 1888, soil-heap man;—did you ever occupy those positions? I cannot remember those dates. I have been gateman, deputy wardman in the hospital ward below, and attendant in the yard.
3595. *Mr. Graham.*] You have not been cook? No.
3596. *Mr. Williamson.*] Or in charge of the reading-room? No.
3597. I suppose you know your own signature? Yes.
3598. Did you ever work outside the institution? No.
3599. Do you recollect doing certain private cooking for Mrs. Cunynghame or work in the house? Yes.
3600. During the time that you were doing that private work in Mrs. Cunynghame's house, did you ever work outside the institution? No.
3601. While you were doing work for Mrs. Cunynghame in the house, were you doing other work for the institution? No, I think not.
3602. *Mr. Kidd.*] You belonged to the institution even if you did do some work in the house? Yes; I was an inmate of the institution the whole time.
3603. *Mr. Williamson.*] And do you recollect whether while you were attending to Mrs. Cunynghame's private business you were paid? Yes.
3604. And did you sign the pay-sheet? Yes.
3605. *Mr. Bourke.*] And you received the money? Yes.
3606. *Mr. Williamson.*] You are sure that no other work was done at the institution except that of cleaning and attending to the place? Taking the meals down and fetching up things.
3607. *Mr. Kidd.*] You would do anything you were asked? Yes, anything that I could do for anybody.
3608. *Mr. Bourke.*] Did you have much to do in Mrs. Cunynghame's house while you were working there? Sometimes I would work there all day.
3609. And sometimes you worked in the other parts of the institution? Yes.
3610. And while you were in Mrs. Cunynghame's house, did you not generally help to wash up and attend to the kitchen? Yes; I was attendant there for a while—attendant for some months.
3611. During the five or six years that you were in the institution, did you ever experience any unkindness from Mrs. Cunynghame? No.
3612. Was she kind to you? Yes.
3613. Did you ever see her show any unkindness to anyone else in the institution? No; I have seen more the other way.
3614. *Mr. Williamson.*] Did you know of any unkindness or cruelty going on in the institution? No.

Thomas Edgar called in, sworn, and examined:—

- T. Edgar.
18 Sept., 1889.
3615. *Chairman.*] You are a wardman in this institution? Yes.
3616. *Mr. Williamson.*] How long were you employed here? About fifteen months.
3617. Do you recollect a blind man who was in the institution named Burnes? Yes.
3618. Do you know the grass-plot in the front? Yes.
3619. Were the blind men allowed to use that? No. No one was allowed to use it.
3620. Used Mrs. Cunynghame's horses and cattle to graze there? I have seen them there.
3621. It was the only piece of grass about the institution that the men could walk upon? Yes.
3622. Do you recollect seeing this man Burnes upon the grass-plot? Yes.
3623. Do you recollect Mrs. Cunynghame coming up? I do.
3624. Will you tell us what transpired? Mrs. Cunynghame came up to him, and he was sitting with his back to her when she came up, and she had an umbrella in her hand, and she gave him a prod with the umbrella twice on the back, and told him to get up. He refused to get up. I was standing at the door of

- of the quarters and I could see what happened. Mrs. Cunynghame called me and the other attendant, and we went up, and she said she would protect us if we would put him up in the refractory ward.
3625. That is what you call the isolation ward? Yes.
3626. Had the man done anything? Nothing that I had seen; he was sitting there.
3627. She said she would protect you? Yes, that is what she said.
3628. *Mr. Kidd.*] From what? I think it was from the law.
3629. *Mr. Williamson.*] From any inquiry? Yes.
3630. Did you remonstrate with her at all? I did not.
3631. Did you say anything to her? I did not.
3632. *Mr. Grahame.*] Did you put the man in the isolation ward? Yes.
3633. *Mr. Williamson.*] When you were taking the man up to the isolation ward did you say anything to Mrs. Cunynghame? No; I do not remember saying anything.
3634. Were the men compelled then only to walk round this grass-plot? None of the men were allowed to go on the grass-plot at all. It was an order, I believe, that no one should be allowed to walk on the grass.
3635. An order from whom? I believe from Mrs. Cunynghame; that is what I always understood—there was no one allowed to walk on the grass.
3636. *Mr. Grahame.*] Do they walk on it now? Yes.
3637. *Mr. Williamson.*] And ever since Mrs. Cunynghame left the institution they have been allowed to use this grass-plot? Yes.
3638. And there are seats on it? Yes.
3639. Did Burnes use any bad language? I did not hear any.
3640. If he had used any could you have heard it? Yes.
3641. When Mrs. Cunynghame said she would protect you, did you make any remark about harshness or anything of that kind? I did not make any remark at all; of course I obeyed Mrs. Cunynghame.
3642. Could you tell us the reason why she said she would protect you;—did you first hesitate when she told you to remove the man;—was she in a passion? I did not care to take him because I did not think there was any occasion for it. I did not think he was doing any harm.
3643. Have you seen cows and horses there repeatedly? Yes.
3644. What time of the day was it? I think it was before dinner, but I am not certain.
3645. Then, as a matter of fact, the doctor would not see him until the next morning? The doctor saw him late that afternoon.
3646. When you went to take this man, did Mrs. Cunynghame call for any further assistance? The other assistant who was there gave me a hand, and we had to get another man. He was a very heavy man, and he did not care for walking up—he would not walk up in fact.
3647. *Mr. Kidd.*] He preferred being carried, I suppose? Yes; we carried him up.
3648. *Mr. Williamson.*] Did the man make any remark? Not at that time.
3649. Did he subsequently;—did he say anything? He said he would go down to Sydney.
3650. *Mr. Kidd.*] Is that the man who said he would go down to Sydney and tell some member of Parliament? He said he would go down to Sydney and make some complaint; I do not know whom he intended to go to.
3651. *Mr. Williamson.*] From what you say there was no reason whatever for it, but you were compelled to obey orders? I do not think there was any reason for it.
3652. Was Mrs. Cunynghame in a temper at the time? Well, she did appear to be put out a little.
3653. *Mr. Grahame.*] I suppose the man refused to get up when she told him? Yes.
3654. *Mr. Williamson.*] It would not hurt the grass, would it? I do not think so.
3655. *Mr. Bourke.*] You say it was in the middle of the day that this man Burnes was on the grass? I would not be certain as to the hour. It was towards the afternoon I think. I could not exactly say what time of the day it was.
3656. Was it a very hot day? It was.
3657. Was not this man lying on the ground? He was sitting down on the grass.
3658. You are quite sure he was not lying down? Well, he might have had his elbow on the grass.
3659. You are not quite sure that he was not lying on the grass? Well I would not swear.
3660. Is there not some danger in a man lying there not well covered on a hot summer's day? Not in the hot weather. No, it was not so very hot as that. I do not consider it would do him the least harm myself.
3661. How long ago is it since the lawn was made? I do not know. It was made before my time.
3662. What was the character of this man Burnes—was he an abusive man? He was never abusive to me.
3663. Was he abusive to any one? I remember that he was abusive to me on one occasion.
3664. Was he abusive to any body else? I do not know.
3665. What was his character generally was he a quiet man? He never interfered with me except on one occasion.
3666. What was the man's character generally was he quiet or troublesome? He was very quiet as far as I could see, and I had an opportunity of seeing him every day.
3667. You did not have very much to do with him; you are a hospital wardsman? I am.
3668. You do not say that Mrs. Cunynghame struck him with the umbrella—she touched him with it to attract his attention? She just made a shove at him with the umbrella twice.
3669. You never saw any written order for the men to keep off the grass? No.
3670. Do you remember a man named Peters who was in the hospital ward? There was a man of that name.
3671. Did he ever ask you for any spectacles? I think he did; I am not exactly sure.
3672. Did you give him the spectacles? I cannot say. If he asked me for spectacles I took him up to the office and got them.
3673. If he asked you for spectacles you could go and get them? No; I had to go to the clerk.
3674. But you could get them from the clerk without any trouble? Yes.
3675. And you would not refuse? No.
3676. You would have no reason to refuse? No.
3677. Did you ever see Mrs. Cunynghame ever give the patients any glasses? I do not remember.
3678. Do you know whether she was particularly unkind to that man or was she friendly and kind to him? I could not say; I do not exactly remember the man.

T. Edgar.
19 Sept., 1882.

- T. Edgar. 3679. Dr. Violette says there was some hesitation on the part of the wardsmen in applying lotions to cancer patients;—was there any such hesitation on your part? No.
- 18 Sept., 1889. 3680. You always did it cheerfully? Yes.
3681. Do you remember the man Bannan coming into the institution? Yes.
3682. Who received him? I did.
3683. And where did you put him? In No. 3 ward.
3684. Is that the hospital ward? Yes.
3685. He was not put by you then in the isolation ward? No.
3686. When was he put in the isolation ward? I think it was the next day. I think it was Saturday night when he came in, and that it was the next day that he was put into the isolation ward.
3687. By the doctor's order? Yes; I think so.
3688. The doctor came on the Sunday morning? Yes.
3689. You told him the state that Bannan was in the night before, and the doctor went with you and saw Bannan? Yes.
3690. And after that he gave an order that he was to be removed to the isolation ward? Yes.
3691. Do you remember the man Cook? Yes.
3692. You know that he was charged with stealing the comforts of the patients in the ward? Yes.
3693. Were you in that ward? Yes.
3694. How did that go on without your knowing anything about it? I do not know; it was done very quietly.
3695. He did it very cunningly I suppose? He must have done.
3696. Then if you did not know about it Mrs. Cunyngame could not have known? I do not know, I am sure.
3697. As soon as it was reported to you did you report it to Mrs. Cunyngame? Yes.
3698. And what was done? It was Sunday morning when it was reported and there could be nothing done that day. Mrs. Cunyngame told me there could be nothing done until next day.
3699. What was done next day? The doctor was informed of it and he came up and investigated the matter on Monday afternoon.
3700. Did the stealing of the medical comforts go on any longer after that? No.
3701. What was done with Cook? He went away.
3702. But what was done with him first—was he put out of the ward? He was put out of the ward into the yard.
3703. And after he was put into the yard he went away? Yes.
3704. Do you know whether you people here have any authority to keep a man in the institution against his will? I do not know; I have no rules.
3705. I suppose that if a man wants to leave the place he can? Whenever he wants to go out he goes to the doctor and gets his discharge.
3706. Supposing he is in the yard? If he is in the hospital his discharge is given in the hospital.
3707. But if he is in the yard who gives the discharge? Dr. Violette.
3708. So the man applied to Dr. Violette? He did not apply to Dr. Violette. I take the names of all who want discharges.
3709. *Mr. Kidd.*] I suppose that a lot of the inmates of an institution like this are very discontented—discontented with their lot? Some of them are.
3710. Some of them will go out even before they are able to do so? Yes.
3711. Would you account for a good deal of that discontent by their age and their poor prospects in life? Yes.
3712. It would make them melancholy sometimes? Yes; you would have to take that into consideration.
3713. *Mr. Bourke.*] Do you remember a man named Smith in your ward? Yes.
3714. Do you remember his being ill-treated by Cook, or a complaint being made to that effect? Yes; there was a complaint that he did ill-treat him.
3715. How long was that before Cook was put out of the ward? I could not exactly say; I think it was about a fortnight.
3716. Was the complaint made to you by any one? No.
3717. To whom was it made? I do not know, but I came to hear it afterwards.
3718. Then there was no complaint made to you? Not to me.
3719. Do you know anything about a man who was suffering from paralysis, and who was lying on the floor helpless, in the beginning of November;—was any complaint made about that in the hospital ward about seven or eight days before Mrs. Cunyngame was suspended? Yes; I do remember.
3720. Was any complaint made to you about it? There was not. I happened to go up to the ward just at the time.
3721. How did you come to hear it? I saw the man lying on the floor.
3722. And what did you do? I put him into bed.
3723. As soon as ever you found the man lying there, you put him in bed? Certainly.
3724. Do you know how he came to get there—did he fall out of bed? He fell out of bed; he was helpless.
3725. You were in charge of part of the hospital;—do you know whether, in Mr. Maxted's time Mrs. Cunyngame was in the habit of going through the place during the day? I have seen her during the day.
3726. Every day? No; not every day.
3727. How often? For three days at a time she has not been through some of the wards.
3728. Since Mr. Maxted was appointed? Yes.
3729. But would you be there all day? I can't be everywhere; I know she was not.
3730. Would you be there all day? No, not all day.
3731. Was she ever there at meal times after the new dietary came into force? Yes.
3732. Did she not take a great deal of pains to make that a success? Well, I heard that she did.
3733. And did you see her going round herself at meal times? I have seen her sometimes at meal times going round.
3734. Amongst the hospital people? Yes.
3735. At meal times would Mrs. Cunyngame send for you and Warner and assist in feeding the hospital patients? Sometimes.

T. Edgar.

18 Sept., 1889.

3736. Not every day? Oh, no.
3737. Nearly every day? No.
3738. Do you know whether Mrs. Cunynghame was in the habit of going through about 10 o'clock in the morning—just taking a walk through? Sometimes she was; sometimes I have seen her going through about 10 o'clock.
3739. You do not know whether she went through every day at that time? I do not think she did.
3740. You cannot say for certain? No, I cannot say for certain.
3741. But you swear positively that Mrs. Cunynghame did not go through the hospital every day—just go through on a round or visit? Yes.
3742. Do you swear she did not—were you there all day? I can swear, because I know she did not.
3743. How do you know; were you there? I know she did not.
3744. Were you there all day? I was not present all day in the hospital.
3745. Is it possible that Mrs. Cunynghame could have gone through in your absence? I know she was not in the hospitals; I was attending in for quite three days.
3746. Is it possible that Mrs. Cunynghame might have gone through during your absence? It is possible that she might have gone through, but I think I would have heard it.
3747. Was Mrs. Cunynghame harsh towards the sick people? Well, sometimes she was.
3748. In what way? I consider the way she treated them was very harsh sometimes.
3749. What was the harshness? Well, the way she talked to them.
3750. She would talk harshly? Very.
3751. Anything else? Not that I know of.
3752. Did she ever feed the helpless? I never saw her.
3753. Did you ever feed them? Yes.
3754. You never saw Mrs. Cunynghame do so? No.
3755. Did you ever make any complaint to Mrs. Cunynghame about the ill-treatment of inmates by inmate wardamens? Yes, I think I have.
3756. What was the result? The men were taken up before Mrs. Cunynghame, and she investigated any case of that kind.
3757. Whenever a complaint was made by you that there was anything wrong in the hospital Mrs. Cunynghame investigated it? Yes.
3758. And set it right, I suppose? Yes.
3759. *Mr. Williamson.*] Did Mrs. Cunynghame ever go through the hospital at night-time? No, I never saw her.
3760. And with regard to her not being there for three days at a stretch, you would have known it if she had gone there? Yes.
3761. As a matter of fact it was her duty to go through and see that the patients received their comforts from you and the other attendants? Yes.
3762. Do you know where she was during those three days? I do not.
3763. Did you see her about the institution during those three days? Yes.
3764. Was she in the yard and other parts of the institution? Yes, but not in the hospital.
3765. When you say she spoke harshly to the inmates, what do you mean? Well, the manner in which she talked to them.
3766. How do you mean the manner? Why, tell them not to bother her, and things like that.
3767. She would not listen to them? No.
3768. Some of the inmates in the hospital? Yes; I have often seen that.
3769. When they wanted to make a statement outside of the hospital, in the yard, she was harsh to the men? Yes.
3770. And from what you saw, as a matter of fact she was also lax in her supervision? Yes.
3771. *Mr. Bourke.*] Can you tell us the names of the people to whom Mrs. Cunynghame was harsh? I cannot exactly tell you the names.
3772. Neither in the hospital nor in the yard? No.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MRS. CUNYNGHAME.
(PETITION OF—TO BE HEARD BY COUNSEL.)

Ordered by the Legislative Assembly to be printed, 9 July, 1889.

To the Honorable the Speaker and the Honorable Members of the Legislative Assembly of the Colony of New South Wales.

The Petition of Sarah Cunyngame, now residing at Parramatta, in the Colony of New South Wales, the wife of George Cunyngame, of the same place,—

HUMBLY SHOWETH:—

1. That on the fifth day of July instant, in the year of our Lord one thousand eight hundred and eighty-nine, your Honorable House appointed a Select Committee, with power to send for persons and papers, to inquire into and report upon the removal of Mrs. Cunyngame—your Petitioner—from the position of Superintendent of the Macquarie-street Asylum for Infirm and Destitute.

2. And your Petitioner humbly prayeth that your Petitioner may be heard by Counsel or Attorney before the Select Committee of this Honorable House appointed to inquire into and report on the said matter.

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

S. CUNYNGHAME.

Parramatta, July 9th, 1889.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MRS. CUNYNGHAME.

(PETITION FROM SYDNEY MAXTED TO BE REPRESENTED BY COUNSEL BEFORE SELECT COMMITTEE SITTING ON CASE OF.)

Received by the Legislative Assembly, 30 July, 1889.

To the Honorable the Speaker and the Honorable Members of the Legislative Assembly of the Colony of New South Wales, in Parliament assembled.

The Petition of Sydney Maxted, Director of Government Asylums and Boarding-out Officer, of Sydney, in the Colony of New South Wales,—

HUMBLY SHOWETH:—

1. That on the fifth day of July instant, in the year of our Lord one thousand eight hundred and eighty-nine, your Honorable House appointed a Select Committee, with power to send for persons and papers, to inquire into and report upon the removal of Mrs. Cunynghame from the position of Matron-Superintendent of Macquarie-street Asylum for Infirm and Destitute, which removal it became the painful duty of your Petitioner, Sydney Maxted, to recommend, in his official capacity, to the Government.

2. That the said Sarah Cunynghame received the consent of your Honorable House to be heard by counsel or attorney before the Select Committee.

3. That your Petitioner, as agent of the Government in this matter, obtained the authority of the Colonial Secretary to be likewise represented by attorney before the Select Committee appointed by your Honorable House.

4. That at the first meeting of the Select Committee objection was raised to the attorney appointed to represent your Petitioner, as agent of the Government, appearing in the case, without the leave of your Honorable House; and the meeting was accordingly adjourned until Wednesday, the 31st day of July instant, to admit of the question being determined.

5. That as the said Sarah Cunynghame is represented by both counsel and attorney, learned in the law, your Petitioner humbly prayeth that he may, in his official capacity, also be represented by attorney before the Select Committee of your Honorable House appointed to inquire into and report on the said matter, with the right to call witnesses and adduce evidence, and to examine and cross-examine such witnesses as may give evidence before the said Committee.

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

SYDNEY MAXTED.

Sydney, 29th July, 1889.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. WILLIAM ELPHINSTONE GRAHAM.

(PETITION FROM, PRAYING FOR AN ALLOWANCE FROM THE SUPERANNUATION FUND.)

Received by the Legislative Assembly, 11 June, 1889.

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

The Petition of William Elphinstone Graham, late teacher of the Public School at Cedar Party Creek, Wingham, presently of Glen Albyn, Wingham,—

HUMBLY SHOWETH:—

1. That your Petitioner, having completed the 60th year of his age on the 31st day of August, 1888, resigned from the Public Service in terms of section 43 of the Civil Service Act, having served eleven years and three months, such resignation taking effect from the 31st December last.

2. That your Petitioner has paid monthly from his salary since the Civil Service Act came into operation, the £4 per centum per annum required by the said Act.

3. That the Department of Public Instruction refuse to grant him any allowance from the Superannuation Fund, because he has not served fifteen years, or to give him a refund of the sum contributed by him to that account, as the Act contains no provision for such refund.

4. Your Petitioner therefore humbly prays that your Honorable House will be pleased to take the premises into your favourable consideration, and to grant him some allowance from the Superannuation Fund, or a refund of the moneys deducted from your Petitioner's salary towards that fund, or to grant to your Petitioner such further or other relief as to your Honorable House may seem just, as your Petitioner cannot think that it was the intention of your Honorable House to deprive an officer in the Public Service, resigning at the age prescribed by the Act, from all benefit of the said Civil Service Act.

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

WILLIAM ELPHINSTONE GRAHAM,
Glen Albyn, Wingham.

15/4/89.

1889.

NEW SOUTH WALES.

VACCINATION.

(REPORT FOR 1888.)

Presented to Parliament by Command.

The Medical Adviser to the Government to The Principal Under Secretary.

Sir,

Sydney, 20 May, 1889.

I do myself the honor to forward for the information of the Colonial Secretary the Annual Returns of Vaccination performed during the year 1888, by the Government Vaccinators in New South Wales.

The returns show that 2,095 vaccinations were performed during the year, of which 2,069 were successful. Of the total number, 1,091 vaccinations, or more than half were performed in Sydney, mainly by two vaccinators, and the remainder were distributed over fourteen country districts, the names of which are given in the returns. In 90 districts in which there are Government Vaccinators (Return No. 4) no vaccinations were performed during the year.

It appears from the returns that of the successful cases, 299 were under 1 year; 818 from 1 to 5 years, 921 from 5 to 10 years, and 31 upwards of 10 years of age. The unsuccessful cases were 26 or 1·24 per cent. of the total number.

An additional Vaccination Return for the year 1887 is given, including the number received too late for insertion in the statistics for that year. From this it is seen that 216 cases, of which 213 were successful, must be added to the returns for 1887, to render them complete.

Early in the current year my predecessor, the Hon. H. N. MacLaurin, addressed a circular letter to 393 medical practitioners known to be practising in the Colony, requesting a return of the whole of the vaccinations performed by them during the year 1888, but only 187 replies were received to this circular, and from these it appeared that the number of vaccinations performed other than at the public expense were few, and were not sufficient to materially affect the vaccination statistics of the Colony.

On reviewing these statistics the condition of the inhabitants of the Colony with regard to vaccination must be pronounced to be in the highest degree unsatisfactory, as the proportion of vaccinations to births is decreasing, and the number of unvaccinated persons, in proportion to the general population, rapidly increasing.

Taking the year 1888, the proportion of vaccinations to births* was somewhat less than 1 to 18, and, as will be seen on reference to Return No. 1, showing the births during the last twenty-eight years, whilst the number of these is rapidly increasing, there is a falling off in the vaccination which in the quinquennial period 1884 to 1888 inclusive amounted to 16,328, a less number than during any five years since 1861. The births during the same period were 181,014, a number greatly in excess of that during any other five years, and more than double that for the earlier years of the period under consideration. Taking the births for the last five years and subtracting therefrom the number of deaths, there are at present upwards of 130,000 unvaccinated children below 5 years of age now in the Colony, and as the returns for years past show that there has been comparatively little vaccination over 5 years, and that revaccination is very unfrequent, the conclusion arrived at is that the population of the Colony is practically in an unvaccinated, and therefore with regard to small-pox, in an unprotected condition.

That there is an increasing apathy and carelessness with regard to vaccination is shown not only by the long list of places in which no vaccination has taken place during the year 1888, but by the fact that a number of vaccinators have performed no vaccinations whatever since the year 1882; that a number appointed since that date have performed no vaccinations whatever (See Return No. 5); and that at the Central Vaccine Station in Sydney the numbers vaccinated in 1887 and 1888 were only 62 and 23 respectively.

There is no real reason to believe that the decrease in the amount of vaccination is due to any objection to the operation, or any want of belief in its protective influence. A few cases of small-pox at the Quarantine Station, a single case in Sydney or its suburbs, or even one or two newspaper articles on the subject is sufficient to greatly increase the number of persons presented for vaccination; but there is an increasing number of persons in the Colony who have never seen small-pox, and to whom its very existence is only a vague belief, who are not imbued with either the dread of the loathsome and fatal malady which renders vaccination a prudent and safe necessity, or the wholesome English tradition which prescribes it as a duty.

In

* Registrar-General's Return of Births in N.S.W., 1888—38,605.

In the absence of any small-pox scare the mental attitude of the large majority of the public is one of apathy and indifference, and vaccination is, as a consequence, neglected.

A number of the public vaccinators, especially in country districts, have pointed out that so long as vaccination is optional only, the number of cases submitted to them is insufficient to render the Government grant in any way remunerative, or to enable them to keep up a proper supply of fresh lymph, and it is only in special districts, and on the part of enthusiastic and energetic practitioners, that vaccination is carried out in a satisfactory manner.

Whilst I am most anxious to increase the number of vaccinated persons, shall spare no pains to facilitate the operations of those public vaccinators who are desirous of carrying out the work, and shall be prepared to recommend the appointment of others to replace those who no longer carry out the duties incumbent on them, I cannot but feel that no mere voluntary vaccination will be satisfactory so far as the protection of the general population is concerned; and that nothing but compulsory vaccination can ensure the protection and immunity which is desirable. In concluding my report, I beg to quote the following weighty words from the Report on Vaccination for the year 1882, written by the Hon. C. K. Mackellar, then Medical Adviser to the Government, which are more applicable now than even at the time they were written, because the population is in a greater degree unvaccinated:—

I cannot refrain from here expressing a fear that we shall one day be aroused from this condition of apathy by an epidemic of small-pox which may decimate the Colony.

The unvaccinated condition of our people is, moreover, a source of perpetual danger to the neighbouring Colonies, who, in the event of such a calamity as a small-pox epidemic overtaking us, would, doubtless, in self-defence, place such restrictions upon communication with our ports as would prove most damaging to the interests of commerce.

Quarantine, no matter how vigorously administered, may, and in fact occasionally will, fail to keep out small-pox. It may reach us in one of the millions of letters or articles of ready-made clothing which are annually imported, or in the effects of passengers from foreign countries; and once established here it will find but too suitable a soil for its propagation in our unvaccinated population.

I desire, therefore, in the most emphatic way, to urge the Government to make the practice of vaccination compulsory, by means of legislative enactment, as is the case in Victoria, New Zealand, South Australia, Queensland, Tasmania, Western Australia, and Fiji, as I feel assured that in the absence of such a law we are in perpetual danger of the introduction of small-pox, at each fresh outbreak.

I have, &c.,

F. NORTON MANNING.

RETURN (No. 1) showing the number of Births during the past twenty-eight years, and the number of Vaccinations performed by Government Vaccinators during the same period.

Year.	Births.	Vaccinations.
1861	14,681	2,349
1862	15,434	3,156
1863	15,979	12,970
1864	16,881	10,696
1865	17,283	8,367
1866	16,950	7,606
1867	18,317	6,931
1868	18,455	11,237
1869	19,243	21,507
1870	19,648	7,984
1871	20,143	6,483
1872	20,250	17,565
1873	21,444	3,152
1874	22,178	4,832
1875	22,523	3,111
1876	23,298	4,361
1877	23,851	16,841
1878	25,328	3,512
1879	26,033	5,569
1880	28,162	5,029
1881	28,993	58,062
1882	29,702	2,188
1883	31,281	1,832
1884	33,946	7,055
1885	35,043	2,193
1886	36,284	1,753
1887	37,236	3,258
1888	38,505	2,069
Total	677,706	240,756

RETURN (No. 2) showing the number of Persons Vaccinated by the Government Vaccinators in the Colony of New South Wales during the year 1888.

Districts.	Under 1 year of age.				From 1 to 5 years.				From 5 to 10 years.				From 10 years upwards.				Total.			
	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.
Sydney and Suburbs —																				
Dr. W. E. Brown	4	4	10	10	5	6	12	12	1	—	1	1	—	—	—	—	—	—	—	—
Dr. W. F. Ewington	76	85	161	161	184	84	268	268	95	44	139	139	—	—	—	—	—	—	—	—
Dr. P. McDonough	23	23	46	46	105	112	217	217	103	120	223	223	—	—	—	—	—	—	—	—
Dr. W. H. Hobbs	1	1	2	2	4	4	8	8	13	10	23	23	—	—	—	—	—	—	—	—
Dr. H. Bagland	4	6	10	10	—	—	—	—	1	1	2	2	—	—	—	—	—	—	—	—
Dr. C. A. D. Clark	—	8	3	3	—	4	4	4	—	1	1	1	1	—	—	—	—	—	—	—
	109	123	232	232	255	206	461	460	210	167	377	376	—	—	—	—	—	—	—	—
Albury	20	8	28	25	15	14	29	29	6	1	7	6	—	—	—	—	—	—	—	—
Bingera	1	1	2	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dombaly	—	—	—	—	1	—	1	1	—	—	—	—	—	—	—	—	—	—	—	—
Camplidown	1	1	2	2	11	8	19	17	51	34	85	75	—	—	—	—	—	—	—	—
Coler	1	—	1	1	16	17	33	31	24	16	40	40	—	—	—	—	—	—	—	—
Forbes	—	1	1	1	16	14	30	30	15	26	41	44	—	—	—	—	—	—	—	—
Goulburn	70	10	80	50	68	69	137	132	100	110	210	219	—	—	—	—	—	—	—	—
Gundagai	1	1	2	2	1	6	7	7	7	6	13	10	—	—	—	—	—	—	—	—
Kempsey	—	—	—	—	1	19	20	20	20	42	62	82	17	13	30	30	73	74	147	147
Milton	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Murrumbidgee	—	1	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Piech	—	1	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Wingah Wagon	—	1	1	1	13	16	29	29	5	13	18	19	—	—	—	—	—	—	—	—
Walcott	—	1	1	1	6	6	12	11	7	7	14	13	—	—	—	—	—	—	—	—
	43	27	70	57	173	184	357	358	271	203	474	475	13	15	28	31	510	494	1,004	981
Summary —																				
Sydney and Suburbs	109	123	232	232	255	206	461	460	210	167	377	376	—	—	—	—	—	—	—	—
Country Districts	43	27	70	57	173	184	357	358	271	203	474	475	13	15	28	31	510	494	1,004	981
Total	152	150	302	289	428	390	818	818	481	370	851	851	13	15	28	31	1,020	1,008	2,008	2,008

ADDITIONAL VACCINATION RETURN FOR 1887.

RETURN (No. 3) of Vaccinations performed during the year 1887, which was received too late to be included in the Return for that year.

Districts.	Under 1 year of age.				From 1 to 5 years.				From 5 to 10 years.				From 10 years upwards.				Total.			
	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.
Sydney	—	—	—	—	5	0	10	9	34	60	144	143	34	16	50	50	123	81	204	201
Cowra	—	1	1	1	3	—	3	3	4	4	8	8	—	—	—	—	7	5	12	12
Total	—	1	1	1	8	0	13	11	38	64	152	151	34	16	50	50	130	86	216	213

RETURN (No. 4) giving the names of places in which no vaccinations have been performed during the year 1888, in which places Government Vaccinators have been duly appointed and still hold office.

Adelong	Emmaville	Manly and Pittwater	Tweed River
Armidale	Forbes	Merrima	Tamworth
Albury	Goulburn	Moama	Tamut
Braidwood	Gunnedah	Narrandera	Tumberumba
Bull and Coal Cliff	Gulgong	Nymagee	Tenterfield
Broulee	Griffith	Newcastle	Tuena
Balmoral	Hay	Orange	Urana
Brisbane Water	Hillston	Oberon	Uralla
Bowral	Inverell	Patrick's Plains	Wallend
Burrumbidgee	Juno	Penrith	Wee Wee
Broken Hill	Kiama	Port Stephens	Wellington
Bingera	Liverpool	Parkes	Wentworth
Bellinger River	Lambton	Parramatta	Windsor
Carcoat	Lower Richmond	Queanbeyan	Wollongong
Cooma	Lower Clarence	Quirindi	Wingham
Cootamundra	Maitland, E. & W.	Richmond River	Warialda
Coonamble	Morpeth	Rylstone	Walgett
Corowa	Molong	Raymond Terrace	Wollombi
Cronkwell	Mudgee	Rookley	Wickham
Candelo	Murrumbidgee	Scone	Walbundrie
Camden	Muswellbrook and Merton	Shoalhaven	Yass
Dubbo	Manning River	Silverton	
Dungog	Moree	Sunny Corner	

RETURN (No. 5) showing the names of Government Vaccinators who have performed no vaccinations in their districts since 1882, and also those appointed since that date who have performed no vaccinations :—

District	Name of Vaccinator.	Date of appointment.
Adelong	William Margrave Lyttleton	4 May, 1883
Armidale	George Wigan	18 Dec., 1883
	Francis Holles Woods	19 Aug., 1881
	William Clever Woods	26 Sept., 1884
Albury	Rae Howell	2 Feb., 1875
Braidwood	Thomas James Sturt	24 Oct., 1881
Bulli and Coal Cliff	Edward Boot	27 Oct., 1869
Broulee	George Langrigg Leathes Lawson	19 April, 1887
Balranald	L. G. Davidson	7 Nov., 1886
Bowral	John Protheros	14 May, 1886
Burrowa	Henry Joseph Firth Groves	1 Nov., 1887
Broken Hill	Charles Edward Rowling	27 Sept., 1888
Bellinger River	William Kelly	24 June, 1884
Carcoar	John Clifford	20 May, 1879
Cooma	James Fisher Anderson	10 Dec., 1886
Cootamundra	Frederick George Failes	4 April, 1888
Coonabarabran	Harry Innes Treviser	20 July, 1886
Coonamble	Thomas Loughrey	2 Oct., 1883
Corowa	Alfred Edward Fitzpatrick	19 Jan., 1886
Cookwell	Arthur William Mecke	23 July, 1886
Candelo	Robert Etingsall Beattie	9 Mar., 1888
Camden	Charles G. Thorp	8 Nov., 1888
Dowling	Henry Guy Seymour Warren	9 April, 1886
Dubbo	Arthur William M'Math	6 Feb., 1885
Dungog	Lloyd Davenport Parry	27 July, 1888
Emmaville	William Chisholm Ross	8 Nov., 1888
Eurowie	Edward Patrick M'Donnell	26 Sept., 1884
Forbes	Peter Hume Gentle	10 Nov., 1875
Goalburn	Robert M'Killop	15 Feb., 1884
	Edward James Ambrose Haynes	10 June, 1887
Gunnedah	Blaise Bernard Floyer	10 June, 1887
Gulgong	Robert Edward Rygate	3 Oct., 1884
Greatfell	Philip Forth Casey	17 Mar., 1882
Hay	Charles Henry Souter	22 Sept., 1888
Hillston	William Bisset Knowles	27 May, 1885
Inverell	Edmund Raphael Kavanagh	13 July, 1888
Junee	Bambazon Newcomen Casement	13 Oct., 1882
Kemucy	Caleb Terrey	29 Oct., 1886
Kiama	Joseph Aloysius Beattie	21 Jan., 1887
Liverpool	Joseph John Stapleton	26 Feb., 1886
Lambton	William Henry Tomlins	13 April, 1887
Lower Richmond	John Govett Smith	25 Feb., 1887
Lower Clarence	Robert John Pierce	2 Aug., 1872
Maitland, West	William Dudley Power	19 Aug., 1881
	Alexander Kinneir Morson	20 Jan., 1868
Maitland, East and West	Francois Alexander Bennett	17 Aug., 1888
Morpeth	Charles Swanston	10 Mar., 1885
Mudgee	Herbert Maxwell Curtayne	11 June, 1886
Manning River	Heinrich Lihke	28 Aug., 1885
Morée	Bartholomew Taylor Russell	5 June, 1885
Murrumbidgee	George Reginald Eakins	27 May, 1887
Murrumbidgee	James Mitchell	6 Feb., 1885
Narandera	Johannes Christopher Ludovic Colpe	5 Aug., 1887
Nymagee	John Harris	9 Sept., 1879
Newcastle	Cosby William Morgan	10 Dec., 1878
	Joseph Lieveley Beaton	26 Sept., 1884
	George Goodo	1 Mar., 1888
Orange	John Eaton	25 Oct., 1872
Oberon	William Tristram	9 Sept., 1861
Patrick's Plains	Owen Cornelius Brady	25 July, 1879
Penrith	Joseph Francis Bond	30 May, 1876
	Sinclair Finlay	1 April, 1887
Port Stephens	Walter Brown	6 Nov., 1868
Parramatta	James Smith	28 Feb., 1877
	Isaac Waugh	28 June, 1881
	George Henry Phillips	26 Sept., 1884
Queanbeyan	Sydney Longden Richardson	21 Mar., 1884
Quirindi	Andrew Semple	23 Mar., 1888
Richmond River	Ludwick Bernstein	17 July, 1879
Raymond Terrace	Robert John Allan	24 Feb., 1888
Rockley	Thomas Alfred Macbattie	28 June, 1881
Scone	Frederick Charles Stevenson	24 Dec., 1885
Shoalhaven	John Parker Braxton	4 May, 1877
Silverton	John Thomson	11 July, 1884
Sunny Corner	John Fitzgerald Grady	29 Oct., 1886
Troed River	Armitage Forbes	4 Jan., 1887
Tamworth	Patrick Henry White	13 June, 1884
Tamut	Harry Wharton Mason	10 Oct., 1884
Tumbarumba	George de Villel Belson	23 Oct., 1888
Tenterfield	Herbert Wigan Swayns	17 Feb., 1888
Tucua	Henry James Herbert Scott	13 July, 1888
Urana	Berthold Korff	8 June, 1888
Wallaseid	John Brady Nash	24 Dec., 1885
Wellington	Robert Rygate	27 Oct., 1869
Wilcannia	Wm. M. Semper	8 Nov., 1888

District.	Name of Vaccinator.	Date of appointment.
Windsor	Charles Henry Smith Horner.....	4 Jan., 1887
Wollongong	Timothy Wood Lee.....	6 Nov., 1883
Wingham	Malcolm Leslie Cameron.....	13 Sept., 1886
Warrakilla	Edward Yeates	23 June, 1887
Walgett.....	Richard Power Rankin	3 Aug., 1888
Wollombi	William Rickward Busst	23 Oct., 1888
Wickham	Richard Henry Tvelour	26 Feb., 1886
Walbundrie	George Brown Cookston Pultney	23 Sept., 1884
Yass	Alton Kingsley Hoets.....	16 Sept., 1884
	Alan Campbell	19 Nov., 1889
Young	John Theophilus Healey	8 Feb., 1887
	SYDNEY AND SUBURBS.	
Sydney and Suburbs	George Frederick Dansey	23 June, 1871
	William Henry Goode	28 June, 1881
	William Daniel Campbell Williams	26 Sept., 1884
	Alexander Philip.....	31 Mar., 1885
Ashfield, Burwood, and Petersham	Richard Theophilus Jones.....	25 Aug., 1875
Balmain.....	Owen Spencer Evans	1 Oct., 1861
St. George.....	George Read	23 Mar., 1888
St. Leonards	Robert Dalzell Ward	27 Sept., 1853

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

BOARD OF HEALTH.

(VIEWS OF, IN REGARD TO COMPULSORY VACCINATION.)

Ordered by the Legislative Assembly to be printed, 7 August, 1889.

The Secretary, Board of Health, to The Under Secretary for Finance and Trade.

Compulsory Vaccination.

Sir, Board of Health Office, 127, Macquarie-street, Sydney, 5 July, 1889.

I have the honor, by direction of the Board of Health, to forward you, herewith, for the information of the Colonial Treasurer, a copy of a memorandum upon compulsory vaccination, which was forwarded to the Colonial Secretary on the 27th ultimo.

As the administration of the Quarantine Acts, with which the Colonial Treasurer is charged, would be greatly assisted by the passing of a compulsory Vaccination Act, the Board are desirous that Mr. McMillan should have an opportunity of being acquainted with their views on this subject.

I have, &c.,

EDMUND SAGER,

Secretary.

[Enclosure.]

Sir,

27 June, 1889.

I have the honor, by direction of the Board of Health, to forward you herewith, for the information of the Colonial Secretary, a memorandum upon compulsory vaccination, which was adopted at a meeting of the Board held yesterday.

As this matter is one of much public interest it is suggested that publicity might be given to the views of the Board on the subject.

I have, &c.,

EDMUND SAGER,

Secretary.

The Principal Under Secretary.

[Sub-enclosure.]

COMPULSORY VACCINATION.

THE Board having considered the report of the Medical Adviser to the Government on vaccination for the year 1888, desire to place on record the expression of their regret that nothing has yet been done in New South Wales towards the establishment of a system of compulsory vaccination, the only known method of successfully avoiding the ravages of small-pox.

While prepared to exercise to the full the powers vested in them by the Act relating to outbreaks of small-pox, the Board consider it their duty to make it known that, in their opinion, the powers thus conferred of placing in quarantine infected persons will be insufficient to enable them to cope with this disease should it be introduced into the Colony at any time when the atmospheric and other conditions favour its spread; and, further, that in such event it will be impossible, unless vaccination be practically universal, as it would be under a compulsory system, for them to meet the large demand for lymph which would be at once experienced, as that obtainable in the other colonies would be needed for revaccination there, and while lymph was being imported from England there would be a rapid development of the disease.

The Board desire to invite special attention to the statistics published in the Medical Adviser's report, from which it appears that during an outbreak of small-pox in the year 1881, 58,962 persons were vaccinated, whilst the number vaccinated in 1888 was only 2,069.

The Board would point out that compulsory vaccination is the law in the large majority of English-speaking communities and colonies, including the whole of the Australasian colonies, except New South Wales, and that wherever an Act has been passed its working has been so generally satisfactory, and the danger of infection, the severity of the malady, and the mortality have been so greatly diminished that in no instance has the Act been repealed.

The Board, though sensible of the enormous money loss and personal inconvenience which would arise from the stoppage of trade, and from the enforcement of a rigid quarantine consequent on an epidemic of small-pox in this Colony, deem these matters of but small moment when compared with the great suffering and high mortality which must follow such an outbreak in an unvaccinated population; and they trust that the extreme gravity and urgency of the danger will be recognised, and that a Bill for establishing compulsory vaccination will forthwith be introduced.

By order of the Board,

EDMUND SAGER,

Secretary.

1889.

NEW SOUTH WALES.

REPORT

ON AN

OUTBREAK OF FEVER

AT

BALRANALD,

CAUSED BY POLLUTED WATER;

BY

J. ASHBURTON THOMPSON, M.D. (BRUX.);

DIPLOMA PUBL. HEALTH (CAMB.); CHIEF MEDICAL INSPECTOR OF THE BOARD OF HEALTH;
DEPUTY MEDICAL ADVISER TO THE GOVERNMENT.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
15 August, 1889.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1889.

The Deputy Medical Adviser to The Medical Adviser to the Government of New South Wales.

Sir, Health Department, New South Wales, 22 July, 1889.

In accordance with your instructions, I proceeded to Balranald on February 11th, to make inquiry into the cause of an outbreak of fever, and to arrange for the care of the sick. On that occasion, owing to circumstances which have already been brought to your notice, I was unable to do much more than attend to current needs; but, in conjunction with the Government Medical Officer for the District (Dr. G. L. L. Lawson), I issued some suggestions for the guidance of the Municipal Council and the public, a copy of which is appended to these papers.

2. The epidemic continuing with scarcely abated force, in accordance with further instructions, I went to Balranald a second time on March 28th; I then gathered much information as to the cause and course of the outbreak.

3. I now have the honour to make report. You will observe that had the suggestions mentioned above been attended to by the general population the epidemic would not have long continued after my first visit, imperfect as they are.

4. I beg leave to acknowledge here much assistance cordially rendered by the Mayor and Municipal Council, as well as by other gentlemen of the town. And I desire to draw your attention especially to the unsparing labour and careful accuracy with which Dr. Lawson has gathered a great deal of the detailed information on which this Report is based; without his assistance it would not have been possible to bring to a conclusion such an inquiry as this touching a place which is many hundred miles distant from Sydney.

I have, &c.,
J. ASHBURTON THOMPSON.

REPORT UPON AN OUTBREAK OF TYPHOID FEVER AT BALRANALD.

THE epidemic which was the subject of inquiry occurred in a small and isolated bush township, whose inhabitants drew their drinking-water from the considerable river on which they are seated. The beginning of the outbreak was abrupt; but its course was steady and prolonged, so that while 120 persons suffered (of whom 15 died) out of a population of about 670, the attacks were nearly evenly spread out over the weeks between December 15, 1888, and July 6, 1889. Thus a rather strong suspicion was aroused that the river was the medium of infection, which was strengthened when it was learned, not merely that fœcal matter had been cast into the stream at a point above several commonly-used intakes, but that among the contributors (in all probability) to this pollution there was a man known to have been suffering from typhoid fever during the two days he stayed in the town. But at an early stage of the inquiry it became apparent that any contamination the stream might have received at points near the town in that or some other ways could not easily be brought to account for the outbreak; and therefore, if the river water might be more reasonably regarded as being in fault than any other, it was seen that the infection must have been communicated to it at a great distance away. Indeed, the considerable town of Hay was the only source that could be named consistent, in this view, with the observed phenomena of the epidemic. This place, it is true, was 260 miles up the stream; but typhoid fever was known to be endemic there, breaking out with more or less force nearly every year. If, however, the infection of Balranald were indeed attributable to poisonous matter which had been added to the river at any very great distance above the town, the evidence in support would, as far as it might go, indicate a new danger—or at least one which thus far has only been pointed out for suspicion by the partially-revealed facts concerning the life-history of the Eberth-Gaffky bacillus of typhoid. As hypothetical objections, the immense volume of water which must be more or less evenly infected, and the great distance and varying events of the journey that the infection must survive in practically efficient form, cease to have weight in view of the facts that this organism can live, and apparently proliferate, in flowing streams, and that it can retain its efficiency over distances which, if they are not actually very great, are yet only to be measured in miles. At present it is precisely the limit of its proliferation in running streams in respect of distance, time, temperature, season, and composition of the water which is unknown; and therefore, as the conditions of the case of this town seemed to favour an explanation of the outbreak in the manner shadowed forth, it was thought especially important that the true mode of infection should, if possible, be discovered; and that, from some points of view, the result which should furnish a commonplace explanation of the epidemic would be scarcely less valuable than one which should establish a practically new mode of infection.

The inquiry had to be conducted mainly upon lines which should tend to reveal coincidences and differences between the conditions of life obtaining in invaded and in not-invaded households. The isolation which, it might be supposed, would favour this method was, in reality, an obstacle; by causing nearly all households to lie under nearly the same conditions it rendered the discrimination alluded to rather more than usually difficult. For this and for other reasons I have chosen as the basis of investigation the period between December 15—when the first case occurred—and March 28; and, although there is no interval of real importance between the last-named date and that on which the next succeeding case was attacked, for convenience I call the space of time thus defined “the epidemic period.” For similar reasons I take as farther *data* the enumerated population of the defined Suburban Area, and the cases which occurred among them during the epidemic period, rather than an estimate of the population within the Population Area, as defined for Census purposes (which is that mentioned above), and the whole number of cases.

1. Geographical position.

Balranald stands in lat. 34° 38' S., lon. 142° 33' E., on the Murrumbidgee. It is nearly 600 miles distant from Sydney by the nearest route, and in the south-western part of the Riverina plains. It is connected by mail-coach lines with Oxley to the east, Euston to the west, Wilcannia towards the north-west, and Swan Hill, in Victoria, to the south. All of these towns are small, the nearest being 60 miles away, the farthest

farthest several hundreds; and the coach lines, by which there is but little passenger traffic, are not main lines from any of the greater centres of population. The surrounding plain is all mallee country. Within a 60-mile radius is a small population, living on several sheep-stations and in a few dwellings; these people are in communication with Balranald, and, for the most part, come in from time to time. A few commercial travellers drive through Balranald every year on their way from Victoria to the Barrier country, but during 1888 their number was smaller than usual on account of the scarcity of feed and water. When the river is navigable small steamers, running from Echuca as high as Hay, call in considerable numbers (thus, in November nineteen called, and in December five or six); they usually stay from twenty-four to forty-eight hours. About May in each year rather large numbers of shearers ride through to the north-west of New South Wales and the west of Queensland from Victorian farms, to which they return by the same route about October.

2. Geological formation.

The Government Geologist (Mr. C. S. Wilkinson), furnishes the following details:—At a great depth the plain mentioned is underlaid by the Miocene marine formation of greyish-green clays, greensands, and limestones, which usually contain fresh water. Above these are found red clays of Pleistocene or late Tertiary age, with interstratified beds of red sandy clays, sand, and well-rolled quartz gravels. Above these, tracts of recent river-silt—a black loamy clay and gravel—are met with, which are of variable thicknesses, but which extend on an average 50 feet in depth. The red clay mentioned is of fluvial formation; it is marly in places, as at Balranald, and contains concretions of lime; its depth is often several hundred feet; water does not easily percolate through it, and is always brackish.

Hence, although water is reached at suitable spots 30 or 35 feet down, none is drawn from wells for drinking purposes in Balranald.

3. Meteorology.

Some meteorological details will be found in Tables X and XVI, where they are more conveniently inserted in connection with the progress of the epidemic. The most important general facts are, that while very little rain fell during 1888 none at all fell during November, and only .31 of an inch on three days in December; of which .14 fell on the 15th, during a thunderstorm. There was then a considerable fall from the 1st to the 4th of January, and from that date onwards rain-tanks contained water. The great and dry heat of this part of the country in summer is also to be noted: first, as leading to a large consumption of drinking-water by both sexes; secondly, as rendering the river and overground-tank waters warm and unrefreshing, and thus causing the people to seek a cooler source at any underground tank to which they may have access.

4. The River.

At all points near the town the width of the stream at summer-level may be taken at a chain and a half; its depth is variable, but at that height appears to be 2 feet at the least. The current flows at about 4 miles an hour. When the water is very low it is better in quality than when somewhat higher; at summer-level it is contaminated by cattle, both dead and alive, and it is then muddy. There are very few people living actually on the banks above the town; a larger, but still small, number live on ana-branches or tributary creeks. About 60 miles away in a straight line it receives the Lachlan, the village of Oxley being situated on that river, six miles above the junction. The nearest town up-stream is Hay, which is about 260 miles distant, following the river channel.

5. Population.

The population boundary encloses an area of about 16,000 acres, and at the Census of 1881 carried 646 persons. The suburban boundary encloses an area of about 1,549 acres on the right bank of the river, and by rough enumeration, on April 2—4, I ascertained that it carries 622 persons, who live in 128 houses (including 6 huts or tents).

6. Water-supply.

Public Waterworks.—During 1888 arrangements were completed by the Department of Public Works for distributing the river-water over the town. The intake is at a point at the upper end of the town [see map]. The water, which is unfiltered, is raised by a pair of 8 h.p. Worthington engines from just below the surface to a height of 12 feet, and it is forced through a lift of 70 feet into an iron tank of 30,000 gallons capacity, whence it gravitates to the mains. The service is constant.

General

General Water-supply.—The waterworks did not begin to come into use until December 19, when the first house-connection was made. The general supply was therefore as follows:—By rain in over-ground tanks, by the same in underground tanks, and by the river from private pumps and from water-carriers' pumps. Fifty-seven houses had iron rain-water tanks, twelve had brick underground tanks, and there was one well which yielded water a little less brackish than usual, but still such as would be drunk only through inadvertence. Of the underground tanks seven were on private premises, and their use was confined to the residents; three were on hotel premises, and were used in the bars, but otherwise were confined to the residents; one was on the premises of a mineral-water maker, and was used in that manufacture and in a store attached, where it was kept for the use of customers. The last was on the premises of an importer, and was resorted to by some of the inhabitants of the town. Certain river pumps are shown on the map. Of these, Nos. 3 and 5 belonged to householders, and were used by them alone. Nos. 1, 2, 4, and 6 belonged to water-carriers; and a seventh, still lower and not shown on the map, belonged to a Chinese garden. During October, November, and December, the iron rain-tanks were nearly all exhausted.

7. Scavenging.

The site of the town, like the rest of the plain mentioned, is flat. The streets are cheerful, broad, well-formed, and planted with a double row of trees. The houses are in large proportion of red brick, and for the most part stand on ample allotments. The general conditions appeared to be especially favourable to health; and, with the exception of some yards and one or two small areas where there was accumulation of garbage, the surface was clean. Two or three of the older buildings showed serious structural faults; but upon the whole the state of dwellings was such as to call for no special remark.

Nightsoil.—At the date of inspection there were eighty-eight cesspits in use, and thirty-four pan-closets (this term is too commonly used to make it worth while to correct it—pail-closets are meant); and six "houses" were returned as having no privies, which, with one or two exceptions, were huts or tents on Government reserves, generally near the river. Persons having pan-closets were not compelled to employ the scavenger to empty them. Removal, in as far as this was done by the scavenger, seemed to be managed neither better nor worse than usual; some evidence of carelessness was got, but this was not important enough to receive more than passing notice.

Slop-water.—There were no sewers. Slop-waters were thrown out to evaporate or soak into the soil. At the "Alpha Hotel" this sewage was cast into a nearly filled-up excavation (which may have been a well or a cesspit); and perhaps a similar arrangement was adopted in other comparatively large establishments. No nuisance arose from this cause at any part of the town.

Garbage.—The inhabitants removed their own house-refuse. They were enjoined to take it to a place apart, which was about a mile from the town down-stream, and about half a mile from the river. They did not always carry it as far, but tipped it in the bush on the way to this depôt. To the same place night-soil removed by the scavenger was taken, and buried in trenches.

8. Former occurrence of Typhoid in Balranald.

Tradition tells of no former epidemic, and only vague rumours of rare cases for as far as ten or twelve years back are current. The hospital records show that two cases were admitted during December, 1883, and three in January and February, 1885, in addition to which one other was treated at home in the town about the same date. The Government Medical Officer (Dr. G. L. J. Lawson) has seen no case during the two years he has been here. About May, 1888, a young man whose parents live in Balranald had typhoid fever at Broken Hill, and a relapse thereafter. He left Broken Hill some time in August (before he had recovered), and on reaching Wentworth he was obliged, by illness or weakness, to stay his journey for a week. He arrived in Balranald some time in August, and said that by that time he was quite well. A child of ten years, having suffered from typhoid in Melbourne, joined her mother at Balranald as soon as she was convalescent, arriving about the beginning of January, 1889. She was then not perfectly well; and six weeks later she suffered a recrudescence (or a second attack) of the illness. On October 14–15 the river steamer "Waradgery" lay at the private wharf (see map). On the 15th, one of the hands, J.B., applied to Dr. Lawson, at the hospital, for advice; he was found to be suffering from typhoid, and was recommended to stay, but he rejoined his boat and went to Echuca. He was admitted to the Echuca Hospital the day after he arrived, or October 23, by the Government Medical Officer for Moama (Dr. Eakins), who confirmed the diagnosis; and he was discharged November 17. On October 28–29 the "Waradgery" lay at the same wharf, and on the 30th left for Echuca. On November 5 the master (who was in charge during the former trip) was found to be suffering from typhoid by Dr. Eakins, and he died December 13.

9. The Outbreak.

In Table I is shown the number of persons attacked, in order of their approximate date of attack, the first date being December 15. In few cases was the onset sudden, and the symptoms thenceforward continuous and well-defined. In the majority a long period of *malaise* preceded the date of declared illness. The symptoms during that period were languor; aching of the limbs, which occasionally was severe enough to cause the sufferer to speak of "loss of use" in the lower extremities; acute pains, sometimes in the loins, more often in the back of the head and neck; giddiness (which was very common); abdominal pains, and, rather often, attacks of vomiting; in some instances (also rather numerous) slight diarrhoea; and anorexia. The period of incubation thus marked, in several cases lasted three weeks; but it often merged by imperceptible gradations into the term of declared illness, and in some of the slighter cases advice seemed to be sought at last rather because the symptoms described persisted than because they had become remarkably worse. In a few other cases advice was not sought until the patient had become too ill to be closely questioned; while in one case at least the sufferer was moribund when he was brought in. Under these circumstances it is obvious that the assigned dates of attack are approximate only, although it seemed possible to fix them with tolerable certitude in a very considerable proportion of the whole number.

It may be noted here conveniently that during illness both deafness and nose-bleed were unusually common, comparison being made with the general course of cases observed in Sydney; and, although diarrhoea was seldom troublesome, looseness of the bowels was also a little more frequent than usual. Perhaps in a rather large proportion of cases the term of illness was rather more prolonged than is the rule; but it may be doubted whether this was marked enough to warrant any confident assertion. No necropsies were made.

TABLE I.—Showing the Age, Sex, and approximate Date of Attack of all cases that occurred during the Epidemic Period. First-cases in households are distinguished by black type.

Number in order of attack.	Age.	Sex.	Approximate date of attack.	Number in order of attack.	Age.	Sex.	Approximate date of attack.	Number in order of attack.	Age.	Sex.	Approximate date of attack.
*1	Years. 19	F	Dec. 15	36	Years. 26	F	Jan. 25	67	Years. 37	M	Feb. 21
2	11	M	" 19	(b) 19	19	M	" 25	68	4	F	" 21
3	22	F	" 22	37	19	M	" 25	69	3	M	" 21
4	6 months 23	F	" 23	38	9	M	" 26	70	4	F	" 21
5	26	F	" 23	39	28	F	" 26	71	10	F	" 21
6	8	M	" 26	40	25	F	" 27	72	11	M	" 21
(a) 7	15	F	" 26	41	6	M	" 31	73	4	F	" 22
8	13	M	Jan. 1	42	26	M	Feb. 1	74	15	M	" 22
9	3	F	" 1	+43	25	M	" 1	75	30	M	" 23
10	30	M	" 1	44	23	F	" 1	76	19	F	" 24
*11	31	F	" 2	(c) 45	14	F	" 1	+77	26	M	" 25
12	21	M	" 2	+45	21	M	" 1	78	17	F	" 25
13	28	M	" 4	*46	20	M	" 1	79	17	F	" 25
14	10	M	" 8	+47	24	M	" 2	(g) 10	10	F	March 1
15	18	M	" 8	*48	18	F	" 3	80	37	F	" 1
+16	22	M	" 8	49	10	F	" 3	81	42	F	" 1
17	16	M	" 9	50	16	F	" 4	82	19	M	" 3
+18	19	M	" 9	+51	21	M	" 6	*83	21	F	" 3
19	40	M	" 15	52	48	F	" 5	84	15	F	" 3
*20	28	F	" 15	53	26	F	" 6	+85	23	M	" 3
21	34	M	" 16	(d) 54	48	M	" 8	*86	37	M	" 3
22	13	F	" 16	55	26	M	" 8	87	3	F	" 6
23	17	F	" 17	(e) 56	45	M	" 10	88	27	M	" 7
24	8	F	" 18	55	4	M	" 10	89	47	M	" 8
25	27	M	" 18	56	26	M	" 10	90	24	F	" 9
26	49	F	" 19	+57	13	M	" 12	91	29	M	" 9
27	17	F	" 20	58	14	M	" 12	92	21	M	" 10
28	4	F	" 20	59	2	M	" 13	93	31	M	" 10
29	18	M	" 21	60	7	M	" 14	94	24	M	" 12
30	7	M	" 21	*61	5	M	" 15	(h) 10	10	F	" 13
31	14	M	" 21	62	19	F	" 15	95	22	F	" 14
32	22	M	" 22	63	7	F	" 16	96	20	M	" 15
33	27	F	" 22	64	11	F	" 17	97	41	M	" 15
34	15	F	" 25	65	45	M	" 19	98	6	M	" 17
35	14	F	" 25	(f) 66	9 months 9	M	" 19	99	13	M	" 28
	23	F	" 25	66	9	M	" 20	+100	11	F	" 28

* Died.

† Visitor to the town.

‡ Left Balranald Jan. 3; attacked in Melbourne Jan. 9.

Certain entries in this Table are unnumbered; these represent doubtful cases—that is to say, their symptoms would not have suggested typhoid fever had that disease not been prevalent. But among them is included the case of the child already mentioned in section 8, it seeming more likely that she suffered a relapse of the fever caught in Melbourne than that she should have been twice attacked within three months. The following account of these cases sufficiently shows the ground on which they were considered to be of doubtful character. They are omitted from further notice.

Eight

Eight Doubtful Cases.

- (a).—*F.*, *æ*t. 15. It is necessary to describe this under case No. 52, *q.v.* (Section 12).
- (b).—*M.*, *æ*t. 19. He suffered from the early symptoms already described in a well-marked degree, beginning on January 25th. He did not leave work, and was well again in a week.
- (c).—*F.*, *æ*t. 14. It is necessary to describe this in connection with case No. 51, under "Non-residents," *q.v.*, (Section 10).
- (d).—*M.*, *æ*t. 48. Returning to town after long travel in the back country during very hot weather, this patient suffered from quite indefinite symptoms—chiefly headache and languor; these continued two or three weeks.
- (e).—*M.*, *æ*t. 45. This patient was the scavenger. He began to be ill about the beginning of February, and says he was decidedly ill about February 10th, but he did not seek advice until February 27th. He was then in bed a week; his symptoms were indefinite, and there was no great disturbance of temperature.
- (f).—*M.*, *æ*t. 9 *mos.* Was teething, and cut one or more teeth during this illness. He had diarrhoea with a high temperature for twelve days, and then died.
- (g).—*F.*, *æ*t. 10. This child had typhoid in Melbourne, and left for Balranald "as soon as she was fit to travel," arriving January 14th. She seemed not to be thoroughly well. She was first examined on March 1st, and she suffered a mild but distinct attack of the fever. She is classed as doubtful for obvious etiological reasons—not because the nature of her illness was doubtful.
- (h).—*F.*, *æ*t. 10. Was first examined March 27th, when she had been complaining for fourteen days, and in bed two days. On April 4th she was well again. Her symptoms were indefinite. She was sister to case (a).

10. Cases which occurred to persons being non-residents of the town.

It will be readily conceded by all who know the conditions of life in the bush that it is highly improbable that any case can have occurred within some such radius as is mentioned in section 1, or any upon the coach-lines to the towns which are there named, without its becoming known in Balranald. It may be taken that no others besides those mentioned in the table did occur during the period dealt with.

Nine cases among non-residents.

Case 15.—*M.*, *æ*t. 22. Approximate date of attack, 8th January—A station-hand who visited the town, and stayed over Christmas and the New Year; he lived at the "Gamma Hotel" (where also case No. 77 stayed when in town); says that he drank there nothing but whiskey and lemonade, but he visited many hotels with his fiddle, and played it at the sports on January 1st; he left Balranald feeling unwell at the beginning of January, and reached Boundary Bend, V., January 8th; he helped on that date to take out of the river the body of a man drowned three days before; he felt very ill immediately, and dated his sickness from then; he was admitted to Balranald hospital 16th January.

Case 43.—*M.*, *æ*t. 25. 1st February—Lived 50 miles out; came in about 12th January and remained a fortnight, drinking all the time; went home 26th January, feeling ill then (or perhaps for a few days before then); he was brought to the hospital 21st February, unconscious, and bleeding from the bowels, and he died 5th March.

Case 45.—*M.*, *æ*t. 21. 1st February—Lived 2 miles down stream; for three weeks preceding admission worked at a wool-wash 2 miles farther down stream, and he came into Balranald twice at least during that time; he died at home 6th March.

Case 47.—*M.*, *æ*t. 24. 14th February—A teamster who lived at Hatfield, 70 miles out; was in Balranald getting his lading 26th January; he left 28th January; fell ill on the road about 2nd February; reached home later and stayed there a week; and was admitted to hospital 4th March.

Case 51, and the doubtful case (c.)—*M.*, *æ*t. 21; *F.*, *æ*t. 14. No. 51 is a station-hand, living 15 miles out; he was in town 31st December and 1st January, when he attended the sports-meeting on 1st January; from this date he never felt well, but he returned to his work; on 28th January he went to an out-station (15 miles farther from Balranald), where case (c) had lived with her family for many months without leaving; he stayed there until 2nd February; on that date he went to town again to the "Epsilon Hotel"; the next day he returned to his own place, when he was obliged to take to his bed; but he was not admitted to hospital until 15th February. Doubtful case (c) left her father's 1st February; as she entered the outskirts of the town she suddenly had severe headache; she slept at the "Gamma Hotel"; went home next day; and was brought to hospital 5th February; I saw her repeatedly between 13th and 20th February, and while Dr. Lawson saw some reason to hesitate before making a diagnosis at first, we concluded that the case was not one of typhoid, but probably slight heat-stroke.

Case 57.—*M.*, *æ*t. 13. 2nd February—Lived a mile away up stream; came to town every day; visited school, the "Alpha Hotel," and generally also his father, who worked in the town, at the importer's mentioned in Section 6.

Case 77.—*M.*, *æ*t. 26. 25th February—Had work and a camp on a creek 6 miles up stream, and a little way from the river; frequently came to town, and stayed at the "Gamma Hotel"; 25th February, walked out to his camp; waded across the creek and drank at it; started to return to town, and about half-way suddenly had so severe a pain in his head that he had to lie down; after a time dragged himself with difficulty to a house at some distance, whence he reached the hotel. Thenceforward he suffered a well-marked attack.

Case 85.—M., *et.* 23. 3rd March—Lived 40 miles out; was in town 23rd and 24th February, when he stayed at hotel, "Beta," but frequented hotels, "Alpha" and "Delta"; went home 25th February; 4th March had diarrhoea and abdominal pain for two days; got better for one day; then began to have "bad cold" with shivering; on 11th March rode 34 miles towards Balranald for treatment, but could get no farther, and was thence driven to the hospital.

Case 100.—F., *et.* 11. 23th March—Sister to case 79, but lived at home, 2 miles south of the town (79 having been in service in the town, and attacked with the fever 25th February). The family of which No. 100 was a member consisted of the parents and seven children below 15 years of age; during No. 79's illness No. 100 used to fetch from the hospital her dirty linen, to be washed at home; she was accompanied by another child; she is said never to have entered the building, and the clothes were wrapped up securely by the wardman in a cloth brought for the purpose; the clothes were "sprinkled" at home with carbolic acid, and were then put to soak in water. On 28th March No. 100 sent another child with a cup to get her some water, and he filled it from the tub in which the clothes had been soaked; on tasting it she spat it out again on account of the carbolic acid in it; 29th March fever set in, and she suffered a severe attack. No other member of the household was seized.

It is therefore to be concluded that the town was the focus of infection; no one suffered who had not visited it within a reasonable incubation period. This point being ascertained, these nine cases among non-residents are omitted from further consideration, because it is not possible to identify the particular household in which each received the infection.

NOTE.—The following observations seem of sufficient importance and general interest for insertion here, although many of them have no direct bearing on the present case. No. 16 (Table I) left Balranald, and six days afterwards fell ill, in Melbourne; No. 34 left after the beginning of illness, and suffered at Buninyong, near Ballarat; No. 36 left Balranald, visited Sandhurst, and on arriving at St. Kilda, Melbourne, about the fifth day after leaving Balranald, was seized and suffered there; No. 55 left Balranald February, 7th, and within a few days was attacked in Sandhurst, and was admitted to the Hospital there. Conversely, (h) suffered in Melbourne and relapsed in Balranald; No. 52 was infected in Hay and suffered in Balranald; J. B. (Section 3) visited Balranald while he was suffering; and another person has been mentioned who returned from Broken Hill after suffering, and at a time when he may or may not have perfectly recovered.

11. The First Cases.

The cases which stand first in Table I were attacked before any of the others; but which one fell ill first of all is uncertain.

Case 1.—F., *et.* 19. A barmaid at the "Alpha Hotel" for several months; was a rather delicate girl, but had fairly good health; 26th October she left the "Alpha" to go to the "Beta Hotel," not far off; she stayed there about three weeks, and then, on 17th November, returned to her old place at the "Alpha"; she fell out of health at least two weeks after she came back again; the only ascertained fact regarding her case between 17th November and 17th December is that on 16th December she was suffering from diarrhoea; on 18th December she consulted Dr. Lawson, who found her with an evening temperature of 101°; she was never well after this, but, under pressure, did some work, and did not see the doctor again until 30th December, when he admitted her to hospital. She died 7th January.

Case 2.—M., *et.* 11. A weakly boy, not suffering from any definite disease, anæmic, *porri-go capitis*; he was never admitted to hospital, but applied there for advice 16th December; Dr. Lawson's note made at the time runs as follows:—"Says he has been ill three weeks, pains in the back of head and neck and loins, cannot sit up long, is always sleepy; symptoms came on gradually; had some pain in back more than three weeks ago. Moist râles in chest, bowels constipated, abdominal pain sometimes; temperature 101°6 (morning), no rash." The râles disappeared soon afterwards, but the fever continued, and the illness lasted three or four weeks from the date mentioned; there was long-continued subsequent debility. The case was a slight one, but Dr. Lawson has no doubt that it was one of typhoid.

Case 3.—F., *et.* 22. A barmaid at the "Alpha" hotel. Was out of health for several days before 8th December; the symptoms were headache, loss of appetite, aching of the limbs, and especially in the legs, which she said she could sometimes scarcely use; 9th December she left for Melbourne to see her sister who was ill, and who died during her visit. She returned on 16th December, and was very ill during the journey; but she recovered after resting, and resumed her duties for a week. During this time she was in the same indifferent health as before her departure; she went to bed on 22nd December; went for a drive, December 26th, whence she returned collapsed, and thenceforward suffered from a well-marked attack of typhoid.

The six earlier cases have had assigned to them the order in which they appear in Table I, after especially careful inquiry; but from the remarks made under section 9 it will be properly inferred that it is not intended thereby to express any strong opinion that that was their true order of attack. It is possible that several of them were infected on the same day. A more important point is the following:—In face of the account given above of the cases 1 and 2, and of similar facts relating to cases 4, 5, and 6, it is certain that all of the persons referred to received their infection within the town, which none of them had left for several months before illness. Case 3, if it stood alone, would appear doubtful from this point of view; but taken in conjunction with the rest, and due regard being had to the history of it recorded above, I believe it appears most probable that this patient was incubating before she left the town on her visit to Melbourne on December 9. This, however, is a detail of no practical importance.

12. Progress of the Epidemic.

Between December 15 and March 29, 100 persons were attacked. But of these, nine were visitors to the town. They are numbered in Table I, but for the reason given (section 10) they are omitted from present consideration. I also except case 53, for reasons which the following history discloses, as well as case 92:—

Case 53—F., et. 26. This patient lived in a very good brick house, where she was confined for the second time about the end of November. The girl referred to under (a) among the doubtful cases went to help No. 53 on 2nd December, and remained well until 23rd December. Her symptoms were slight and indefinite, headache chiefly; but she went home to her mother, who lived in the town. She stayed at home a fortnight; and then, although still out of sorts in the same way, went to help in another household in the town (where no illness occurred), and stayed there for a fortnight from 10th January. She then went home again feeling rather worse; and she was admitted to hospital 5th February. She began to get better as soon as she was confined to bed; I saw her there 13th to 20th February; and I agree with Dr. Lawson that she had not typhoid, nor any definable illness. No. 53 did not recover strength well after her confinement, and she did not leave her home until the week 4th to 10th January, when she visited two houses. In one there had never been any fever; in the other there was a case at the time of her visit, and she did not enter it for that reason; she conversed in the garden for a few minutes only. On 10th January she left Balranald for Hay, and visited her parents there; and she returned to Balranald on the morning of the 15th. She was thus in Hay four clear days. She there stayed in a house which her parents had occupied for a few months; the household consisted of M. et. 60, F. et. 56, and a son et. 23. To these were added from 1st December to 2nd January, a married daughter et. 24, and two children, M. et. 6, and M. et. 1. The water supply there was from the river and from an underground tank; there had been scarlet fever in the family of the next preceding tenant, and in the same street much typhoid fever about a year earlier; whether this fever had occurred in the house itself is not known. On 8th February, the son et. 23, having been indisposed for some days, took to his bed and suffered a severe attack of typhoid in the hospital at Hay; and on 6th February, case 53 not having left her own house since returning to it on 15th January, fell suddenly ill with typhoid, and when I first saw her a week later was in great danger. The married daughter and her two children remained well. The doubtful case (h) was sister to (a); and the note of her case made above should therefore be re-perused in connection with this history, it being remarked that (h) lived continuously at home. I conclude that No. 53 was infected at Hay.

I also except Case 92. This man was admitted to hospital for rheumatism 15th February; stayed in until 5th March; was discharged, but fell ill of typhoid on 10th March, and was again admitted for that 16th March. He thus appeared to have contracted the disease in hospital, and therefore cannot, with certainty, be referred to any household.

The nett statement therefore with regard to the progress of the epidemic is as follows:—Between 15th December and 28th March, 89 persons, occupying 46 town-houses, were attacked with typhoid fever; and the cases occurred by periods of seven days, reckoned from 15th December, as shown in the Table II, below:—

TABLE II.—Showing 46 First-cases in Town-households, and 89 Town-cases distributed under 7-day periods in the order of their occurrence.

	Dec. 15-21.	Dec. 22-28.	Dec. 29 to Jan. 4.	Jan. 5-11.	Jan. 12-18.	Jan. 19-25.	Jan. 26 to Feb. 1.	Feb. 2-8.
Households	2	2	4	2	5	5	4	1
Cases	2	4	6	4	7	13	7	5
Deaths	1	.....	1	.....	1	.....	1	1

TABLE II—continued.	Feb. 9-15.	Feb. 16-22.	Feb. 23 to Mar. 1.	Mar. 2-8.	Mar. 9-15.	Mar. 16-22.	Mar. 23-29.
Households	1	8	3	3	4	1	1
Cases	7	12	6	7	7	1	1
Deaths	1	.....	.....	2	.....	.....	.....

These, therefore, are the data on which the inquiry into the cause of this outbreak proceeds.

13. Incidence of the Disease.

Table III shows the population within the suburban boundary (which is fixed for Census purposes), as ascertained by enumeration on the three days, April 2-4, distributed under age-periods; and the total cases which occurred during the epidemic period in invaded households within that area (usually referred to as "town-households"). The percentage of persons of both sexes attacked among the total population at the three age-periods, 0-15, 15-25, and 25-40, was, respectively, 10.2, 23, and 13.8.

TABLE

TABLE III.—Epidemic Period, December 19–March 28. Showing the Enumerated Population within the Suburban Boundary, and 89 cases which occurred among them, distributed under Sex and Age-Periods.

Age-Periods.	0–5.	5–10.	10–15.	15–25.	25–40.	40–60.	60–.
	M. F.	M. F.	M. F.	M. F.	M. F.	M. F.	M. F.
Population within the Suburban Boundary, enumerated April 2–4.	43 50 93	43 22 65	32 31 63	51 62 113	98 70 168	71 45 116	9 5 14
Cases in Town-households during the epidemic period, Dec. 15 to Mar. 28	4 7 11	8 4 12	8 5 13	10 16 26	14 7 21	3 3 6	
Deaths.....	1 0 1			1 3 4	1 2 3		

Table IV shows the population of the 46 town-households invaded during the epidemic period distributed under sex and age; and the 89 persons attacked similarly distributed. There were in these households 161 males and 130 females, 47 males and 42 females having been attacked; and this proportion of males to females is as 100 to 89. But the percentage of each sex living in invaded households attacked was 29.1 per cent. of the males and 32.3 per cent of the females. While the absolute numbers show that more males than females suffered, the females appear to have been attacked in a rather greater proportionate number than the males. 45 per cent. of the total cases were between 15 and 30 years of age.

TABLE IV.—Epidemic Period, December 19–March 28. Showing the Population of 46 invaded Town-households, and 89 cases that occurred among them, distributed under Sex and Age-Periods.

Age-Periods.	0–5.	5–10.	10–15.	15–25.	25–40.	40–60.	60–.
	M. F.	M. F.	M. F.	M. F.	M. F.	M. F.	M. F.
Population of Invaded Houses.	14 20 34	24 13 35	17 19 30	31 34 65	37 25 62	35 18 53	3 3 6
Attacked	4 7 11	8 4 12	8 5 13	10 16 26	14 7 21	3 3 6	
Deaths.....	1 0 1			1 3 4	1 2 3		

But the age-distribution of the females was not the same as that of the males. Table V shows what the distribution of the two sexes actually was at the three age-periods, 0-15, 15-40, and from 40 onwards, and the numbers at each period that were actually attacked.

TABLE V.

Age-Periods.	0–15.		15–40.		40–.	
	Males.	Females.	Males.	Females.	Males.	Females.
Persons.....	55	50	68	59	38	21
Attacks	20	16	24	23	3	3

Table VI shows in the upper line the 130 females distributed under the three age-periods in the same proportions as the males are so distributed; and in the lower the numbers of females that would have been attacked had they been distributed as shown, and had they suffered in the proportion in which they actually did suffer, as set forth in the preceding Table V.

TABLE VI.

Age-Periods.	0-15.		15-40.		40-.	
	Males.	Females.	Males.	Females.	Males.	Females.
Persons.....	53	44.33	68	54.86	38	30.68
Attacked.....	20	14.18	24	21.34	3	4.35

From this it appears that if the age-distribution had been the same as that of the males the respective numbers attacked would have been 47 males and 40 females, the proportion between these numbers being as 100 to 85. Thus the respective percentages would be 29.1 and 30.7. The numbers dealt with are but small, but attention may be drawn to the following points:—There was a proportionately heavier incidence of disease upon females than on males, amounting to 1.6 per cent. upon the total number of each sex living in invaded households. This does not represent the full weight of this especial incidence, however, since normally more men than women are attacked. But if children (persons at the ages 0-15) and women are reckoned together, and compared with the men (males above 15), the especial incidence upon the former class is seen, which is usual when the medium of infection is water, the percentages attacked being among women and children 33.5, and among men 25.4. Farther, the incidence of disease upon the whole population at the age-periods 0-15, 15-25, and 25-40 having been 16.2, 23, and 13.3 per cent., the incidence upon persons living in invaded households at the same age-periods was 34.2, 40, and 33.9. The relation borne to each other by these two groups is better seen by comparison between the following series, in both of which the percentage attacked at the age-period 0-15 is taken as unity:—Total population, 1, 1.41, .82; population of invaded households, 1, 1.17, .99. The incidence in the latter case was much more nearly equal, persons at the third age-period suffering nearly as heavily as those at the second, or age of special liability to attack; and this points to a special distribution of the infective medium. Again, of the 46 town-households, 17 yielded more than 1 case. Thus, 7 yielded 2 cases a-piece, 4 yielded 3 cases, 2 yielded 4 cases, 1 yielded 5, 2 yielded 6, and 1 yielded 10 cases. Table VII shows the number of days that elapsed between the approximate date of attack of the first and second cases in each of these households.

TABLE VII.

2 cases.	3 cases.	4 cases.	5 cases.	6 cases.	7 cases.
34 days.	21 days.	9 days.	4 days.	20 days.	7 days.
44 "	4 "	5 "		11 "	
19 "	1 "				
3 "	17 "				
0 "					
39 "					
11 "					

Now, the incubation period of typhoid fever is variable; yet when water or milk is the medium of infection it appears to be usually from 10 to 14 days. If the latter period be used, then in 10 out of the 17 households the second case may be supposed to have been infected independently of the first. But if a shorter period be taken—as, for instance, 7 days—so that there may be as little doubt as possible that the second case was infected independently of the first, then only 7 of the 17 fall within it. On the other hand, it is a fact not without significance that in several instances the interval between successive attacks was remarkably lengthy. Safe inductions from this table appear to be (a) that the infective medium was not uniformly infective in all its parts; (b) that it did not regularly reach all the members of the invaded households; (c) that, being but weakly infective, its effects were determined more often than usual by the general health of the persons whom it reached. The first and third of these are doubtless true in their degree; but only the second seems sufficient to explain the irregularity mentioned.

14. Inquiry into the Mode of Spread.

It must be assumed here that the etiology of typhoid fever is known; and it must suffice to note the well-established fact that of large numbers of people exposed to the same source of infection only a proportion (which is often rather small) suffer. With this proface, therefore, I proceed to observe that in a town which has no sewers the only possible cause of a wide-spread epidemic of typhoid fever must lie in the specific infection of some article of diet which is procured from a common source, and which is shared by all, or nearly all, the infected population alike; and that in the present case that article must have been either milk or water. No doubt after an epidemic has become established aerial infection (by cesspits) and direct infection (by food, the chance of nursing, or specific fouling of the air within houses) play their limited parts; and for this reason, among others, it is not to be expected that the mode of infection shall be demonstrated in every case, even if the main factor in an epidemic should be discovered with certainty.

15. The case as to Milk.

Among the 128 households were 31 in which no milk was used; 5 in which condensed milk was used; 55 which were supplied from their own respective flocks of goats; 17 which were supplied from other people's goats, the number of owners being 13; 11 which were supplied from the cows of a town cow-keeper; and 3 which were supplied by a country cow-keeper. The remaining 6 were supplied either from their own cows or from mixed sources. The 46 infected households were supplied from 24 different sources; 17 of them having each its own flock of goats. These circumstances exclude milk as the cause of this epidemic. But it is possible that a few secondary cases were infected through the milk supplied by the town cow-keeper; and the following are details of her business. She had eight cows, which did not yield well until the rain fell; and 11 households, holding 67 persons, were all she supplied besides the hospital, where, during December, 5 quarts a day were taken; in January, 12; and in February, 21 quarts. The dairy premises became infected January 1 (case 7), and a second case (No. 49) occurred on February 3. The arrangement and state of the premises seemed to call for no especial remark. The cows were milked by a man who was not attacked; but the milk was strained by the cow-keeper, who was the mother of the two patients aged 13 and 10 years respectively. During the early part of January, and before that, water from Tank X (*see* section 16) was regularly fetched for drinking, other water being at the same time got from the river. The 11 households supplied may be divided into 4 not invaded and 7 which were invaded, and which yielded altogether 21 patients. The following Table exhibits all the particulars which are at present necessary.

TABLE VIII.

No. in Table.	Number in household.	Number attacked.	Date at which served with milk.	Dates of attack.	Remarks.
35	2	1	Jan. 11-25	Jan. 25	Household 17 was supplied from own goats as well. The cow-keeper's milk was said to be kept for puddings only, for what seemed a sufficient reason. The milk ceased to be taken as soon as it became known that the dairy was infected.
17	12	6	Jan. 7-14	Jan. 9*	
				Jan. 20	
65	12	3	Oct.-Mar. 13..	Feb. 4	
				Feb. 10	
				Feb. 12	
				Feb. 13	
69	4	1	Feb. 10-24	Feb. 19	
				Feb. 23	
68	6	1	Nov.-Jan. 1	Mar. 14	
				Had their own cow as well.	
72	6	3	After Feb. 22..	Feb. 21	
				Feb. 22	
2	9	6	After Jan. 31..	Mar. 1	
				Dec. 19	
a	3	0	Always	Jan. 9	
				Jan. 9	
b	8	0	"	Jan. 18	
				Jan. 19	
c	3	0	"	Jan. 31	
				Jan. 31	
d	2	0	"		
					No sickness in these four households.

* Left Bairnald, January 3; attacked in Melbourne, January 9.

It is therefore possible that for some of these cases this milk may have been the medium of infection.

16. The case as to Mineral Waters.

There were two makers of mineral waters, who may be distinguished as maker "A" and maker "B." "A" had the more considerable business in the town, and all that was done in the surrounding country within 60 miles; but the latter was not very much altogether. To make soda-water he used rain-water when he had any; for other kinds he used river water, which was clarified with alum or isinglass, and this served also for soda-water when rain-water ran short. It was alleged that whenever river water was used for any of these purposes he always first boiled it, but the appliances necessary to boil the required quantities, and to allow for the subsequent thorough cooling which is essential, did not appear to be at hand. Having run short of rain-water towards the end of last year, he must have used river water alone, for he could get rain-water in the required quantities only from one of the two underground rain-tanks which are mentioned at the end of section 6; but independent testimony shows that he did not resort to the tank at the importer's (which may be distinguished as Tank X), while the other was in possession of a rival manufacturer. The water from Tank X, however, was regularly taken to his house to drink, and six cases occurred among his family; on the other hand, his mineral waters were very seldom (or even never) drunk by them. The evidence against infectivity of his product is as follows:—No cases of fever occurred in the surrounding country except among persons who had visited the town; there was a race-meeting and dance on December 26, at both of which his manufacture was used; about 250 people attended the former, a large but unestimated number the latter; and Table I does not point out this day as one of specially widespread infection. "B."—This maker had a smaller trade, which was confined to the town; he used rain-water from his under-ground tank, which was situated in a dirty ill-kept yard, probably not free from old cesspits, and he said that he used no other. One case (No. 82) occurred in his household at a late date. He supplied the "Alpha Hotel;" and all the mineral water used at a sports-meeting which was held on January 1, and which was attended by about 500 people, was taken from that hotel. January 1 is not singled out as a day of special infection, perhaps, although this is not so clear as in the former case, because on January 3 there does seem to have been some increased diffusion of the poison, and that is too near to the 1st to be very clearly distinguished from it in this way. But inquiry in individual cases falling early in the epidemic shows that but very few had drunk of this make, as far as was known or remembered. Perhaps the negative evidence afforded by the absence of any very marked increase of declared cases dating from January 1 may be considered sufficient to exonerate this water from suspicion, nothing appearing in the other circumstances of the outbreak to attract attention to it.

17. Pollution of the River.

The river was liable to pollution from several sources—from dwellers near its banks above the town, or on the banks of tributary creeks and ana-branches; by the village of Oxley, which stands on the Lachlan, 6 miles above its junction with the Murrumbidgee; by the town of Hay, on the Murrumbidgee, and by the steamers running between Echuca and Hay. A possible source of contamination, which must also be reckoned as above the town, is shown on the map. At the south-eastern corner of the hospital reserve three large pits have at various times been dug to receive night-soil from the hospital closets. Two of these have been closed with earth as they became full; the third had but just been dug, at the date of inspection. The western boundary of the reserve marks the beginning of the higher land on which that end of the town is built. There is a rather abrupt fall of a few feet from that line to river-flats which begin immediately on the east, and when the river is high these flats are flooded by water which flows westerly in the direction of current, impinges against the rise mentioned, and sweeps out again into the channel 50 or 60 yards above the waterworks intake. The distance from the south-east corner of the hospital reserve to the river in a direct line is about 180 yards; the soil is a yellowish-white marly clay. Below the waterworks intake the river is known to have been polluted some months ago by full closet-pans cast into it at the foot of Myall-street, or thereabouts, by persons having pan-closets who did not employ the scavenger. It is believed that more recently it was polluted in the same way, but of this there was no such evidence as would have supported a prosecution. The point mentioned is above all the pumps. A little way above this is the private wharf at which the river steamers lie. The hands always sleep on board during the twenty-four or forty-eight hours they stay. The vessels have closets that discharge into the stream in the way usual on sea-going boats. There is no closet at the wharf, which the boatmen engaged in unloading, and townsmen taking delivery, might use; and I understand that they are in the habit of repairing on occasion to the river bank below the staging, where it is very steep. The ways in which the stream may have been contaminated are thus indicated. The large town of Hay is about 260 miles away; typhoid has often prevailed there, but without effect upon

upon Balranald. (See section 8.) The village of Oxley has no sewers, and it is scattered, and of insignificant size. As for dwellers near the river, between the Lachlan and Balranald there is but one on the south side, who lives about 60 miles away by the stream, and but three or four on the north side, none of whom have been ill. Between thirty and forty others live on creeks which were not running during the latter half of 1888, or on billabongs, and at varying distances from the river; there has been no illness among them. It seemed unlikely, considering the nature of the intervening soil, and their distance from the river, that the pits in the hospital reserve had contributed anything to the stream, the epidemic period falling at the end of a long drought; yet it is not certain that there was no communication between them and the river through the soil, and it is known that one of them had received typhoid excreta (section 8). Their depth, as I was informed, was about 15 feet, and that is far above the ground-water level; the one recently excavated carried no water at the time I saw it after rain. A more important risk seemed to be in connection with the space beneath the wharf-staging and with the emptying of closet-pans. A specifically infectious deposit near the water's edge might conceivably contribute bacilli to the stream during a long period, from a growing swarm in the foul earth between it and the water; and one man already referred to (sec. 8) was at the private wharf on the 14th and 15th October, and was suffering from typhoid at the time. So, also, a specifically infected closet-pan, if cast into the stream, might, during a long period contribute its contents slowly to the water; the pan itself (old kerosene-tins are often used) being cast in full would not readily lose its contents if it fell upright. In all of these ways the river may have been specifically poisoned. But if probabilities may for a moment be contemplated, then it appears to me that infection contributed to the stream at points near to, and yet at some small distance from, the several intakes, would be less sufficient to account for the phenomena of the outbreak than infection contributed at some very considerable distance away; for, considering the depth and swiftness of the current, it seems that the lapse of a considerable time must be a factor necessary to such general infection as this explanation of the outbreak requires, to allow of sufficient proliferation of the infective matter, and to effect its sufficiently even distribution throughout the whole body of water.

18. Possible Pollution of the Tank X.

This tank stood in the yard attached to the extensive premises of the principal importer, about 80 yards from the river bank, and on ground about 20 feet above the summer level of the river. It received rain-water from the iron roofs of several large stores. It was constructed ten or twelve years ago of brick and cement, circular, with a domed roof, 13 feet deep and 15 feet in diameter, and having therefore a capacity of about 15,000 gallons. It was sunk in the marly clay, and is not known to be puddled outside. In the roof is a manhole, which was covered with a heavy slab of stone, which rested on two battens; by the dome the mouth of the manhole, thus kept open for ventilation, was raised 18 inches or 2 feet above the yard surface. Water entered the tank by three lines of glazed piping, which connected as many down-comers with it, and which ran beneath the surface. The overflow was by a line of 3-inch glazed piping, which passed transversely beneath a wood and iron store, and ended on the surface at the point shown (see plan). At the date of survey the outermost length of piping lay on the surface, and was at a level 3 inches higher than the level of its opening within the tank. At a later date this outermost length was found loose, and with its mouth raised above the ground by a block of wood. On examination I found that the outermost length for as far as it could be examined with a stick (or about 3 feet), and at the other end within the tank for as far as a stick could be made to penetrate (or about 3 inches), carried a copious deposit of moist silt or mud. The fine mineral matter of which this silt consisted may have been carried into the pipe either during dry weather as dust, or during wet weather along with water from the yard surface; but the water which at the time of examination had converted it into mud could not have come from the tank, since the water-level was several feet below the overflow pipe, and must have been furnished either by surface water entering by the outer end of the pipe, or else by the several joints of it beneath the building, the space under which was in no way protected from inflow of surface water. In the yard, at a point shown, were two closets, fitted with pans, which were always kept locked; and a urinal, which drained into the trench indicated, which carried a good deal of stinking mud. In the surrounding area, not within the yard alone, there have been, or still are, several cesspits. The building on the adjoining allotment was a considerable hotel; and the "Alpha Hotel," where ten cases occurred, stood nearly opposite to it. This last, although for a year past furnished with pan-closets alone, which were emptied by the scavenger, had in its yards several old filled-up cesspits, for the most part long disused. It also had close to the rear buildings an excavation (which may have been a well, or which may have been a cesspit) which was nearly filled up and boarded over with rough planks; into this the house-slops were cast through the crevices between the

the

the planks, which were not removed for this purpose. Further, a part of the building had basement cellars, from which an offensive smell issued to the ground-floor rooms over them, and these (as I was informed), on being opened and secretly filled with earth by the licensee after the occurrence of several cases of fever in his house, were found to carry a good deal of offensive water. The distance from the frontage of the building to the tank was about 80 yards. Human excreta had been found on the yard surface at the point marked with crosses on the plan, but several months ago. The cart-gates shown were closed at evening; but alongside them was a little wicket-gate, which was allowed to remain open all night. Some persons are known to have been in the habit of entering by the latter to get a cool draught of water before going to bed; and although these, being townspeople, doubtless went for that alone, the line of the adjacent building would indicate a sufficiently private spot for any other who might go there for other purposes. The mouth of the overflow pipe was so placed that it seemed more likely than not that its neighbourhood would, unintentionally, be pitched upon. The tank was fitted with a pump, and, for the convenience of the numerous hands employed on the premises, a dipper usually stood near it; and although it is necessary to speak of it as in a yard, it was nevertheless so accessible that perhaps many more people would not have resorted to it had it been in some place acknowledged to be public. The permission to townspeople to drink there was practically without restriction; and the extent to which they took advantage of it seemed to be regulated by propinquity chiefly. But, as to the carrying away of water, there was restriction. No one was allowed to carry off large quantities—at all events at any one time; but several householders were permitted to fetch as much as was necessary to fill their coolamms or water-bags for the day. To these further reference is made below.

This tank was not emptied so as to examine the deposit accumulated in it. On one occasion, however, I saw a dead frog floating in it; and tanks similarly constructed and placed are very often found to have in them the bodies or bones of some of the smaller animals—rats or mice, for the most part. Several analyses were made at different dates by the Government Analyst (Mr. W. M. Hamlet, F.C.S.), and the following table shows the more important points revealed:—

TABLE IX.—Examination of the Water of Tank X by the Government Analyst.

Date of Collection.	Date of Analysis.	Appearance in 2-ft. tube.	Odour at 100° F.	Grains per gallon.			Parts per million.			Opinion.
				T.S. II.	Cl	N as nitrate and nitrites.	NH ₃		O absorbed in 4 hours, at 30° F.	
							Free	Alb.		
22 Feb...	4 Mar.	Clear, yellow tint.	Organic (slight).	5.5	.6	.056	.12	.10	1.78	While the Cl is low, the organic N is so high as to point to some serious source of pollution.
12 Mar..	15 Mar.	do	None ...	15.12	.7	.05	.03	.10	1.65	The quantity of organic impurity is such as to give rise to suspicion of sewage contamination.
1 April..	5 April	Clear, with some suspended matter.	do	5.04	.6	.105	.05	.14	1.73	The indications are that this water has been contaminated with organic matter of some kind. This does not appear to be urine, as the Cl is very low.

Other samples than these were taken by the proprietor and elsewhere analysed. They were not gathered at the same time as the above, and the results may very likely have been different, as it is alleged they were. But in such cases as the present, chemical analysis of water does not yield results of very great value. A water may be much polluted, and yet not so as to cause typhoid fever; or it may be shown to be pure (in the chemical sense in which drinking-waters are spoken of), and yet it may hold the cause of typhoid, and may produce that disease; so that while such analysis may afford an indication of danger, it can give no assurance of safety. And, therefore, the best test of the quality of a water in respect of power to cause disease or the reverse is afforded by a comparison between the facts as to illness and escape from illness gathered among those people who did or did not drink it. To the result thus got the evidence afforded by chemical analysis is but secondary; it may be corroborative as far as it goes, but it cannot be contradictory.

Table X shows the 46 first-cases and the 89 town-cases distributed under weeks, and the temperature, rainfall, and river-level during the epidemic period :—

TABLE X.

Week of Epidemic	1st.		2nd.		3rd.		4th.	
	December 1-7.	December 8-14.	December 15-21.	December 22-28.	Dec.—Jan. 29-4.	January 5-11.		
46 first-cases in households			2	2	4	2		
89 cases in town-households			2	4	6	4		
Rainfall on days			14 Dec. 15 } 8 Dec. 19 }	1	.8 .12 .2 1.95 (Jan. 3) .3			
Height of river in feet and inches; datum, Summer Level. {	0' 10" 2"	S.L.	S.L. to B.S.L.	B.S.L. to S.L.	B.S.L. to 9' 9"	10' 6" to 6' 9"		
Shade tempera- {	111°	113.5°	107°	118.7°	104°	114.5°		
tures. {	55°	58°	45°	51°	59°	58°		
Week of Epidemic	5th.	6th.	7th.	8th.	9th.	10th.		
TABLE X—continued.	January 12-18.	January 19-25.	January 26—Feb. 1.	February 2-8.	February 9-15.	February 16-22.		
46 first-cases in households	5	5	4	1	1	8		
89 cases in town-households	7	13	7	5	7	12		
	Jno. 15 .. 2 cases " 16 .. 2 " " 17 .. 1 " " 18 .. 2 "	Jan. 19 .. 1 case " 20 .. 0 " " 21 .. 3 " " 22 .. 2 " " 23 .. 5 "		28 Feb. 4. 94 " 5 39 " 6 7		Feb. 16. 1 case " 17. 1 " " 18. 1 " " 20. 1 " " 21. 6 " " 22. 2 "		
Rainfall on days								
Height of river in feet and inches; datum, Summer Level. {	6' 4" to 7' 3"	0' 0" to 8' 11"	8' 5" to 6' 2"	3' 10" to 2' 9"	2' 7" to 1' 10"	1' 8" to 1'		
Shade tempera- {	124°	114.5°	102°	111.5°	112°	99°		
tures. {	59°	62°	55°	52°	54°	52°		
Week of Epidemic	11th.	12th.	13th.	14th.	15th.			
TABLE X—continued.	February—March 23-1.	March 2-8.	March 9-15.	March 16-22.	March 23-29.			
46 first-cases in households	3	3	4	1	1			
89 cases in town-households	6	7	7	1	1			
Rainfall on days								
Height of river in feet and inches; datum, Summer Level. {	1' 3" to 4' 9"	5' 3" to 2' 3"	2' 1" to 6"	5" to S.L.	S.L. to B.S.L.			
Shade tempera- {	103°	110.5°	97°	111°	99°			
tures. {	32°	53°	49°	47°	49°			

It will be observed that the outbreak began while the river was falling, and that the increased number of cases which occurred about the fifth and tenth weeks coincided respectively with a rising and with a falling river. And then, should it be surmised that the rainfalls of the third and eighth weeks may have modified local circumstances in a way to favour the occurrence of the increased number of cases which happened about the fifth and tenth weeks, it will not fail to be noticed that the beginning of the outbreak was independent of any rainfall whatever. Thus nothing useful is revealed; but it remains possible that the epidemic begun during dry weather in one way may have been favoured by rainfall acting in some other way.

19. The case as to the Waterworks Source.

The reservoir was filled for the first time during the first week in November, in order to test the mains. This water was run to waste during the ensuing night. Only one householder (in whose family no illness occurred) who had provided himself with the hose and piping without which no tank could at that date be filled, replenished his underground tank with it. No other person saved any of it. The reservoir was not again filled until the middle of December, when the proprietor of the "Alpha Hotel" filled his underground tank from a street hydrant; but this had, for many weeks past, received supplies of river-water drawn from pump No. I (see map). The books of the two plumbers licensed to make connections show that the first connection was completed December 19. The following table, compiled from those books, shows in its first line the rate at which connections were thereafter completed week by week; in the second line are shown the connected houses which at some time or other became infected, the date at which each case declared itself being given; the third line shows the number of houses which became infected although they were never connected; and the fourth shows the gross number of fresh cases which occurred week by week:—

TABLE XI

	December 19 to December 26.	December 26 to January 1.	January 2 to January 8.	January 9 to January 15.	January 16 to January 22.	January 23 to January 29.	January 30 to February 5.
Total number of houses connected week by week.	0	4	5	11	12	4	2
Connected houses became infected at date.	4 { Jan. 17 " 19 " 30 Feb. 24	2 { Feb. 5 Mar. 9	2 { Jan. 25 Mar. 21	3 { Dec. 15 Jan. 20 Feb. 18	3 { Jan. 15 " 25 Feb. 28	1—Jan. 15	1—Mar. 2
Number of unconnected houses infected week by week.	1	1	3	1	.....	1	1
Gross number of cases that occurred week by week (89).	5	4	5	4	13	8	8

TABLE XI—continued.	February 6 to February 12.	February 13 to February 19.	February 20 to February 26.	February 27 to March 5.	March 6 to March 12.	March 13 to March 19.	March 20 to March 26.
Total number of houses connected week by week.	8	0	5	8	2	4	
Connected houses became infected at date.	4 { Jan. 1 " 16 " 28 Feb. 25	1—Mar. 25	.....	4 { Jan. 25 " 28 Feb. 15 Mar. 9	.....	2 { Dec. 23 " 26	
Number of unconnected houses infected week by week.	.....	1	6	.....	1	2	
Gross number of cases that occurred week by week (89).	4	7	13	6	7	4	1

From this table it appears that of the total connected houses (being eighty in number), twenty-seven were invaded sooner or later, but twelve of them before the connection was made, while nineteen were invaded which were never connected. Farther, if instead of the approximate date of attack the date of infection be regarded (the incubation period when water is the medium of infection being usually from ten to fourteen days), it appears that a still larger proportion became infected before connection was made than became attacked. Two cases were declared in two separate households, and eleven cases were in all probability already incubating before any connection had been completed, that is to say, before December 19. Ultimately, but fifteen connected houses out of eighty were invaded subsequent to connection. These considerations, if the water-works water had been derived from some new, purer, or cooler source than the people were accustomed to, might be insufficient to show that it was not a very important factor in the epidemic. But it was the same river water with which they were already supplied, although drawn a little higher up stream. The only inducement to unconnected households to resort to the stand-pipes of connected households lay in their having to pay for carted water, and in their being able at that date (for the works were not handed over to the municipal body) to get it without charge from any stand-pipe to which they might have access. But, apart from there having been rain enough from 3rd January onwards, the rather scattered position of the houses, and consequently long distance over which the people must themselves have carried water thus got, makes it certain that it was not much more widely distributed than the account of connections seems to show; nor is there any evidence at all that it was more widely used. And therefore, if the water now referred to be considered in relation to the point of the river at which it was drawn, there is nothing in the circumstances mentioned to point to its possession of specially infective properties; but, if it be regarded merely as river water, and in connection with a possible infectivity of the general stream, nothing appears in them to show that it was harmless either, since more than one-sixth of the connected households were invaded after connection.

20. Analysis of the Water Supply (a) on invaded premises in relation to 46 First-cases in Town-households, (b) in relation to 89 Town-cases, which occurred during the epidemic period; those who drank water from Tank X in addition being distinguished.

The general supply to the town was from the river; a supplementary supply was furnished to rather less than half the houses by overground rain-water tanks, with which they were furnished, and which had water in them from January 3rd. A considerable number of the population (but a rather small proportion of the total) was ascertained to be in the habit of drinking water from the tank X; and such of these as are reckoned among the sufferers are distinguished. These, it is known, did drink from that source; but the remainder are not known not to have drunk from it—they did not know whether they had drunk from it, merely. In the following Tables the letter R stands for rain-water in overground tanks, and in such underground tanks as (being used practically only in the households to which they were attached) could not have been factors in the epidemic. In referring to the river water it is necessary to distinguish between that which was drawn at the water-works intake and that from pump No. 1. The distinction between the two intakes was furnished by their position with regard to the town—the former being above it, the latter within it. And therefore the water-works water, which is indicated by the letter W, is taken to include any drawn at or above that intake; and the No. 1 pump water, which is indicated by the letter P, is taken to include any which was drawn from the river at or below that pump, whether from other private pumps or by hand.

The general distribution of the river water to the town was in the hands of three carters, who each set up for himself a pump on the river bank. The position of the pumps is shown on the map, and they are there distinguished by numbers. But at a time which was "long before Christmas" one of these pumps got broken, and its owner made an arrangement with the owner of No. 1 pump to use that; in view of the opening of the water-works it did not seem to him worth while to purchase and fix a new pump. The third cartor, whose pump was that numbered 6, was attended by Dr. Lawson during October for an obscure abdominal pain with fever, which was set down as typhlitis; the attendance only lasted a week, but he was unable to work for a longer period. On December 6th he fell ill again of some other complaint, and he carted no water until the middle of January. He then for three or four days used No. 4 pump, but it went out of gear; and from that time, for a space unascertainable, he filled his cart at a street hydrant (water-works intake). For this reason all those persons who are known to have been supplied by this cartor are reckoned under W, and not under P.

TABLE XII.—Analysis of the Water Supply to 46 Town-households in relation to 46 First-cases that occurred in them.

NOTE.—R = rain-water in overground tanks; W = water from waterworks intake or above it; P = water from No. 1 pump or below it; X = rain-water from the underground tank X.

21 drank X..	{	14 had P as well.	{	16 drank X as well.	{	5 drank X as well.
		4 had W as well.		2 had W X as well.		1 had P as well.
		2 had P W as well.		1 had W R as well.		2 had P X as well.
		1 had R as well.		4 had R as well.		5 had R as well.

TABLE XIII.—Analysis of the Water Supply to 89 cases which occurred in 46 Town-households.

NOTE.—R = rain-water in overground tanks; W = water from water-works intake or above it; P = water from No. 1 pump or below it; X = rain-water from the underground tank X.

*54 drank X.	{	41 had P as well.	{	10 had P only.	{	6 had W only.
		11 had W as well.		12 had R as well.		5 had R as well.
		1 had W P as well.		2 had W as well.		1 had P as well.
		1 had R as well.		41 drank X.		12 drank X.

* Including 5 cases in which there was some doubt.

The foregoing analysis shows that of 46 first-cases in town-households all had opportunity of drinking river water (with one doubtful exception) at some time or other of each day; and that while 21 of them are known to have drunk X water as well, the remaining 25 appear to have drunk (of possibly infective waters) river water only. A similar account of the total 89 town-cases yields a similar comparison; but its value as evidence is less than the former because of the large proportion of secondary cases which is included among them.

Table XIV shows the 46 first-cases distributed under seven-day periods, and discriminates the 25 who are not known to have drunk X from the rest by italic type :—

TABLE XIV.

December 16—21.	December 22—23.	December 29—January 4.	January 5—11.	January 12—15.
No. 1. <i>F.</i> , 19. <i>P.</i> , X. " 2. <i>M.</i> , 11. <i>P.</i> , X.	No. 4. <i>F.</i> , 1. <i>P.</i> , X. " 6. <i>M.</i> , 8. <i>P.</i> , X, R.	No. 7. <i>M.</i> , 13. <i>P.</i> , X. " 9. <i>M.</i> , 30. <i>P.</i> " 10. <i>F.</i> , 31. <i>P.</i> , R. " 12. <i>M.</i> , 28. <i>P.</i> , X.	No. 13. <i>M.</i> , 10. <i>P.</i> " 17. <i>M.</i> , 19. <i>P.</i> , X.	No. 18. <i>M.</i> , 40. <i>P.</i> " 19. <i>F.</i> , 28. <i>W.</i> , R. " 21. <i>F.</i> , 13. <i>P.</i> " 22. <i>F.</i> , 17. <i>W.</i> " 23. <i>F.</i> , 8. R, P, X.
January 19—25.	January 26—February 1.	February 2—8.	February 9—16.	February 16—22.
No. 25. <i>F.</i> , 17. <i>P.</i> , X. " 29. <i>M.</i> , 7. <i>W.</i> " 33. <i>F.</i> , 15. R, X. " 34. <i>F.</i> , 14. R, P. " 35. <i>F.</i> , 23. R, P, X.	No. 38. <i>M.</i> , 9. <i>P.</i> " 39. <i>F.</i> , 28. <i>W.</i> " 40. <i>F.</i> , 25. R, W, P. " 44. <i>F.</i> , 23. W, X.	No. 52. <i>F.</i> , 43. R, W.	No. 62. <i>F.</i> , 19. R, W, P, X.	No. 63. <i>F.</i> , 11. <i>P.</i> " 65. <i>M.</i> , 45. R, W, X. " 66. <i>M.</i> , 9. P, X. " 68. <i>F.</i> , 4. R, P. " 69. <i>M.</i> , 3. R, P. " 70. <i>F.</i> , 4. R, P. " 71. <i>F.</i> , 10. <i>P.</i> " 72. <i>M.</i> , 11. P, X.
February 23—March 1.	March 2—8.	March 9—15.	March 16—22.	March 23—29.
No. 76. <i>F.</i> , 19. R, P, X. " 79. <i>F.</i> , 17. R, W. " 81. <i>F.</i> , 42. R, W.	No. 82. <i>M.</i> , 19. R, W. " 86. <i>M.</i> , 37. W, X. " 88. <i>M.</i> , 27. W, P, X.	No. 90. <i>F.</i> , 24. <i>W.</i> " 91. <i>M.</i> , 29. R, W, X. " 94. <i>M.</i> , 24. <i>P.</i> " 96. <i>M.</i> , 20. <i>P.</i>	No. 98. <i>M.</i> , 6. R, P.	No. 99. <i>M.</i> , 13. R, P, X.

The following notes are the result of a very careful inquiry made by Dr. Lawson as to the twenty-five cases in which X is not known to have been drunk :—

No. 9, *M.*, *et.* 30; No. 10, *F.*, *et.* 31; No. 19, *F.*, *et.* 28.—All that could be learned with regard to these three cases (the facts being particularly well known of No. 18) was that they attended the sports meeting on January 1 and drank water at the principal booth. This was held by the proprietor of the "Alpha Hotel," who at different times gave different accounts of the water he carried there. Probably the truth is that he took a small quantity of X and a large quantity of P. It is possible therefore that these three may have drunk X there; but their dates of attack were January 1, 2, and (apparently) 15, and January 1 was not (perhaps) a day of numerous infections.

No. 13, *M.*, *et.* 10.—This boy spent most of his time with household No. 2, whither X was regularly taken for drinking.

No. 16, *M.*, *et.* 40.—A Chinese, who says he never drank any but river water, and that only as tea without milk.

No. 21, *F.*, *et.* 13.—She never drank X to her knowledge, nor, as it seems, ever went where she might have got it unwittingly.

No. 22, *F.*, *et.* 17.—Her sister worked at a shop where X water was taken more or less regularly for the water-bags; she has drunk water there at dates not fixed.

No. 29, *M.*, *et.* 7, (and his brother, No. 30, *M.*, *et.* 13, attacked the same day), gives a clear account of his movements, and apparently never drank X.

No. 34, *F.*, *et.* 14.—Had no opportunity of drinking X indoors; was a constant companion of No. 20, but the two dates of attack are rather far apart.

No. 38, *M.*, *et.* 9.—Drank for three weeks before illness nowhere except at home and at school, where rain and river waters only.

No. 39, *F.*, *et.* 28.—Was not away from home for three weeks before illness, where rain and river water only.

No. 40, *F.*, *et.* 25.—X water was taken at irregular intervals to her place of employment; dates cannot be fixed.

No. 52, *F.*, *et.* 48.—X water had been taken home, not very rarely, but at forgotten dates.

No. 64, *F.*, *et.* 11.—Visited various stores from time to time.

No. 68*, *F.*, *et.* 4.—Never away from home, where river water only.

Nos. 69* and 70*, aged 3 and 4 years.—Members of different families (of which they are the youngest members) living in different but adjacent huts. They always played together, and their play-place was a spot where the excreta of the previous tenant of one of the huts (who had typhoid) were occasionally deposited.

No. 71, *F.*, *et.* 10.—Visited various stores from time to time.

No. 79, *F.*, *et.* 17.—Apparently had no opportunity of drinking X.

No. 81, *F.*, *et.* 42; No. 82, *M.*, *et.* 19; and No. 90, *F.*, *et.* 24.—Apparently did not drink X wittingly or otherwise.

No.

*These three may possibly have been infected through milk. (See Table VIII.)

No. 94, M., *et.* 24.—Resorted to both the "Alpha" and "Delta" Hotels, where X was taken for bar and table purposes.

No. 96, M., *et.* 20.—A Chinese, who says he never drank X.

No. 98, M., *et.* 6.—Apparently did not drink X.

21. Provisional Summary as to Water.

It may be supposed that the rainfall of January 3, by filling rain-tanks, must have diminished the consumption of river water. But it was ascertained that although rain-water when it had fallen was, as a general rule, economised for drinking by continuance in drawing river water for cooking, washing, and the like purposes, the latter was often drunk upon premises-supplied with both kinds, if only it happened at the time of thirst to be a little nearer at hand than rain-water. In short, no such general liking for rain-water, or no such objection to the impurity and flavour of the river water existed, as would cause the former to be persistently sought by any great number of the inhabitants. So that throughout the epidemic period every householder either received the river water regularly, or (if there were any exceptions) had easy access to it regularly; and therefore no comparison can be made between the incidence of the disease upon those who did and those who did not drink it. Nor is it more possible to draw a similar comparison in the case of those who did and those who did not drink the X water. Of the twenty-five who are provisionally reckoned above as not having drunk from this source, some, doubtless, are secondary cases in reality, although they are first cases in the households to which they belong. Thus, in three of them it is at least possible that the milk of the town-cowkeeper was the source of infection; in two others there is good reason to believe that their infection was independent both of milk and of water; and there may be a few others still in which similar probabilities have remained undetected. But, apart from such speculative considerations, it is easy to see that the position assigned to these twenty-five persons (that is to say, apparently apart from influence of X water) is far from being assured. In the first place, the sole incitement to drink that water lay in its coolness, and in its being the only cool water to which the majority of the inhabitants could get access. Now, the water of the river, and much more rain-water in overground tanks, was warm and unrefreshing throughout the epidemic period, during which the maximum shade temperature never fell below 98°, but varied between that and 124°; the rainfall of January 3rd would therefore not in the least tend to diminish the consumption of X water, although it filled all rain-tanks. Those who had been accustomed to drink it for its coolness would continue to drink it, and its influence (whatever that may have been, and whatever its scope) would continue to be exerted. In the second place, the X water was regularly carried for drinking, not only to a few private houses, but to at least one store, where it was kept for the convenience of customers, and to two hotels, where it was used in the bars and at table; so that the negative evidence which the twenty-five furnish that they did not drink this water necessarily has but little weight, unless it be taken to show merely that they did not resort to the tank itself. And, in point of fact, Table XIV shows that the twenty-five first-cases in which it is not known to have been drunk are uniformly distributed among the twenty-one first-cases in which it is known to have been drunk. The twenty-five persons can testify only that they do not know whether they drank it or not; and it is plain that they cannot be accurately described as persons who did not drink it. Thus the details given in the foregoing section show that the quality of the river water and the quality of the X water cannot be discriminated by the method there followed; for all persons drank the former more or less often, and those who did drink the latter cannot be certainly distinguished from those who did not drink it.

22. Comparison between the incidence of disease upon certain households to which X water was regularly carried for drinking, and upon the remainder.

Everyone of those persons among the attacked who drank water from the Tank X more or less regularly cannot be distinguished with certainty. But there were households to which this water was taken daily for drinking purposes, and the incidence of disease upon them, as compared with the rest of the population, can be examined. Such households comprised six families, six places of business, and two hotels, and they held altogether 124 persons. The following table shows these 124 persons (who may be distinguished as the "special population"), distributed under sex and three age-periods, and the numbers that suffered; in a second line is placed, for comparison, the rest of the townspeople (who may be distinguished as the "general population"), similarly distributed, and the numbers that suffered among them.

TABLE

TABLE XV.—Comparing the incidence of disease upon 14 households in which X water was regularly drunk with that upon households whose relations to X water cannot be defined.

	0-15.		15-25.		25-.		Total.	
	M.	F.	M.	F.	M.	F.	Persons.	Attacked.
General population.....	106	96	15	49	123	106	498	47
	202		67		229			
Attacks.....	13	10	3	10	6	5	Percentage attacked.	
	23		13		11		9.4	
Special population.....	12	7	33	13	45	14	124	42
	19		46		59			
Attacks.....	7	6	7	6	11	5	Percentage attacked.	
	13		13		16		33.87	

So that it appears that of the special population, who all of them regularly drank the X water either at home or at business, or at both places, nearly 34 per cent suffered, whereas of the general population only 9.4 per cent. were attacked. But of the 47 cases which remain, after deducting from the total 89 those who fall among the special population, are 22 who, as individuals, are certainly known to have drunk from the tank. The comparison sought being between the incidence of disease upon those who did drink X water and those who *are not known* to have drunk it (not those who did not drink it, for they cannot be discriminated), these 22 should be subtracted from the 47, and a percentage struck on the general population (less 22) with the remainder. This being done the following comparison is arrived at:—Of 124 persons who regularly drank X water 34 per cent. suffered; of 476 persons whose relation to X water cannot be defined only 5.2 suffered. Farther, the percentages attacked at the three age-periods, 0-15, 15-25, 25-, were among the general population (the last-mentioned deduction not being made), 11.3, 19.4, and 4.8; but among the special population, 68.7, 28.2, and 27.1. The middle period no longer appears to approach the normal in being one of especial susceptibility; there is a displacement by which the incidence upon the period of special susceptibility is equalled by the incidence upon the ages above 25, and by which the incidence upon the age-period 0-15 was quite disproportionately severe. Lastly, the incidence upon males among the special population was 27.7, but upon the females no less than 50 per cent. Although the numbers are small both of these peculiarities may be taken to point to a special distribution of the infected matter; that is to say, that it reached a part only of the population.

23. Conclusion as to the Cause of the Outbreak.

It may now be suggested that if the evidence adduced in the preceding section had been brought forward at first a difficult and tedious course of inquiry might have been avoided. But that evidence is not, by itself, free from the suspicion of mere coincidence—a source of error which is ever present in such investigations, which is always difficult to eliminate, and which in this case was even more than usually embarrassing, because of the intimate relations which existed between the inhabitants of this small and perfectly isolated township. But when, by a general preliminary examination, it has been made clear that the medium of infection must have been either milk or water, and when the influence of milk and of mineral waters has been defined or eliminated; when by closer examination it has been shown that the focus of infection was within the town, and that the infective medium must have been either the river water, which the whole population may be regarded as having drunk, or else the water of the tank X, because that alone of other waters reached a sufficiently large proportion of them; and, lastly, when the special incidence upon women, and upon women and children together as compared with men, the abnormally even incidence upon the three age-periods, and the irregular interval which elapsed between the attacks of the first and subsequent cases in several households, have been discovered,—then the evidence alluded to becomes acceptable with confidence. Notwithstanding the acknowledged and rather considerable residue of cases which cannot be seen clearly to have been subject to its influence, the conclusion that the X water was the medium of distribution for the infection is irresistible.

The time called “the epidemic period,” which has thus far been dealt with, and the cases which fall within it, are separated from the remaining time during which the epidemic endured, for the following reasons:—When communicable disease is introduced into a populous place and establishes itself there, the

the first cases, and the majority of the earlier cases, are due to the one source of contagion which is to be the main factor of the epidemic; it is this first or chief source which such etiological inquiries as the present seek to discover. But that one source of the earlier, and of many of the later, cases never remains the sole medium of contagion when outbreaks are prolonged, for, as time elapses, the cases which were due to it at first become themselves fresh (or secondary) centres of infection. During the earlier weeks the primary and these secondary centres of infection operate side by side; but as time goes on a larger and a larger proportion of cases is due to the secondary centres alone, until at last it becomes unprofitable (and even futile) to attempt to fix upon the source at which each of the latest cases received the contagion. For practical purposes of inquiry, therefore, a limit must be set, but there is no definite circumstance by which it may be fixed. It will vary in different cases, and at the discretion of the investigator; only it must never be very short lest embarrassment of an exactly opposite kind to that referred to above be introduced. It is therefore unnecessary to devote much time to consideration of the remaining cases that occurred.

TABLE XVI.—Showing twenty farther attacks which occurred during the "post-epidemic" period, and which complete the account of the outbreak:—

Case.	Age.	Sex.	Date.	Case.	Age.	Sex.	Date.	Case.	Age.	Sex.	Date.
	Years.				Years.				Years.		
101	23	M	Mar. 29	108	9	M	April 20	*115	56	M	May 14
102	38	M	April 2	109	4	M	" 21	116	6	F	May 18
103	32	M	" 10	110	6	M	" 22	117	16	M	May 22
104	16	F	April 10	*111	29	F	" 28	*118	27	F	May 22
105	24	M	" 16	*112	28	M	May 1	119	6	F	June 12
106	14	M	" 17	113	19	F	" 1	120	9	M	July 6
107	25	M	April 18	114	22	M	" 2				

* Died.

Details of the above cases.

101.—M., *æt.* 23; approximate date of attack, March 20. A civilized aboriginal, employed as a station-hand, who lived off the track 6 miles short of Hatfield, which was about 70 miles out. Had not visited Balranald during incubation period, and for long before. No. 47, a carrier, who was infected in Balranald, was taken ill about February 24, while on the road to Hatfield, where he resided; he travelled thirteen days, stayed at home a week or thereabouts, and made his way back to Balranald Hospital, March 4.*

102.—M., *æt.* 38; April 2. This man was the scavenger, successor to the doubtful case (g) above; but he only began work the night before he was attacked. Before that he used to be in town two days a week, and the rest of the time in the bush.

103.—M., *æt.* 32; April 10. Used to visit Case 35 during her illness, which began January 25.

104.—F., *æt.* 16; April 10. The sixth case in the household; the last preceding died April 3.

105.—M., *æt.* 24; April 16. Lived at hotel "Delta." A preceding case was attacked January 25, and there were one or two doubtful cases after that.

106.—M., *æt.* 14; April 17. Lived in one of two houses standing close together a mile outside the town. In own house Cases 60 and 61 (apparently infected in Balranald) were taken ill, February 14, but did not stay there after illness was declared. In adjacent house Case 56, attacked February 12 (and infected in Balranald), passed through illness.

107.—M., *æt.* 25; April 18. Coach-driver between Balranald and Euston.

108.—M., *æt.* 9; April 20. Third case in the household.

109.—M., *æt.* 4; April 21. A second case. The last preceding (No. 98) was attacked March 17th.

110.—M., *æt.* 6; April 22. A second case in household, the last preceding having been attacked March 1.

111.—F., *æt.* 29; April 28. A third case in household, No. 98 being the first.

112.—M., *æt.* 28; May 1. Coach-driver on the Swan Hill line; a first case.

113.—F., *æt.* 19; May 1. A first case.

114.—M., *æt.* 22; May 2. A first case.

115.—M., *æt.* 56; May 14. The tenth case ("Alpha Hotel").

116.—F., *æt.* 6; May 18. A first case.

117.—M., *æt.* 16; May 22. A second case, the last having been attacked February 15.

118.—F., *æt.* 27; May 22. A first case. The married daughter of a household in which 6 cases occurred.

119.—F., *æt.* 6; June 12. A first case.

120.—M., *æt.* 9; July 6. A first case.

TABLE

* No. 47 travelled about 9 miles a day. Soon after February 2 he began to have diarrhoea, and he camped near water-holes two or three times which were in the region frequently traversed by No. 101; and the latter must occasionally have drunk at these holes, since there was no other water at hand. He would also make his mid-day camp near them.

TABLE XVII.—Showing nineteen additional cases distributed under seven-day periods, and the manner in which they occurred in relation to rainfall, river level, and temperature.

Week of Epidemic.	16th— Mar. 29— April 4.	17th— Ap. 5-11.	18th— April 12-18.	19th— Ap. 19-25.	20th— April 26— May 2.	21st— May 3-9.	22nd— May 10-16.	23rd— May 17-23.	24th— May 24-30.	25th— May 31— June 6.	26th— June 7-13.
First cases in households	2	1	1	1	3	.....	.....	2	.....	.....	1
Total cases in town households	2	2	3	3	4	.....	1	3	.....	.....	1
Rainfall on days	0.57 Ap. 3	{ 0.38 Ap. 7 0.03 " 8	{ 0.13 Ap. 14 0.50 " 14 0.30 " 17 0.17 " 18	{ 0.25 Ap. 24 0.40 " 25	0.1 May 2	{ 0.63 May 4 1.41 " 5 0.30 " 6	0.14 May 12	0.03 May 20	.....	{ 0.70 May 31 1.24 June 1	{ 0.70 June 8 0.65 " 13
Height of river in feet and inches; datum, Sommer Level.	D.S.L.	B.S.L.	B.S.L.	B.S.L.	{ 1' 3" 10"	{ 1' 6" to	{ 3' 1" to	{ 2' 0" to	{ 11' 3" to	{ 0' 8" to	{ 11' to
Shade temperatures { Max. ..	102°	96°	82°	85°	30°	30°	83°	84°	84°	80°	86°
{ Min. ..	50°	45°	40°	40°	30°	37°	34°	33°	35°	35°	32°

The pump was removed from Tank X on March 19, and it was replaced on April 26. The date of its restoration is noted; but, as the weather was by that time cold, it would no longer be much used. Of these concluding cases, several are not first cases; while in others it is more or less easy to conjecture the manner in which they probably received the infection.

Nothing has yet been said as to the way in which the Tank X became infected; and although it would be satisfactory to know what that was, yet it is a detail of quite secondary importance. That this reservoir lay exposed to imminent risk of pollution has been pointed out; and that it actually did become infected is now proved with sufficient clearness. In short, without speculating on this detail, the case yet once more illustrates the urgent necessity there is for guarding with greatest care the purity of drinking-waters, and the danger which always attaches to such water when it is collected in underground receptacles which are not constructed with reasonable precautions. When underground tanks are built in sound earth and are entirely surrounded beneath the soil with a 6-inch layer of faithfully-puddled clay they are safe from pollution by soakage from the soil through their brick walls. But labour spent in puddling is labour lost as long as the joints of supply-pipes which pass underground are not rendered tight in some permanent fashion, and as long as the overflow can act as a supply-pipe, either by its mouth or by its loose joints through which foul surface-water can soak and pass to the interior of the tank. Were all these matters very carefully attended to, it would still remain to protect all orifices—manholes, overflows, and rain-water heads—with grids, so as to prevent the entrance of small animals; and to pass the roof-water through one or other of the several patterns of "separators" which cause the first roof-washings after drought to run to waste, and only allow the rain to pass to the tank after a sufficient time has elapsed to wash the roofs clean. Failing all these precautions, he will act most wisely who drinks underground tank-waters only when they have been boiled within twenty-four hours.

Bahranald, which heretofore seems to have experienced only occasional cases of typhoid fever, is now sown in very many different spots with the contagium of this disease. This will continue capable of causing fresh cases for a very long time; and although it is most probable that few will happen during the next season, or even none at all, yet there is reason to fear that a year or two later fresh cases may be met with in important number. It is therefore necessary that during the cold weather steps should be taken to effectually remove the contagium, and to diminish the opportunity of doing harm for any that may be overlooked. This can only be done by emptying, cleansing, and filling up all existing cess-pits, for which pan-closets should be everywhere substituted; and by forbidding householders to empty their pans for themselves. After the pits have been emptied, and their walls scraped to remove the earth as far as it seems to be soaked, they should be very thoroughly dressed with a solution of one pound of chloride of lime to a gallon of water. They may then be filled with clean earth, but it will be prudent if, in addition, the house be moved a few feet away before placing the pan.

J. ASHBURTON THOMPSON, M.D., D.P.H.

APPENDIX.

Suggestions made to the Municipal Council, February, 1889 (see covering letter).

THE DISEASE.

The disease which has caused so much illness in Balranald lately is Typhoid Fever.

THE CAUSE.

Typhoid Fever is a communicable disease; but it is not contagious from person to person as Scarlet Fever is. The contagion is in the bowel-discharges of persons suffering; and it is communicated through these diseased bowel-discharges. When any person suffers from typhoid he does so because he has taken into his system some portion of the bowel-discharges of a person already suffering. This may happen by one of the three following:—

MODES OF SPREAD.

1. *By food.* When persons are engaged in nursing the sick and in household duties at the same time, they may pollute food in a direct way.
2. *By air.* When large masses of filth are mixed with the excreta of typhoid cases, and when the foul air which arises is confined and is breathed for a time by a person in health, that person is likely to contract the disease through the foul air. A closet-pan, if used by a person suffering from typhoid, may spread the disease in the same way; and if it is emptied without being cleansed, perhaps it may continue infective for some time. If the excreta are allowed to soil linen and to dry on it, then they may break up into dust, float on the air, and so spread the disease. But all of these are less common modes of spread—or all of these modes have a narrower scope of action and are less powerful than the third mode.
3. *By water.* This is the commonest mode of spread of all; and in places without sewers pollution of drinking-water is almost always at the bottom of widespread outbreaks. Even when the fever spreads through milk it is by way of polluted water that the milk becomes infected as a rule, although, of course, it may be infected directly, as mentioned under "food" above. The cause of illness, or poison, can grow and increase in water just as yeast can grow in wort; thus a small quantity of typhoid excreta can poison large volumes of water—even rivers—so that persons who drink of it get the fever, though the water may have seemed pure. This has been known to happen in very many parts of the world. Another way in which drinking-water may thus get poisoned is furnished when in towns or other places cesspits and wells are found within moderate distances of each other. Another way is when nightsoil from pans or elsewhere is either carelessly cast out or put into water, or on the banks of rivers so that it may be washed into the stream. This is the most insidious way of spread, because the poison can travel with water a long way under or through the earth; and it is the commonest, both because water is most exposed to this risk, and because when it is quite deadly it may still seem bright and pure to the sight and taste.

PREVENTION.

Personal Precautions.—As the poison resides in the discharges of the sick, the disease may be confined to the person actually suffering, if his excreta are very carefully collected and destroyed at once. Linen which has got soiled with them should be specially removed and put in a vessel with a disinfectant, and thence be transferred to a boiler and boiled for half-an-hour. If other things got soiled, the spot should be carefully scrubbed with the disinfectant. The nurse should wash her hands carefully and often. Food, and especially milk, should not be kept in the sick-room. When drinking-water can be got from rain falling on roofs and caught in iron overground tanks, it may be regarded as safe. But when it comes from any other receptacle or source—from underground tanks, from wells, from creeks, or from rivers—it should not be drunk unless it has been first boiled. If this precaution were always observed there would be no wide-spread outbreak of typhoid, although some limited communication might take place by the other modes already mentioned. Milk should ALWAYS be boiled before use.

Public Precautions.—These consist (a) in a proper system of night-soil removal, and (b) in guarding the purity of sources of drinking-water.

- (a) Cesspits are bad. They are found convenient by the lazy, the short-sighted, and the penny-wise; but there is, in reality, nothing to be said in their favour. They are the means of keeping upon inhabited premises large masses of putrefying filth, and of that very kind of filth which should be most speedily and thoroughly removed from them. Besides contaminating the air over them, cesspits allow their fluid contents to soak deep into the soil, where they poison the ground-air and the ground-water. A pan-closet is free from these serious objections. It may become offensive; but the prevention of this is in the hands of every householder who will take the trouble to keep a little dry earth in the closet, and who will then take care to see that it is supplied to the pan in proper proportion. But no municipal council should rely upon this being done; experience shows that it will be done only by a few people out of a great number. It must be taken that no earth will be supplied, and—on this supposition—the pans will require emptying twice a week throughout the summer, at the least. The only way of doing this work properly is by having a double set of pans with an interchangeable air-tight lid, so that the work may be done in daylight, and so that the pans may be thoroughly cleansed at a suitable depot. The emptying of pans by individual householders should be absolutely forbidden. It is the duty of the Inspector of Nuisances to so superintend the scavenger that his work is really done thoroughly, regularly, and decently.
- (b) The protection of the water supply under the circumstances of Balranald should include the licensing and supervision of water-carriers, the supervision and cleansing at suitable opportunities of all private and public water-tanks, and periodical inspection of the river bank for (say) from 7 to 10 miles up stream, and careful inspection of all premises situated within easy reach of the banks, whether within the town boundary or beyond it. Wharves, especially, but also all places where boats are employed, should be provided with sufficient privy accommodation. It is most desirable that all river boats should carry pan-closets, and avoid casting the contents into the stream; but, when lying at a wharf, this should be compulsory under very heavy penalties. There is no offence of the kind more likely to do harm than the defiling of fresh water which may be used by man.

The neglect of general scavenging is an auxiliary of all fevers. Masses of filth, dirty yards, collections of garbage, &c., &c., keep the air impure; and when such air is breathed by man, the vital powers are lowered, the body loses its natural defence—which consists in general good health—and the way is cleared for the attacks of typhoid, as well as of other diseases. All such nuisances should be regularly and steadily removed, therefore; and, indeed, the prevention of disease largely consists in removal of nuisances. In a general view, dirt and disease are seen to be inseparable allies.

DISINFECTANTS.

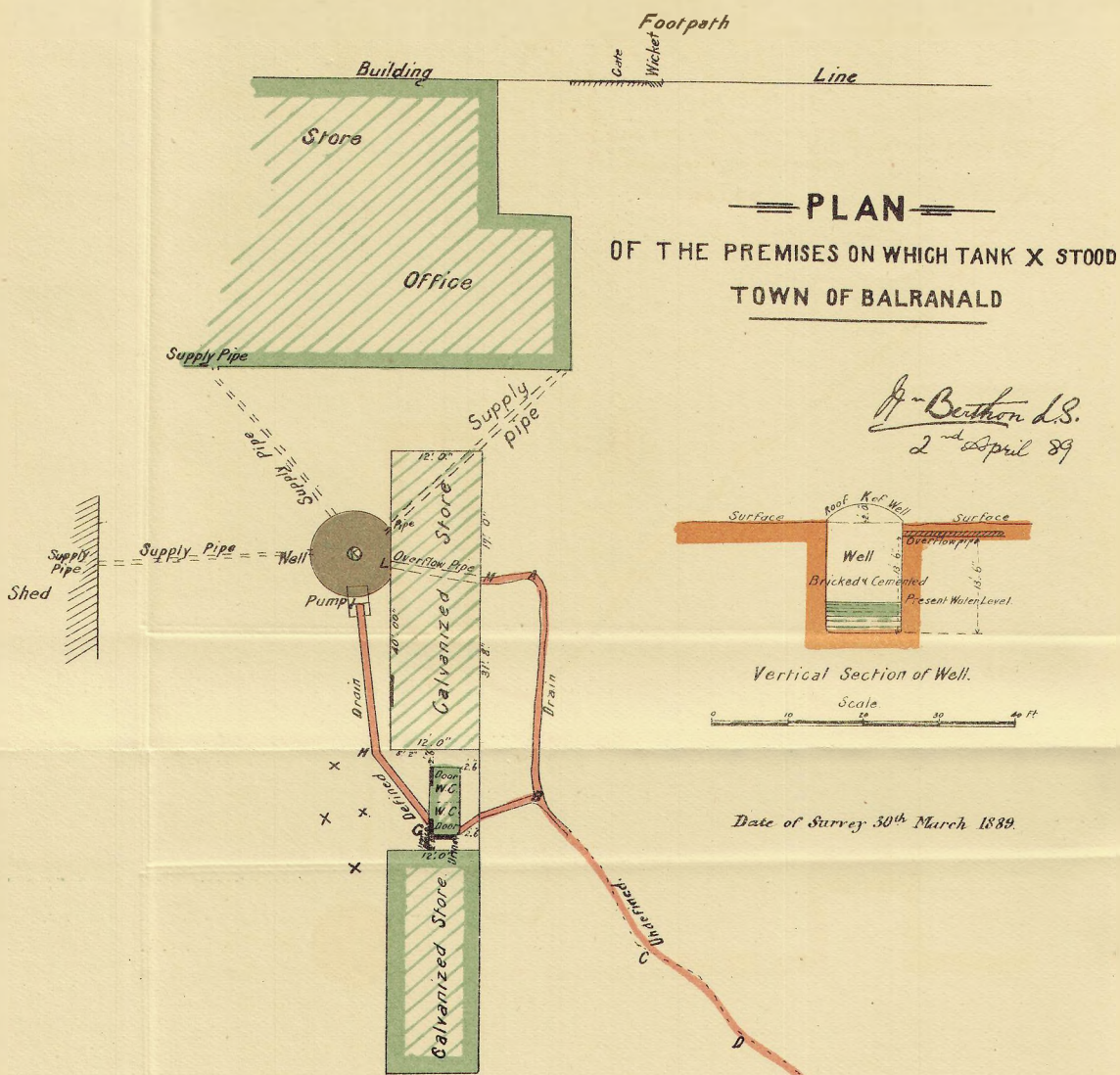
The most effectual disinfectants for the present case are the following:—No. 1: Corrosive sublimate, 1 part water, 1,600 parts; tartaric acid, 6 parts. This is a violent poison, and should be coloured, so that it may not be mistaken for water. It is suitable for all the purposes mentioned above. No. 2: Coarse (brown) carbolic acid, 10 parts; water 100 parts. This also is a poison.

J. ASHBURTON THOMPSON, M.D., D.P.H.
Deputy Medical Adviser to the Government
G. L. L. LAWSON,
Government Medical Officer,
Balranald District.

[Two Plans.]

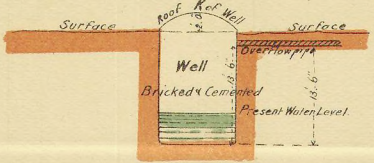
COURT ST

Kerb Line



PLAN
OF THE PREMISES ON WHICH TANK X STOOD
TOWN OF BALRANALD

H. Beithon L.S.
2nd April 89



Vertical Section of Well.

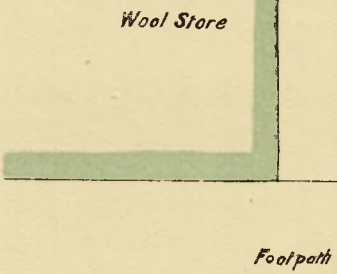
Scale 0 10 20 30 40 FT

Date of Survey 30th March 1889

NOTES

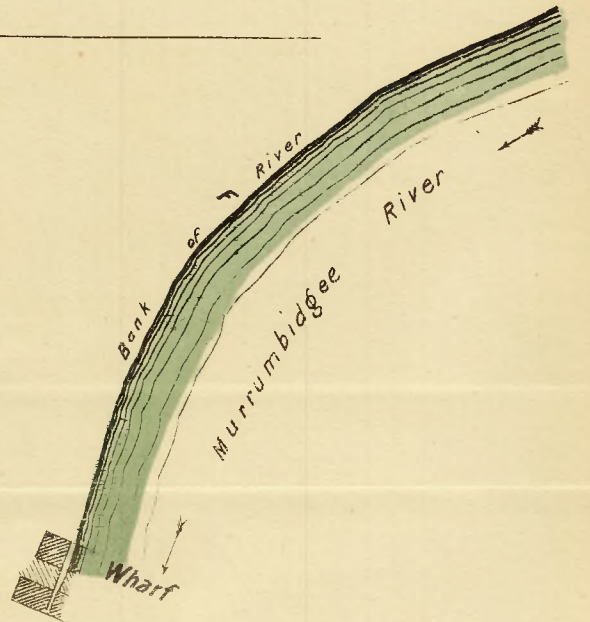
- L Mouth of overflow pipe in Well
 - M End " " Yard 3 inches above L (wide Section)
 - A Drain bed 1 1/2 inches below M
 - B " " 5 3/4 " " "
 - C " " 4 1/2 " " "
 - D " " 5 " " "
 - E " " 5 " " "
 - F River Bank 10 " " "
 - G Drain bed 2 feet 5 inches X (Top of Well)
 - H " " 2 " " "
 - I " " 2 " 0 1/2 " " "
- Drain A. B. on an average 7 inches below average surface
Drain I. H. G. 8 inches wide 4 inches deep

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.



BALLANDELLA ST

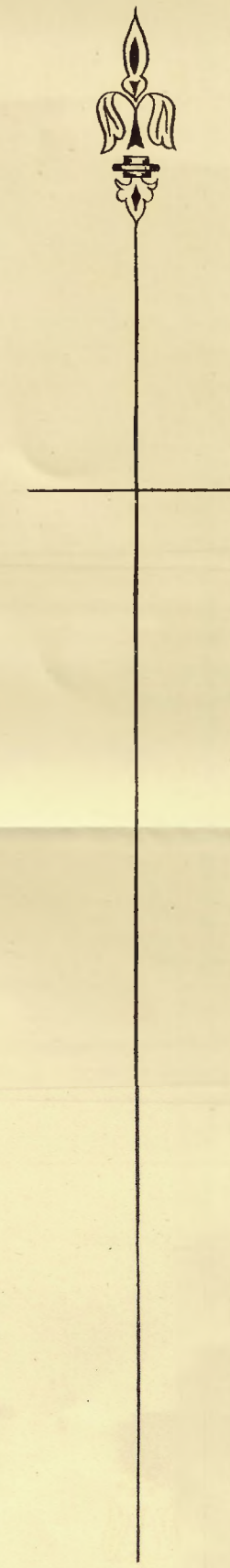
(Sig. 371.)



Suburban

Boundary

Suburban



Sketch map of the TOWN OF BALRANALD

To accompany Report upon an outbreak of Fever

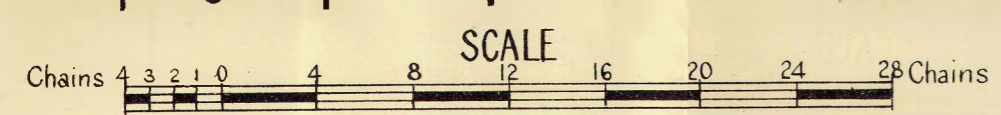


Photo-lithographed at the Government Printing Office.
Transferred to stone and printed at the Surveyors General's Office, Sydney, N.S.W.
July 1889

NOTE The red discs indicate the positions of the invaded households, and the numbers show the order of invasion.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT

TO THE

HONORABLE THE MINISTER FOR PUBLIC WORKS

UPON AN

OUTBREAK OF TYPHOID FEVER

IN THE MUNICIPALITIES OF

NEWTOWN AND MACDONALDTOWN;

WITH A DESCRIPTION OF THE CAUSE AND MODES OF SPREAD OF THIS DISEASE,
AND SUGGESTIONS FOR ITS PREVENTION:

BY

J. ASHBURTON THOMPSON, M.D. (BRUX.),
IMPL. PUBL. HEALTH (CAMB.), DEPUTY MEDICAL ADVISER TO THE GOVERNMENT,
CHIEF MEDICAL INSPECTOR OF THE BOARD OF HEALTH;

AND

GEORGE H. STAYTON, M. INST. C.E.,
SEWERAGE BRANCH, DEPARTMENT OF PUBLIC WORKS.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
28 February, 1889.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1889.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

OUTBREAK OF FEVER AT NEWTOWN.

(FURTHER PAPERS.)

Ordered by the Legislative Assembly to be printed, 28 February, 1889.

Minute by The Secretary for Public Works.

Department of Public Works, Sydney, 17 January, 1889.

Subject :—Outbreak of Typhoid at Newtown.

WITH reference to the suggestion contained in my minute of yesterday, viz., that a short measure should be passed enabling the officers of the Works Department, in conjunction with those of the Health Board, to visit any suspected locality or house, and if it is found necessary to have the power to compel owners of property to carry out any requisition which may be made for the purpose of abating any dangerous nuisance found to exist,—I think I am justified, in view of the serious nature of the case, and dealing as it does with the subject quite apart from political considerations, to give instructions for the preparation of a short Bill to accomplish what I have suggested. By doing this I think I shall be giving valuable help to my successor, who I am sure will be only too glad, in the interests of public health, to carry to completion the measure proposed by me to cope with this evil.

I therefore wish the Under Secretary to put himself into communication with the Parliamentary Draftsman and Dr. Maclaurin, with the object of having a draft Bill prepared as quickly as possible.

I think it will be recognized on all hands that I have ample justification for taking this somewhat unusual course.

JOHN SUTHERLAND.

Dr. Maclaurin to The Principal Under Secretary.

Board of Health Office, 127, Macquarie-street,
Sydney, 11 February, 1889.

Sir,

I have the honor to forward herewith a copy of a report by Dr. Thompson and Mr. Stayton on the recent outbreak of typhoid fever at Newtown and Macdonaldtown, for transmission to the Minister for Public Works.

I have, &c.,

H. N. MACLAURIN.

The Under Secretary for Public Works, B.C., 11/2/89.—C.W.

[*Enclosures.*]

TYPHOID FEVER.

REPORT to the Honorable the Minister for Public Works upon an Outbreak of Typhoid Fever at Newtown and Macdonaldtown; with a description of the cause and modes of spread of this Disease, and suggestions for its prevention:

By J. ASHBURTON THOMPSON, M.D. (Brux.), Dipl. Publ. Health (Camb.), Deputy Medical Adviser to the Government, Chief Medical Inspector to the Board of Health; and GEORGE H. STAYTON, M. Inst. C.E., Sewerage Branch, Department of Public Works.

Sir,

Sydney, 11 February, 1889.

In accordance with your minute of 3rd January, and with a minute of the Medical Adviser of 4th January, we have the honor to submit the following report upon an outbreak of typhoid fever in the municipal districts of Newtown and Macdonaldtown.

We venture to draw your attention especially to the documents which form the second Appendix to this Report. They show that so long ago as 1884 fever was prevalent in the same locality; and that public attention was fully directed to the causes of illness by letters in the daily papers, by communications made to the Municipal Councils concerned, by an action in a court of law, and by numerous deaths. They show also, when read in conjunction with this Report, that, after all, no effectual remedy was applied; the same causes of illness which existed then exist and operate to-day. The sole difference is that whereas they were then fully exposed to view, now they are covered over; so that the locality which was full of obvious, and therefore avoidable, dangers, is now fair-seeming, although converted into a veritable trap. We regret that there are no means of ascertaining how many valuable lives have been swallowed up in it during the past few years.

We have the honor to be,

Sir,

Your most obedient Servants,

J. ASHBURTON THOMPSON.

GEORGE H. STAYTON.

The Honorable the Minister for Public Works.

The

The Chief Medical Inspector to The President of the Board of Health.

Sir, Health Department, N.S.W., 9 February, 1889.

In accordance with your minute of the 4th ultimo, and with the tenour of other minutes herewith (Appendix I), I have the honor to submit the following Report upon an outbreak of Typhoid Fever in parts of the Municipalities of Macdonaldtown and Newtown, written by Mr. George H. Stayton, M. Inst. C.E., and myself.

I have, &c.,

J. ASHBURTON THOMPSON.

Mr. George H. Stayton, M. Inst. C.E., to The Under Secretary for Public Works.

Department of Public Works, Sewerage Branch,

Sir, 9 February, 1889.

In accordance with the minute by the Honorable the Secretary for Public Works, and with the tenour of other minutes herewith (Appendix I), I have the honor to submit the following Report upon an outbreak of Typhoid Fever in parts of the Municipal districts of Macdonaldtown and Newtown, written by Dr. Ashburton Thompson and myself.

I have, &c.,

GEO. H. STAYTON.

REPORT.

PART I.

THE case on which the following Report is based is as follows:—A family named Jones—which consisted of William, the father, aged 34; Charlotte, the mother, aged 31; and five children, aged from 12 years to 9 months—lived for about eighteen months in University-street, Camperdown, and there enjoyed good health. At the beginning of April, 1888, William Jones left for Broken Hill, and Mrs. Jones moved into a smaller house, choosing No. 53 Gowrie-street, Newtown. About November 10th, Jones, returning from Broken Hill, stayed a few days in Melbourne, and he is said to have fallen out of health while there. He came on to Sydney and joined his wife at Gowrie-street about November 16th. Continuing out of health, about ten days later he attended Prince Alfred Hospital as an out-patient; afterwards he applied for admission, and on December 18th he died there of typhoid fever. Mrs. Jones' illness began about November 20th; she was admitted to the hospital suffering from typhoid the same day as her husband, and is now convalescent. Edward, aged 12, fell ill about November 26th, was admitted to hospital December 13th, and died of typhoid. Maggie, aged 5, fell ill about December 10th, was admitted to hospital December 18th, and died December 31st of typhoid. The other three children were taken charge of by various friends on their parents being removed, and they are believed to be in good health.

Examination of the house and of adjacent dwellings.

The house in which this unfortunate family lived is one of a small terrace of seven, which are all exactly alike. Reference to the map [*see Appendix*] will show that they (as well as a few more houses next to them in the direction of Harold-street, and others at a still greater distance) are built upon the site of old clay-pits. These, which extend far on each side to the east and west, have been filled in with earth and garbage during past years. Actually under the houses 53 to 63 and under No. 65, Gowrie-street, however, either earth was never put in or it has been taken out again; a large cavity thus exists which is undrained and imperfectly ventilated, and which apparently always carries stinking water and mud. There is nothing between the rooms of the houses and this damp and filthy cavity but the ordinary joists and flooring boards. The size of the lots is about 13 x 80 feet. The houses, which at present are let at 8s. a week, consist of three rooms; the street door opens on the front room, which extends the width of the frontage; the back room is narrower by the space occupied by a passage which leads to the kitchen; the kitchen by a door leads to a wash-house measuring about 8 x 6 feet, and open on one side to the yard; it contains a copper with a furnace, and this is placed close to the kitchen grate, which is on the other side of the party wall. Close to the copper is a yard gully; this is connected to a 6-inch pipe-drain, which runs under the wash-houses and across the lowest yard of the row, and discharges in the gutter of Angel-lane at the back. The gullies of all these houses are connected with this drain. At the bottom of the yard is one half of a double cess-pit constructed of half-brick work.

In

In an account furnished on January 16th of the progress made in this investigation down to the date mentioned, such a description of these houses was furnished as was possible in the absence of power to excavate and to uncover drains, &c. [See Appendix I.] The Minister for Public Works had already directed letters to be written to the owners requesting their consent to this work being done, but no reply was received until after the account had been presented to Parliament by the Minister, and, in consequence, had appeared in the daily papers. Immediately thereafter the owners of the premises, Nos. 51 to 65 inclusive, gave their written consent to the sinking of the necessary trial-holes and the uncovering of drains and yard-gullies. The work was carried out on the 21st, 22nd, and 23rd of January. Seven trial-holes were sunk to a depth of 4 or 5 feet each, the drains and yard-gullies were examined in five places, the floor-boards were taken up in seven rooms, and the exterior of the cess-pit at No. 53 was partly exposed. This examination enabled the facts of the case to be fully ascertained, and it will be seen that they confirm the opinions expressed in the *interim* report of the 16th ultimo. [Appendix I.]

Filling in back yards.—The five trial holes in the back yards proved that the present surface is about 4 feet 10 inches above the bottom of the old clay-pit or the natural surface, and that earth of a fairly satisfactory description had been used in "making up" the site. The lower part of the made earth contained a considerable quantity of subsoil water; in fact the first hole opened at No. 53 Gowrie-street was found to contain about 7 inches of soakage after being left open for a day. At No. 63, which is at a lower level, the excavated material and subsoil waters had a peculiarly unpleasant smell. At No. 53 further trial holes were sunk—one within 2 or 3 yards of the cess-pit, and one actually at the cess-pit. The former contained some dark looking mud at the bottom of the made ground, and considerable soakage was present; but on sinking the latter, the work had to be suspended on account of the liquid from the cess-pit filling it up to the same level as in the cess-pit itself. This soakage was highly discolored, and of an offensive nature, and clearly demonstrated the fact that the liquid contents of such cess-pits soak into the adjacent made up earth. In the vacant land between Nos. 63 and 65, where there is room to erect two or three dwelling-houses similar to Nos. 51 to 63, but which is at present a stable yard, two holes were sunk, and it was ascertained that the ground had been made up entirely with garbage. In fact the excavated material comprised rags, ashes, vegetable fibre, matting, cinders, broken glass, tins, and the usual contents of dust-bins. Decomposition was still present as evinced by the high temperature of the material, and the foul smells which were given off. The hole near No. 63 was sunk to a depth of 4 feet, and in a short space of time some 18 inches of foul water soaked in, and appeared to stand about 2 feet 6 inches below the level of the surface.

Drains and Yard Gullies.—The position of the gullies and direction of the drain at the back of the premises Nos. 51 to 63, and the point of discharge in Angel-lane, have already been described. The pipes are jointed with clay, and in some parts are scarcely under the surface of the ground. At the lower end the fall is slight, consequently the drain becomes very foul at times, and emits dangerous gases. On testing the discharge, although the drain had been washed out by turning a tap fully on for two hours on the previous day, it was found to be of a filthy description. The whole of the gullies are absolutely untrapped, and although covered by iron gratings, they discharge by a direct vertical opening into the drain underneath. The water supply taps are immediately over these open drains.

At No. 63 a 6-inch drain is provided to carry off the water from the space under the living and sleeping rooms. This drain runs under the footway to Harold-street, and in its course receives the slop-waters from three or four other houses. It enters No. 63 under the front room, but at too high a level to carry off the waters effectually, and being absolutely untrapped it may be said to be a means for actually laying on sewer-gas to the premises. On applying a lighted candle to the open end of the pipe a strong current of air was found to be passing into the house. The drain of No. 65 is badly trapped, and is said to discharge into a pipe-drain in Angel-lane.

Spaces under Floors.—At No. 53 the ground is 6 feet 10 inches below the floors of the front and back rooms. Its surface was found to be damp and muddy, and it had a close smell. Its relative level appeared to be about 6 inches below the surface of the original earth in the back yard. There was ample evidence of soakage from the made-up earth in the back yard. Under the front room at No. 63 the surface of the ground is about 5 feet below the floor-level, and consisted of fetid mud and dirty water, some 12 inches deep in places. Under the kitchen floor, at a depth of 2 feet, a quantity of soft mud was found. At No. 65 (unoccupied) the surface of the ground is about 2 feet below the floor-level. Under the kitchen floor some 2 feet of soft mud was found, but under the bed-room it was 2 feet 8 inches, and under the front room 4 feet deep. The moisture is doubtless caused and maintained by the ground water in the before-mentioned stable yard.

Cess-pits.—The closets of all the houses abut upon Angel-lane. The cess-pit at No. 53 was examined internally, and, as already explained, externally. It is formed of half brickwork only, and is not rendered. The floor was taken up and the contents of the pit which were about 18 inches deep contained articles of clothing, and the surface was both frothy and offensive, notwithstanding that disinfectants are said to have been freely used since the illness at the house in December. At No. 65 a cess-pit has been replaced by a pan-closet.

The

The facts thus disclosed clearly prove that the premises are in a most insanitary condition, and that they are unfit for human habitation. The open and untrapped gullies being placed close to the constantly hot walls behind the coppers and next to the kitchen grates, are in the best position for emitting sewer air; and as the washhouse has no opening in its roof this foul air must circle round and round within it before it escapes by the open side, so that any person working there must breathe and rebreathe it. The cess-pit being constructed on made up earth, as described, cannot, even if the bricks were set and properly rendered in cement, be impervious; and on the first examination of the matter contained in the pit, which has not been emptied since the Jones' family removed, it was clear from its thick consistency that the greater part of the liquid constituents had drained away. Subsequent rains doubtless caused the greater quantity of liquid found on the second occasion. These being the conditions, the way in which the health of the occupants of the houses is touched by them may be pointed out. Made earth, of whatever it may be composed, is of course much more freely permeable by air and water than is the natural soil. The rain that falls on the surface of these unpaved yards, any sewage that soaks from the cess-pits, and any soakage from neighbouring gutters carrying slop-water, all enter it easily, and pass through it quickly. Owing to the natural fall of the ground, and in so low-lying a situation, the space left under the houses would ensure that a large proportion of this liquid filth should drain to it and stand under them, and there we saw and smelt it. From the space the vapours ascend and enter the houses through the flooring; and these vapours, while under any circumstances they would be prolific sources of illness of one sort or another, would, if the excreta of typhoid fever from cess-pit leakage or otherwise were added even in very small quantity to the filthy water, be certain to communicate the fever to the inmates. But the catalogue of the disadvantages under which the inhabitants of these houses live in them is by no means complete. If on the map a line be drawn from the north angle of the area shown to the paddock at the south where an open watercourse or sewer is shown, the lowest part of a valley is indicated; the land slopes up from that line to the ridges along which run the Erskineville Road on one side, and Cook's River Road on the other. Roughly following this line and nearly all the way, are acres of old excavations, now filled either with earth, garbage, or (as in one case) with street sweepings. The natural lay of the country tends to throw all surface waters to this central line, and the comparatively loose soil in the clay-pits retains some of it below the surface. But with regard to Gowrie-street, several of the houses under consideration are so placed that the surface water flowing during any storm down several lanes and streets, concentrates about them; and at a point in Angel-lane, which is a little way to the north of the corner of Harold-street, drain-pipes have been put down to carry this off, which discharge into Harold-street. These pipes are entirely insufficient for their purpose, and the inlets are shamefully neglected by the Municipal Council; in consequence surface waters flood the back yards, running forward to Gowrie-street by passages between two or three detached houses at its southerly end. In these passages there was plain evidence by the usual marks that the water had recently flowed in a stream about 18 inches deep; while a resident at No. 69 stated that at the back of the house it has risen above his knees. At the same time, of course, it flows into the spaces under the houses. If this water were perfectly clean and fresh, if it merely kept these basements damp, it is well known that the consequences to health would be serious; but it must be remembered that in reality it carries down with it slop-water from a large number of houses situated up the northerly slope, as well as soakage from cess-pits there standing and from other accumulations of garbage.

The houses in question ought to be peremptorily closed until such structural remedies as the following are satisfactorily carried out:—(a) The spaces under the floor to be filled up with clean earth and the surface properly concreted, ample air-bricks being provided. (b) The old drains abolished and new ones laid *outside* the washhouses; the discharge pipe from sinks to be in the open air over trapped yard gullies, the upper end of the drain to be ventilated. (c) The back areas to be paved and drained. (d) The cesspits to be emptied, covered with fresh lime, and filled up with suitable earth, the surface being concreted to receive movable pans. The Western Suburbs Sewerage Scheme will doubtless provide a permanent outlet for slop waters and excreta, and will enable deeper and more effective drainage of the premises to be carried out hereafter. Sewerage alone, however, will not remedy the evils referred to, the above remedies being urgently necessary for the health of the occupants.

There are in Gowrie-street twelve houses adjoining No. 53 which are more or less exposed to the same sources of ill-health; and if the latter really caused the spread of the fever among the Jones' family (as there is no doubt whatever that they did), then the inhabitants of the other houses should also show an unusual incidence of disease. But a part of the area shown on the map, which covers about 106 acres, and is estimated to carry about 935 houses, is but little or no better, and for the same reason there should have been an unusual incidence of disease there too. Much time was spent in endeavouring to ascertain the facts under this head, but with little success.

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When it is desired to ascertain the state of the public health in a particular district, scarcely any other means are at hand than house-to-house visitation. This plan, while under the most favourable circumstances it is tedious and uncertain (the allegations of persons that they have suffered from specified diseases being often made under misapprehension of the true nature of their illness), is in exactly the unhealthy districts the least available; for from houses in them tenants remove as soon as they can, and in fact for this reason generally but little information worth serious notice can be got. But the Medical Adviser to the Government obtains from the several metropolitan hospitals, by favour of their Boards of Management, a monthly statement of the number of persons admitted for typhoid fever; and, therefore, in the case of this, one of the most constant and most important of such diseases, some trustworthy information is recorded. But, valuable as this is, persons removed to hospital for typhoid fever bear but a small proportion to those who suffer: they are selected from the total number, by severity of illness, by continuance of illness in one household, by want of friends at hand, and lastly, but in a very much smaller proportion than might be surmised, by poverty. Rarely a wise choice of the advantages of hospital treatment over the drawback of separation from friends acts as a selecting influence. Probably the statement may be safely hazarded that among the well-to-do and the very poor alike but a small proportion of the sick resort to hospitals. So that in endeavouring to state the incidence of illness lately on the area now under consideration only the hospital reports mentioned can be referred to, and only an obviously unsafe comparison made between the incidence on it and the incidence (as shown by hospital returns) on the whole of Macdonaldtown and Newtown.

The following statement with regard to the twelve houses in Gowrie-street may be made with some confidence in its essential accuracy. The entry which is made in italics is thereby shown to be a statement which amounts to but little more than hearsay.

Details concerning the tenants of the houses 49 to 73, Gowrie-street.

- No. 49. Have lived here several years. One child ill of typhoid at present.
- No. 51. Here but a short time; no illness.
- No. 53. Jones's house. Four cases; three deaths. Now empty.
- No. 55. In the family of a former tenant (Johnson), one case. *In the family of the next tenant, one case. In the family of the present tenant, here since August, one case.*
- No. 57. In family of former tenant (Kirby), one death, and one other case. Present tenant here a few days only.
- No. 59. Tenant out on several occasions; no sickness reported.
- No. 61. Tenant here two or three weeks only.
- No. 63. Present tenant came in January 14th; 2 adults, 2 children. Complains of constant bad smell in the house. The eldest girl has had headache and vomiting during her week's residence, and says she cannot eat anything. Last tenant here seven months; no illness, but lived before on the opposite side of the road, and there the family had illness of unascertained character.
- No. 65. Empty.
- No. 67. Here five years; present tenant is the owner; one member suffered "from blood-poisoning for two years after coming here"; "has not had a day's good health"; has just recovered from a mild attack of typhoid; the children away now for their health. Eight months ago tenant's brother suffered typhoid here; some time ago lost two children—not from typhoid.
- No. 69. Three years here; two adults, two children; no illness.
- No. 71. Two adults; here one year; one death from paralysis. Now one adult, one child; no sickness (but the child not long here).
- No. 73. Nine years here; two adults, three children; no history of illness given.

. When people own the house which is the subject of inquiry, and occupy it themselves, or, not owning it, believe themselves to be in any degree under influence of the owner or his agent, they will seldom make frank statements. By a tedious process of cross-examination in the neighbourhood, however, it is possible to get very near the truth.

Doubtless a complete history of these houses would be most instructive; however, the imperfect account furnished by the above items is enough for the present purpose. Almost all that can be said of the mapped area in general on this point is comprised in the following statement:—Whereas the two municipalities of Newtown and Macdonaldtown are estimated by the Directory to carry together 4,231 houses, and there were removed to hospital for typhoid fever during the season, June, 1887–8, and the half season, July to December, 1888, in all 106 cases, or a proportion of cases to houses of about 2·5 per cent.; the percentage of cases to 935 houses on the area mapped (being partly in each municipality) was nearly five, while the percentage of cases to all the houses in the remaining parts of these municipalities was nearly two. This statement must be taken for what it is worth; it shows, of course, not the incidence of typhoid fever, but the proportion of persons suffering from that disease who, for one or other reason, sought admission to hospital. Little more can be said on this subject; but in the course of a speech made at a recent meeting of the representatives of different suburbs with the Minister for Public Works to discuss the proposed scheme of sewerage for the western suburbs, the Medical Adviser to the Government made the following reference to a table recently issued by the Board of Health:—"It would be seen from this table that whereas the death rate in Sydney from typhoid and other infectious fevers was at the rate of 4·38 per 10,000 of the population, in the north-western suburbs it amounted to 9·48, and in the west-central suburbs, that is to say, Newtown, St. Peters, Camperdown, and Macdonaldtown, it amounted to 12·44."

PART II.

The Cause of Typhoid Fever.

BEFORE proceeding farther it is necessary that the nature of the cause of typhoid should be mentioned, and the manner in which it is disseminated.

The essential cause of this fever is an exceedingly minute organism, which can live and reproduce itself within the body, but which can also live and reproduce itself under favourable circumstances outside the body. It has been isolated, examined, and described by trustworthy observers in several parts of the world, and also in Sydney.

In 1888, Dr. Oscar Katz, the bacteriologist at present conducting similar investigations for the Rabbit Commission, demonstrated this organism at the Coast Hospital. He found it present in the excreta of persons there lying ill of typhoid, and he showed that it possesses here just the same characteristics as it has been shown to possess in other countries.

The essential cause of typhoid, then, is one. Wherever typhoid exists there this same, one, particular organism, exists; and whenever this one organism gains access to and establishes itself in the human body, the train of symptoms known as typhoid fever is set up.

The origin, or proper place in nature, of this organism is, perhaps, unknown; but, like some of the organisms which are the causes, each for itself, of other similar diseases, in practice nothing is known of it apart from cases of the particular kind of illness it produces. On the one hand, if a man suffer from typhoid it is certain that he has had direct or indirect communication with a former case of the same disease; on the other, if the organism be found anywhere outside the human body, then it is certain that it has been cast off by a person suffering from typhoid, either in the place in which it is found, or elsewhere whence it could reach that place.

It is cast off from the body which it infests with the excretions from the bowels. If these excretions could be at once destroyed then the fever would be confined to the person producing them, for with them the organism would be destroyed. But when they are dealt with in one or other of the usual ways—when they are cast into a cesspit or into a sewer, or on moist ground—then the organism does not die, but lives and multiplies exceedingly.

It does not live and multiply with the same force within the body in all cases. Against this and other such diseases the human body has great natural powers of defending itself. Generally speaking, if the body into which the organism enters be in really sound health, there will be no fever; the organism will die, because it finds itself under conditions which are harmful to it, and which it cannot resist. The constitution, it may be said, is stronger than the organism, overcomes it, and kills it. But if the body be in impaired health—if the vital forces have been reduced by one or other of many causes, of which in cities the respiration of impure air is perhaps the most constantly operative, and therefore the most important—then the organism finds it can live and multiply, and prove itself at last stronger than the body, which it kills in its turn. Between these two extremes all the intermediate degrees of illness occur. But perhaps, in general, it is only the question of attack or escape which is decided by the constitutional conditions mentioned; the degree of illness suffered (in case of failure to resist completely) being probably dependent on other circumstances as well, to which it is unnecessary to refer more particularly in this place. Nor does the organism live and multiply with the same vigour in every place outside the body indiscriminately. As it is thrown off from the diseased body by the bowels, so it finds its most favourable soil outside it in masses of excrement.

It is not possible to be much more explicit on this point. It seems certain that the organism lives longest in such places as cesspits, or among masses of other sorts of filth which have become mixed with the specifically infected excreta of man; or when, from a cesspit or leaking sewer, it gains access to the ground water. In pure water some evidence has been adduced to show that although at first it may rapidly multiply with sufficient vigour to infect, its tendency in that medium is towards extinction. A few drops of infected water added to milk are sufficient to poison large quantities of the latter; it grows there with astonishing rapidity and prolificness. When it abides in night-soil many examples show that it retains its virulent powers for long periods.

These facts show practically, first, that the living thing which is the cause of typhoid is not known of apart from human excrement, with which it appears and in which it best flourishes; and secondly, that every person who suffers from this disease does so because he has, more or less directly, received into his body a portion (which is small, doubtless, or even minute) of the excrement of some person already suffering from the same disease. They show moreover that although one case of fever can furnish enough of the specific poison to do great damage to man this is no measure of its power for harm, because the discharges from one person can multiply after they leave the body so as to virulently infect immense masses of excreta and of water.

In the well-known case which occurred at Caterham, in England, where the circumstances were ascertainable with unusual accuracy and certainty, a quantity of excreta from a man suffering typhoid, which could scarcely have exceeded 12 ozs., was accidentally mixed with about 1,800,000 gallons of water in the well from which the town supply was drawn, and being

being distributed among a large population during about a fortnight, 32 cases of typhoid fever were caused. In another case, the correspondent of the *Lancet Sanitary Record* in the United States, after describing the unhealthy circumstances of the city of Plymouth, Pa., says:—"The foul condition of the soil and of the river front are alluded to because—though they do not seem to have caused the epidemic—it is possible that they combined to lower the vitality of the inhabitants to such an extent as to render them easily susceptible to the onslaught of any contagious disease." He then relates how the fever suddenly broke out, and how, out of a population of about 12,000, more than 1,000 had been attacked at the date of report, and more than 100 had died. He gives the reasons which exclude the river water from any share in causing the epidemic, and explains the latter as follows:—"On the bank of the stream (not the river, but a mountain stream) from which came the city's water supply lived a man named Davis. About Christmas this man visited the city of Philadelphia, where they generate typhoid for visitors to carry away. He contracted the disease, and returned to his farm about New Year's day, and soon he was taken ill. . . . The discharges from the sick man were thrown without disinfection upon the snow, only a few feet from the stream, and on ground declining in that direction. In March a warm thaw came on, washed the dejecta, with its hibernating typhoid germs, into the stream, and on into the public water supply. The disease, after its usual period of incubation (after the thaw), broke out among the citizens with great virulence."

The organism under consideration has been spoken of as exceedingly minute. It is thus able to float in the air, as water, when reduced to the state of vapour, floats in air. And in fact it is with the vapour which is constantly ascending from all moist places—as well cesspits as others—that it rises up. This exemplifies what is called a miasm. The exhalations which cause agues are of a similar kind; they consist of the watery vapour drawn up from the earth when the latter contains the organism which causes ague, which the vapour carries up with it so that it can be breathed in by man.

Whether when taken in from the air the organism of typhoid enters the body by way of the lungs (or after interception in the nose or elsewhere, is swallowed, so that it really enters by the stomach), is a detail which seems of little practical importance.

Not by any hazardous speculation, but by consideration of facts in nature which have gradually been revealed by the careful observations of many thoughtful men, continued during many years, this knowledge is arrived at:—That the poison of typhoid is derived always from the bodies of persons suffering from this fever; that it is cast off in the bowel excretions of such persons; that it can increase in accumulations of human excreta and in water to which it finds access; that thence, either by way of the air or of water (or, in gross cases, food) it does pass to the bodies of healthy persons; and that there it renews its vigour, increases vastly, is thrown off by the bowels again in large quantity, and so, after re-entering air or water, passes to man again in unbroken series.

The series is unbroken, but it is not uninterrupted. The organism referred to is of vegetable nature, and it may therefore be expected to show seasons of activity which will correspond with the annual recurrence of climatic conditions most favourable to this kind of crop. Accordingly, while typhoid is everywhere most prevalent in the autumn, here it is active during the months from November to June, but most active as a rule from February to May. There is now no entire cessation of attacks in any month of the year in Sydney; but there is no epidemic prevalence during the colder months. At that time it seems that the organism as a rule lies dormant, to revive at a more favourable season.

Nevertheless many people are puzzled to account, on the lines described above, for the outbreaks of this fever occasionally witnessed in isolated situations. To them study of the following passage, from the "Geographical and Historical Pathology" of Professor Hirsch, may be commended:—

"And the proof of the communicability of typhoid furnishes an answer decidedly in the negative to the question of the autochthonous origin of the typhoid virus, for everyone who holds, as a principle hitherto unshaken, the specificity of the acute infective diseases, and the corresponding specificity of the morbid poison proper to each. . . . There are, no doubt, many observations on the occurrence of isolated cases of typhoid, or on the outbreak of epidemics, in which no conveyance or importation of the disease from without could be ascertained. Observations of that kind must be always received with scepticism, inasmuch as it is often notoriously difficult to trace and to unmask the ways of conveyance of a disease, especially where intercourse is of the more active kind. Still, there are many observations to which this is not applicable, especially those relating to the occurrence of the disease in districts with very limited means of communication, or with a scanty and widely spread population, where the facts are easily controlled, and error as much as possible excluded.* Of this class are the data of Metcalfe for Norfolk Island, Maclean for Ascension, Lange for Greenland, Hjaltelin and others for Iceland, and Ripley for the Fiji Islands. But even in these and similar cases I find no sufficient reason for assuming a spontaneous origin of the morbid poison. I am rather inclined to think that we are here concerned with the quickening of the germs of disease which had remained long latent; and this conjecture seems to be all the more justified that other infective diseases, such as cholera, yellow fever, plague, and the like, are known to exhibit the same behaviour. There is this difference, however, that, in contrast to the ubiquitous diffusion of typhoid, these are indigenous only at a few points of the globe, the poisons proper to them being able to survive outside their habitat for a relatively short time, and speedily perishing; so that, unlike typhoid, the disease, when it reappears, presupposes a fresh importation of the morbid poison."

Typhoid fever is thus shown to be essentially a local disease; and accordingly even its epidemic manifestations are local too. They are seen in parts of cities; they are witnessed in single houses, and even in single rooms. A moderate number of mild cases may be met with in one town, while in another, not far distant, the disease is raging with frightful violence. Whole countries, or very large districts, do not suffer almost uniformly from typhoid as they sometimes do from measles or whooping-cough, scarlet-

fever

* With certainty, then, not possible—

fever or sunaipox. The establishment of this purely local character for typhoid is one of the many triumphs of preventive medicine; for, as it shows that the disease is spread, not so much by man as by his reckless habits and his ill-judged contrivances, so it shows that by proper measures taken it may be entirely prevented.

Of the means by which typhoid fever spreads.

Typhoid is included among the so-called filth diseases, because its spread depends on the entrance to the human body of the diseased excreta of other human beings. It may now be inquired how so disgusting an event can happen; and how it happens in Sydney, not occasionally, but almost every day and in all neighbourhoods, may be shown.

The one essential condition of spread just mentioned exists when water, air, or food to be used by man becomes specifically, or in this particular way, infected. Excepting milk, food can become thus polluted only by the grossest carelessness and uncleanliness. This seems obvious; and although it is seen to happen oftener than may be supposed, it is therefore unnecessary to say more about it here. The case with the other fluids is different. Air and water are everywhere; they are above the earth, where they are seen and felt by all; but they are also beneath or in the earth. Wherever there is a thickness of earth its interstices are filled near the surface with air; and then at a depth, which is different in different places, they are filled with water. When a well is dug water is not got until a depth of soil has been passed through; in this the particles of earth are permeated with air only. A little lower, and water begins to run into the pit, or, as it is said, "water is reached." At this level the interstices of the earth are filled with water. Air and water are always in motion. In the earth they are not fixed; and clearly if it were not so, a well could not be made. The shaft would yield dry earth at first, and then it would yield moist earth; but when the moist stratum had been excavated and a bottom found on rock or shale or dense clay, it would remain a mere hole in the ground without contents if the water in the soil were fixed there and could not flow. But, in fact, every such shaft when it is sunk in a suitable situation does fill up with water to about the height in it at which the moist layer of earth was met with in excavating; and this proves that the water in the earth, which is not seen until it is uncovered, is always travelling through it in the direction of fall, resting on the underlying impervious layer, very much as it is seen to run in rivers and streams on the earth's surface. Nor is the air any more fixed than the water—it is always moving too, but in its own way; it is always ascending, and always being replaced by fresh air, which descends from the atmosphere.

There are places of course where there is no water in the earth except during rainy weather—those are spots where the layer of earth over some impervious layer is not thick enough to save the water from speedy evaporation; and there are also places where there is no air in the earth. When, for instance, from the form taken by the impervious layer, a great thickness of earth is held in it, as in a cup, the water can then neither run off nor thoroughly evaporate from it; and thus a marsh or swamp is formed. Again, in Sydney some wells are found which have been sunk in the rock. They are bottomed on the same layer of rock, and yet keep full of water. In these cases examination would show faults in the rock—cracks or crevices—and the water would be seen to issue from these cracks. If such a crack were traced it would be found (at perhaps a great distance) to be overlaid with a stratum of earth, containing water, which it drains off to the reservoir, carrying it as in a pipe.

Air and water in this situation are called "ground-air" and "ground-water" respectively. They have received a distinctive name because they have distinctive qualities. These qualities are those of the earth through which they travel. The air takes up the gases, some of the water, and the minute organisms which the earth contains, and carries them to the upper air, with which, as already mentioned, they find access to the lungs of man. The water can dissolve some of the constituents of the earth: thus mineral springs are formed. All water falls from the clouds, and is alike pure originally. But if it fall upon earth containing soluble salts, for example, it takes them up; and when a well is sunk so as to intercept it, or when it naturally appears at the surface again, it is found to be saline, and pure water no longer. In the same way it can take up soluble filth.

In order to discover ground-water it is not necessary always to dig wells. As has just been mentioned, owing to the lay of the country, it sometimes comes to the surface naturally, when it is called a spring, and it is from the same source that rivers receive their constant stream, their flood-waters being in great measure what is called surface-water. Nor must the ground-water be thought of in its condensed state, as water, alone. It evaporates or assumes the condition of vapour; then it rises from the earth, and if it thus rise under a building it again becomes visible as what is called "damp," or is demonstrated by the occurrence of "moulds" or "fungus," organisms which cannot grow without a good supply of moisture. Many houses which are thought to be dry because the walls look sound may be shown to be damp by raising any floor-cloth which is laid on the ground floor and observing that its under surface is covered with blue mould. If the air under the floor were dry the mould could not grow.

Ground-air and ground-water, then, have special characters which warrant their designation by these special names, and these characters are in greater or less degree those of that composite material which, for convenience, is briefly called earth. It cannot be necessary to speak in detail of the putrescible matters which, in inhabited places, may and do find their way into the earth. Foul water, when it is cast

out, sinks into it; foul solids are washed into it by rain; or filth, which is perhaps carefully buried in order that its more obvious offensiveness may be got rid of, remains there slowly putrefying with the assistance of the ground-air and ground-water, rendering them poisonous. And when on earth thus defiled houses are built, the heat of the houses sucks up the air and aqueous vapour, and their inhabitants fall out of health or actually ill; and similar results follow when water is taken from wells or imperfectly constructed water-tanks sunk so as to tap the under-stream of befouled ground-water. This is always happening in ill-constructed houses in cities; it is always happening in and around Sydney. Man's elaborate and expensive methods of getting rid of the refuse of daily life are stupidly supplemented by man by elaborate and expensive arrangements, which make sure that that refuse shall return to him again, and with fatal effect.

It must not be forgotten that the subjects here alluded to are at present regarded solely from the stand-point afforded by the conditions of house life. Air (with moisture) is the great purifier; and the purifying processes, which are in part vital and in part chemical, go on well beneath the earth. Filth of all kinds gives off foul smells, and these are reduced or banished when the matters producing them are carefully buried. Man is naturally led, therefore, to bury filth, and generally and practically speaking that is the best, just as it seems the natural way of disposing of it. In the earth it gradually decomposes; it is there converted into its elementary constituents, which are not only harmless, but necessary to the continuance of life. This is generally true; but whether this plan shall be unattended with harm depends entirely upon its being completely followed out. From want of attention to the few elementary natural facts above described, very much sickness and death have resulted, and are now being caused. Men are slow to perceive that even in burying filth, to get rid of it they are in reality only taking pains to ensure its return to them if they bury it where it is able to pollute the streams of ground-air and of ground-water which presently are to flow into their houses or into their tanks. Still, the natural processes of purification always go on in the earth to the extent of the opportunity; if it were not so the burial or exposure of filth in the neighbourhood of dwellings would be infinitely more fatal than it is. If, however, after thus referring to filth in general terms attention be turned to such filth as is specifically poisoned with the cause of typhoid, a most important exception to these general statements falls to be noted. The organised living cause of this disease is not always killed by the processes of natural filtration; it can pass unharmed through great thicknesses of earth and appear, active and fatal, at the other side.

The bad influences of ground-air and ground-water are very well known. Even when they are pure, wise people take precautions to exclude them from their houses. They underdrain the site, they insert a damp-course in the walls, and they take care that the basement thus kept dry is thoroughly well ventilated. If there is reason to suspect the purity of the soil of the site, they even adopt special modes of construction. It is true that there are not here many who are thus wise; however, on the other hand, there is a large incidence of preventable illness. Impurity of site and improper construction together may manifest themselves by the repeated occurrence of definite kinds of sickness, such as typhoid or diphtheria, or diarrhæal diseases, and the like; but they do so more constantly by causing a general debility and pallor—by a lowering of the constitutional powers. This in itself is a sufficiently serious thing. People who are not quite well cannot do their work so well, and they cannot produce a healthy offspring; much less can they rear the latter healthy, if indeed they rear them at all. But even if actually incapacitating illness be not caused, the low state of health induced, besides being marked by the more or less frequent occurrence of the slighter ailments, places the sufferer entirely at the mercy of any cause of specific disease (such as typhoid, or diphtheria, or scarlet fever) which may gain access to him. The power of resisting these causes enjoyed by the healthy body has already been referred to. In fact, it cannot be doubted that not infrequently all men in towns must inhale the causes of some of these diseases; and it is certain that all the persons who have the chance of inhaling, and who probably do inhale them, nevertheless are not struck down by them. These resist in virtue of their general good health; but when this is undermined by breathing impure air (to mention one among many causes) they are robbed of their defence, and are overcome at the first attack.

Forty years ago the Right Honorable Sir Lyon Playfair, K.C.B., F.R.S., was a member of the Health of Towns Commission in England. He relates how puzzled he was at first to find out the haunts of fever in strange towns without undue loss of time; and how at last a friend suggested that he should visit the public schools and examine the children. "Find out where the sickly looking children live," said his adviser; "there you will find the fever-stricken spots you are seeking to abolish." And so useful did he find this hint that thereafter he began his investigations by going first to the schools.

It has seemed necessary to devote thus much space to the subject of ground-air and ground-water, because the facts of house-life everywhere observable in Sydney—and not in Sydney or in New South Wales alone, but in Australasia—show that it is either not generally understood, or else neglected. But it must be remembered that both air and water above the earth may be fouled as well, and become active and efficient carriers of disease. In examples mentioned above poisonous matter was cast respectively into a river and into a well from which drinking water was supplied. Those instances are taken from English and American experience because communication to the same convincing extent by that mode has not yet been observed on this side of the world. So also it may be mentioned that pollution of the upper air by sewer-gas passing from foul sewers into the houses to which they are connected, without the precautions known to be necessary to prevent that accident, is perhaps best exemplified on the large scale by the case of the town of Worthing in 1865 and of Croydon in the same year; which was there a very wet one.

In a report to the Medical Officer of the Privy Council, Dr. Buchanan said, after remarking that notwithstanding the adoption of sewers there had been actually an increase of typhoid in those towns—"In the case of Worthing the defect of the outfall arrangement was most serious, and in the absence of other exits sewer-gas had demonstrably been forced into houses, and outbreaks of typhoid had occurred as the demonstrable result thereof." So in speaking of Croydon, after showing that during the period 1845-50 there were more deaths from typhoid by two-thirds than during the period 1857-64, when a sewerage system was in full operation, he refers to the sudden and serious outbreak of 1865, and shows that in that case too it was due to the demonstrable forcing into the houses from the unventilated sewers of the sewer-gas at two particular times of very heavy rain.

Nevertheless, for examples of both modes of the spread of typhoid by pollution of air or water, it is not necessary to refer to remote parts of the world. The City of Sydney is served at present with old, ill-constructed sewers, entirely without ventilation; and the sewer-gas, which has no other means of escape, is constantly forcing its way past the inefficient syphon-traps which are improperly relied upon to exclude it, into privies and into houses. Were it not that many houses in Sydney have no drain connection within their walls—the closet being often in the yard, where also is a yard-gully to take slop-water, bath-wastes, moreover, often discharging on the yard surface and so not communicating with the sewers, fever would be much more common, and the mortality from other causes would be higher in the city even than it is. Among the examples to be presently given, of the several ways in which typhoid spreads here, will be found one or more instances of this way. But the air may be polluted so as to cause diseases by the emanations from masses of filth. Such masses are found in cesspits among other places, although they need not be so large as is contained in a cesspit. A dirty pan-closet—one which is emptied week after week by roughly tumbling its contents out into the night-cart, without an attempt to cleanse it—if it once receive typhoid excreta, may probably acquire the power of spreading the fever through the air. The matter which adheres after the kind of emptying described ferments the newly added matter. The process is similar to that which would happen if one were foolish enough to be satisfied with emptying a milk vessel without scalding it; fresh milk would become sour in it in an hour. Yet pan-closets in Sydney are thus emptied from week to week, without any adequate attempt to cleanse them after each emptying. Of this mode of spread also an example is given. However, a pan-closet is less likely to be hurtful than a cesspit: first, because, at all events, it does not contaminate the ground-air and ground-water; secondly, because, although it may be imperfectly emptied, yet it is emptied at comparatively short intervals—its contents are diluted, and it neither gives off such volumes of foul air, nor is it so putrid. But these poor advantages are often nullified by the very Councils who enforce the adoption of pans. Often, in the poorer neighbourhoods, they neglect to empty them. In consequence the people have to do this themselves, and they managed it by taking the contents far enough perhaps from their own homes, but of necessity still in the neighbourhood (judging by the facilities for the subsoil water to flow in the direction of neighbouring houses or of neighbouring sources of water) of other people's dwellings. Examples of this mode are also given. Still because upon the whole the pan-closet saves the soil from pollution it is a great and valuable improvement on the cesspit. The following instances of the several modes in which typhoid is spread are selected from a large number of cases which have been examined for the Board of Health from time to time during the past three or four years, by the Chief Medical Inspector, and recorded in the Health Department.

Examples of the spread of typhoid by pollution of air.

The first example to be referred to of this mode is the Gowrie-street case, the subject of this Report. Its causes and the manner in which they operated, will now, it may be hoped, be clearly understood.

By cesspits. Case 1.—The family E., which consisted of the parents, a niece aged 14, and three children between the ages of 5 years and 3 months, lived at Balmain in a cottage furnished with a cesspit. The family M. (Mrs. E. being one of its members) lived in a house in Underwood-street, Paddington, also furnished with a cesspit. It consisted of the parents, aged 65 and 55, Richard aged 30, John aged 25, Samuel aged 22, and Martha aged 20. At the end of September, 1885, Mrs. E. fell ill of typhoid at Balmain; the baby at the middle of October. Mrs. E. died about the middle of October, and about October 28 the rest of the family removed to join the M. family at Underwood-street. At this time their niece was sickening, and she suffered at Underwood-street from a very severe attack. Twenty-three days later, E.'s baby died, the cause being ascribed to convulsions; but in the meantime Martha M. and two others of E.'s children began to suffer from comparatively slight illness, which was however protracted. The same day the E.'s baby died, Samuel M. was attacked; and he died after nineteen days. John M. was taken ill also on the same date; and Richard twenty-six days after the E. family arrived in Underwood-street; the latter died after long illness. The condition of the house in Underwood-street is thus described. "The house is a sufficiently good brick house in a short terrace, having five rooms on two floors; the size of the allotment is about 12½ feet by 50. Water is laid on from the main to a stand-pipe over a gully which has no trap, and which communicates with a 6-inch earthenware pipe which issues in the gutter of Little Underwood-street, 50 or 60 yards away. A bucket of clean water thrown down this gully issued from the drain with all the appearance of sewage. At the bottom of the yard, and about 30 feet from the house, is a cesspit. The Ms. have been living here about nine months; they say that it was full when they came, and that they have unsuccessfully made four attempts to get it emptied. It is now full, and both from its not having overflowed long ago, and from the consistency of its contents there can be

be no doubt that the more fluid portions drain through the imperfect brickwork into the surrounding soil. At the foot of the yard is a little lane or passage 2 or 3 feet wide, which leads to Little Underwood-street. It is covered from end to end with all sorts of garbage. From this and from the cesspit abominable smells were arising. The town water is said to be turned on for so short a time each day that it is not possible to save enough for use. There is no underground source. In Underwood-street, about 30 feet from the front of this house, there are gullies in the gutter which communicate with a sewer which here crosses the street running in the direction of Cascade-street. These gullies are untrapped; a 14-inch glazed pipe descends straight into the sewer, and from this a sickening stench issued. A little further to the west, on the opposite side, is a vacant lot, on which the backs of houses in Victoria-street abut, and from these houses streams of filthy slop water issue, which collect and soak into the allotment. These puddles of putrid liquid have in them islands composed of garbage."

Under these circumstances it is not to be wondered that a fatal form of fever should spread when once it was introduced. It is not known where Mrs. E. got the contagion; perhaps from some friend's cess-pit or well or underground tank. But as soon as the E.'s cesspit was infected the disease spread among that family, and as soon as they conveyed the poison to Underwood-street it spread among the Ms. The filthy surroundings had so lowered their vitality that they fell an easy prey to the fever as soon as the specific contagion was added; but the grandparents escaped, because old people enjoy a certain degree of immunity from this illness.

Case 2.—The T. family had lived in Wells-street, Redfern, for two years, when, during April, 1886, typhoid attacked them. The family consisted of the parents, and twelve children from 23 years of age downwards, and there was also a young man, a lodger. Emily, aged 23, who went out to work every day, fell ill during April; she stayed at home and recovered; Edith, aged 3, and Jessie, aged 14, fell ill in the middle of June; they were removed to the Children's and to Prince Alfred Hospital respectively and both recovered. Mabel, aged 3 months fell sick next and died. Mrs. T. was attacked about the end of June and died. A few days later Sydney, aged 7, fell ill; he was removed to the Children's Hospital and recovered, but Florence, aged 9, who had fallen sick about the same time as the last, was removed to Prince Alfred Hospital and died there. The other members escaped. The house was of brick, and one of a long terrace. There was no drain opening within the house. Town water was laid on, and there was no underground source. At the bottom of the small yard was a cesspit. This had been emptied once before the illness at an early period of T.'s occupation. As soon as the first case occurred, T., who was aware of the danger, requested the landlord to have it emptied, and thenceforward reminded him of it every Monday morning. The latter, however, told T. as often that he had requested the Council to attend to the matter; but they neglected it so that at the date of report it still remained full. The report concludes by observing "that at the back of these premises is a 10-foot lane which has never been formed, and which is in a state which may be called disgraceful. The cesspit of the next house in Wells-street, which abuts on this lane, is broken, and the soil runs out on this public way. I am informed that this damage happened during late heavy rains; but no steps to repair it have yet been taken."

This example bears a very close resemblance to the first. Filthy surroundings, although they may have induced ill-health, did not (as far as was ascertainable) cause disabling illness until the first case of fever had been produced by outside contagion. When that patient had nearly recovered it began to spread through the household rapidly.

Case 3.—This occurred at 54, Hanover Terrace, Union-street, Macdonaldtown, about August, 1887. The family C., after living in the country, came to Sydney and resided at this address for less than two months. It consisted of the parents and four children. Five of them were admitted for typhoid fever to Prince Alfred's and one to the Children's Hospital; but owing to their illness further particulars could not be then got. They had, however, been much too long in Sydney to have brought the fever with them; and the place they came to is circumstanced practically as is Gowrie-street, close to which it lies, and on part of the same area of made ground. The house has a cesspit. Town water is laid on, and there is no underground source.

In the next instance it seems most probable that the spread occurred by means of the filthy pan-closet; emptied, but uncleaned, as abovementioned.

Case 4.—Five persons out of a family of six or seven were attacked in a weatherboard house on the Parramatta Road, in the district of Camperdown. At the back was an old excavation in which garbage was still being cast; possibly the house was built on a former deposit of the same kind. Town water was laid on; the closet was a pan. The surroundings being rendered filthy, the first case probably contracted the illness outside; then it spread from that by way of the foul closet-pan, through the air of the privy.

These are examples of spread by specific fouling of the upper air in privies. Fouling of the ground air as well was ensured by the non-removal of filth, and this helped to make the attacks of the fever certain and deadly. But the foul air need not come from just that source. An example of poisoning by the air of an open sewer is given next.

By an open sewer. *Case 5.*—Over an open sewer in Redfern stood an hotel. There was nothing between the stream of sewage and the air of the house except ordinary joists and ordinary flooring-boards which bridged the channel. This open ditch received drainage from the neighbourhood of Wells-street, Redfern, taking its origin, indeed, near the house mentioned in case 2. The tenant, after he had been in occupation no more than nine weeks, reported that a lodger had recently been removed to hospital with typhoid fever, and that his daughter, aged 11, then lay ill of the same disease (May, 1886). He also said that he had learned that the tenant before him had recently lost a son there from typhoid. He complained of the smell of the sewer, which in favourable states of weather filled the house during the day, and always filled it when it was closed for the night. How many other cases may have arisen among casual lodgers in this house of public entertainment there are no means of knowing.

But

But sewer-air is more deadly and more effectually introduced to houses when they are improperly connected with closed sewers. Several examples might be adduced, being essentially the same (though on a small scale) as the great outbreaks in England above alluded to.

By closed sewers. Case 6.—Another public-house in the city was inspected recently, three cases of fever in the tenant's family having been removed to one of the hospitals. The house is a tolerably good one, and as far as superficial cleanliness goes, is kept in excellent order. But there are two water-closets in confined situations, and the kitchen, which is in the basement, has in one corner a common yard-gully. This communicates with the city sewer, and the work was done two years ago by the present tenant. The house is not cut off from the sewer by any air-disconnector; perhaps there is a syphon-trap on the house sewer, but the Board of Health has at present no authority to make the necessary investigations fully. This, however, is not an efficient protection; and it is certain that the heat of the fire assists the expulsive force of gases confined in the unventilated sewer and makes sure that they enter the kitchen, and thence the house. This then is the most probable source of the fever mentioned. (January, 1889.)

Examples of spread by Pollution of Water.

Under this heading are included those cases in which the fever was spread by milk; for it is almost always through polluted water that the milk acquires its deadly properties. Of this kind of cause the Leichhardt outbreak in 1886 is a well known instance.* It need not be farther referred to here than just to recall the fact that the sole supply of water to the dairy was from a well sunk in the bed of a creek, which carried the sewage of about 1,500 persons in a subsoil stream. The water, in fact, was not water at all, but sewage. Another case, which was investigated at the end of 1886 at North Shore, is not so well known. Like the Leichhardt case, this, too, exemplifies the danger which arises when Councils permit their rate-payers—or, rather, by neglect compel them—to empty their own closet-pans. It is far too intricate to be given at length here, but the following is a statement of the result of the inquiry.†

By milk (and water). Case 7.—District of St. Leonards. A cowkeeper on the Military Road, had her sole supply of water from holes in a surface channel which runs into Middle Harbour. There was an especial incidence of the fever among her customers, and there were discovered twenty-two cases in all. The banks of the creek carry a number of newly erected small huts, which are furnished with pan closets. For some reason the Council does not empty these; the tenants bury the contents on several parts of the banks of the creek; and one such place was pointed out within a few feet of the water-hole nearest to the dairy premises. (December, 1886.)

The next instance is still in progress. The circumstances, as in the last two cases, point unmistakably to the pollution of the ground-water, which the inhabitants drink, and that by the contents of closet-pans.

By water. Cases 8, 9, and 10.—District of North Willoughby: Two neighbourhoods similar in circumstances are here involved—that about Central Township and Gore Hill. The houses concerned are mostly scattered; generally they get water from underground tanks, shallow wells, or from water which springs from the rock. There are a few cesspits among them, but the majority have pan closets. These the Council does not empty, even in the usual imperfect way; it leaves the ratepayers to do this for themselves. The earth, therefore, over a large area, is penetrated by filth. This is carried by the ground water to considerable distances; and there people, feeling secure in the knowledge that their own night-soil is buried at a safe distance from their own allotment, dig shallow wells, or put in ill-constructed underground tanks. For a time the foul water thus got causes little or no illness perhaps; it is not obviously foul, or else it could not be drunk. But presently some traveller—some person who has visited another part of Sydney, and there drunk polluted water or inhaled polluted air, comes home and falls ill. Then his excreta are buried as usual; with the water they find their way to some more or less distant well, and then the fever spreads. From the district mentioned very many cases have lately been removed to hospital, and are still being removed. A similar sequence of events was investigated at Coward's Estate, Botany, in 1886.

It will be observed that it is not essential that the source of poison should always be actually on the premises where the illness occurs. Some of the houses in which persons have sickened in the last mentioned districts, have no drinking water on them except what is caught in overground tanks, and this of course is pure, or at all events free from the cause of typhoid. But the persons attacked have been travellers; they have breathed and drunk elsewhere than on their own premises, and from sources of whose purity (if they gave the matter a thought) they could not be sure.

Probably the examples given may seem to place air and water on the same footing of efficiency as media in which the typhoid poison may be spread among mankind. The fact, however, is seen to be otherwise when large numbers of cases are examined and compared: water then appears the more efficient medium of diffusion. While it is certain that the poison can be carried in and received by man from the air, there is no reason to suppose that in that medium it can long survive, or be wafted to great distances. In short, the poisoned air must be confined, and the source of its poison copious. These conditions are fulfilled when the air of sewers penetrates to sleeping-rooms, or when persons respire for some minutes within a privy, and with their mouths within 2 or 3 feet of a poisoned cess-pit.

The above instances are selected from a large number, as being exemplary; and although, the districts in which they occurred are mentioned by name, it must not be supposed that those are the only districts from which similar examples might be culled. This is so far from being the case that there is no part

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* A Report to the President of the Board of Health on an outbreak of typhoid fever in the Municipal District of Leichhardt, due to polluted milk, by J. Ashburton Thompson, M.D., Chief Medical Inspector. Ordered by the Legislative Assembly to be printed, 4th May, 1886. In this document most of the causes of typhoid now described were referred to and illustrated by a different set of examples taken from several parts of Sydney. See especially pp. 11, 12, 15, 18, and 19.

† A Report to the President on an Outbreak of Typhoid Fever in the Municipality of St. Leonards, by the Chief Medical Inspector of the Board of Health, December, 1886, with map.

of Sydney, and few parts of the country (from which also some good instances which have been investigated might be mentioned—as Kiama in 1887, the neighbourhood of Stockton in 1888, Laggan in the same year, &c., &c.) in which the same causes of illness might not be found, and the same incidence of fever be seen. It is not necessary to give any of these; the fact of illness everywhere is generally known, and the above brief exposition of the ways in which typhoid may be spread, will enable the channel by which the one invariable cause came into operation in any particular case to be sought for with a chance of success. It is apparent that neglect of excrement disposal is at the bottom of all, so far as typhoid is concerned, and for that neglect Municipal Councils are chiefly responsible.

Of the share taken by other kinds of filth in facilitating the spread of typhoid.

But it must be remembered that this is not the only illness caused by neglect of excrement disposal; nor, as already mentioned, must it be thought that neglect to safely remove other kinds of filth is without effect. While to these combined causes may be traced the very high infantile mortality which Sydney shows when that is due to other causes than typhoid—to summer diarrhœa, to diphtheria, to cholera, to dysentery, to convulsions, and in great measure to acute diseases of the respiratory organs—and also a part of the adult rate due to some of the same causes, it is certain that lowered states of health are thus produced, which pave the way for the inroads of specific infections, and render the body incapable of resisting them. This neglect, too, is on the shoulders of Municipal Councils; but although it is most important that scavenging of every kind should be carefully, regularly, and thoroughly done, it is not necessary to refer here to the general neglect of which so much evidence may be gained by any person choosing to pass away from main thoroughfares in comparatively good neighbourhoods to the poorer and less frequented streets, and to the yards and lanes behind them. It is not necessary to multiply specific instances such as those already mentioned under cases 1 and 2, or to name other such open spaces polluted with house-refuse as that mentioned in connection with case 1. A hundred such could be given. Yet there are particularly atrocious examples in which the fatal neglect to safely dispose of street sweepings and house-refuse is supplemented by the greed of individual landlords—cases in which the latter make their money out of the flesh and blood of the poor—and these must be referred to. Very many houses in Newtown and Macdonaldtown, as well as in other parts of Sydney, are flagrant instances of this kind of abuse. Houses cannot well be built in a clay-pit; it must be filled first. Plainly it ought to be filled with clean earth, and this is sometimes done; but clean earth or building refuse costs money, while Councils will gladly on request tip as much house refuse there as an unscrupulous landlord desires. This is so common a practice, as well in the city of Sydney as in the suburbs and some country towns, and is so fraught with danger, that some space must be devoted to it here, although it seems somewhat aside of the main subject of this report: for it is only apparently aside of it. It has been more than once remarked already that pollution of upper and under air in this way produces ill-health and works in with the more definite causes of illness.

The kind of filth now to be referred to is comprehended under the term “house refuse and street sweepings.” Street sweepings, which consist for the most part of road detritus, when they are removed from town roads, contain from 30 to 40 per cent. of horsedung.

The putrefying excreta of animals do not greatly differ in their general effects upon health from putrefying human excreta, and the mere surface-cleansing of streets has again and again been seen to exercise a favourable influence on the health of the adjacent inhabitants. The Traction on Roads Committee of the Society of Arts (London, 1875), after observing that the dirty skins of children in the cities of England are not due to coal-smoke, as is most generally believed, but to street-filth, and that the result of carefully and regularly washing dirty children has been seen to be favourable in proportion to the filthy origin of the dirt, in its report records a special example in which serious illness was caused, both among teachers and children, when the latter, being thus dirty, were collected in numbers in school-rooms, and in which the illness ceased as soon as the precaution of washing the children before allowing lessons to begin was adopted.

Garbage or house refuse consists of ashes, bones, dead animals, disused bedding, decayed fruit and fragments of vegetable matter, broken meat, pieces of textile fabrics which have served their turn, paper, and the thousand-and-one odds and ends produced by the wear and tear of civilized life. When these things are collected in heaps they form a mass of loose texture; air permeates it very freely; its constituents slowly putrefy, and by their decomposition great heat is evolved. At first such heaps are penetrated by rats; but after a few weeks or months the heat becomes too great for them, and they leave it. While putrefaction is going on—and the process lasts until the last shred of putrescible matter is resolved—an especially offensive odour is given off; an odour which is more penetrating, more “faint,” and more repulsive, than that of many substances which, from their origin, might be expected to smell worse. Water which flows through such a heap issues from it with all the characters of sewage; and when the heap is cut into—more especially if it have been confined by casting into an excavation and covering with earth than if it has been merely piled on the surface—it gives off vapours which frequently cause sudden illness.

An instance of the latter event occurred not long ago in Sydney. When men were set to construct a sewer through the valley formerly called Blackwattle Swamp in 1886, it was found that a large part of the site was made up with house-garbage; and when it was cut into many of the workmen suffered from severe diarrhoea and fever, and were from time to time compelled to leave off working there.

These putrescible and dangerous materials are the ordinary refuse of town life. People cannot suffer them in the streets and houses, and accordingly it is one of the duties of local authorities, of Municipal Councils, to collect and dispose of them. Nearly everywhere they are thus collected, the cost being defrayed out of the general rate; and it may for the present be assumed that this collection is regularly and carefully carried out.

By a remarkable oversight the law does not authorise any special rate to be struck for this work, nor provide for charging it to the account of any other; its indispensable nature, however, is taken to justify any irregularity there may be in the manner in which it is paid for. This should be borne in mind in considering charges of neglect to scavenge house-refuse thoroughly; there is neglect which should be promptly amended, but there is also some excuse for it. The case of disposal is quite different; and when this is in any degree so managed as to cause the accumulation of this refuse in populous places or to encourage its use on building sites, no excuse whatever can be found for so deadly a proceeding.

But what is done with the accumulating material? Occasionally it is taken to certain recognized depôts. There are not many of these; perhaps that at Mount Rennie is the only one. There have been such depôts in many places which, doubtless, once were distant from dwellings, but now are covered by them. There is on that part of the old water reserve, which adjoins Botany-street, Randwick, a large mound of garbage—and it was there while that reserve was still the source of water for Sydney. From reports made to the Medical Adviser in June, 1886, it appears that a large natural hollow on the eastern side of the tram-line at Moore Park, and on the water reserve, was then being filled up with garbage either cast there direct, or removed there from Mount Rennie; that near the banks of Nannygoat Pond many loads of garbage had been cast and were there lying; and that a very large tract of the sand in the same neighbourhood was being covered with half-decayed garbage removed from the Mount Rennie depôt (the offensive smell from which was complained of in the newspapers of the day). Also it appears from a report made in the same year to the President of the Board of Health, on a complaint from the inhabitants of Dowling-street, that a cart-track was being formed over a sandy place with similar material removed from the same tips, to the annoyance of the neighbouring residents. A still more serious abuse was reported on in 1885. In this case a pair of good semi-detached houses were being built, of which the rent would probably be not less than £150 a year apiece. Good houses already occupied the opposite side of the road. The new houses were to be built at a point where the road ran along the edge of an abrupt fall of some 15 or 20 feet. For three or four months carts tipped large quantities of house refuse there. The report says:—

Retaining walls built on each side of the tipped garbage hold it up; and the foundations are excavated between them. The tip extends back a few feet beyond the rear of the houses and ends there in a bank some seven or eight feet high. . . . In front, at the road the garbage is as deep as the cliff mentioned; it slopes down at the back, and is not so deep there. . . . The foundations are run down through the garbage to the rock; they are buried in it to the depths indicated—more or less, because the surface has been covered with sand. These foundations are made of rubble work; the cells formed by them in the basement and corresponding with the rooms above have been filled of garbage. This site gives off an odour of putrefaction which is highly offensive.

The Board drew attention to this case, and certain things were done by way of remedy. The houses, however, remained planted in the garbage which was not removed; and indeed on inspection it was observed that the directed improvements were utterly unavailing. When those houses came to be inhabited, and were closed for the night, they must in accordance with natural laws have drawn air into themselves through the garbage; but whether illness were caused or not is not known, for in such cases the Board has no power to enter nor means of making inquiry. It is therefore not such miserable tenements as those in Newtown and Macdonaldtown alone which are exposed to this danger. Another place where many houses are said to be founded on garbage is Blackwattle. In another case in the latter neighbourhood a report made under the Dairies Supervision Act in 1887, shows that a very irregular paddock fronting to Darling-street was then being made up by tipping street-sweepings on it, of which many hundred loads had already been spread out. In this stuff horse-dung was so large an ingredient that it seemed to consist of that diluted with mud. Attention was called to the matter by the Board of Health, and tipping ceased for about three weeks; it was then resumed, and the work was finished as it had been begun. On this, too, no doubt, houses will be by-and-bye built. But the city is far from being the only district within which the same kind of thing may be seen. In August, 1886, from a report made to the Medical Adviser on a complaint by an aggrieved resident, it appears that very large quantities of garbage were being accumulated on a part of the Allen Estate, in the district of the Glebe, so as to continue Wigram-street across the bay there. A very great part of the work having been done, on representations being made to the Council (and publicity being given to the matter by the press), the tipping of garbage was stopped, and the work was "finished" by covering
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this filth with clean earth. At the present date the road is partly completed, and it is said that its frontages are for sale at a high rate. But it runs as a causeway across the bay on which the houses must rest, and by just so much as the foundations in front touch the side of the causeway will the buildings draw in foul ground-air from it. In March, 1887, on complaint of residents in Leichhardt, a report was made on a deposit of garbage on the south side of Chester-street, Camperdown. The vacant lot, which at the point complained of is bounded by that street, was very irregular; a very large amount of garbage was accumulated there, "apparently," as the report says, "to make the surface good for building purposes." At this date no building has been done—as in the last case the work has been finished by covering with clean earth, and the lot now looks very well for the purpose mentioned. The ground-air, however, is full of the gases of putrefaction, and nothing but a layer of concrete can keep it out of any houses which may be built either on it or abutting on it.

From what has been said above it will be seen that it is not necessary that a house should stand actually on garbage in order that the health of the inhabitants may be injuriously affected by it. The heat of houses causes an updraught of air from the ground on which they stand; and the vacuum is filled by air drawn from the surrounding soil not under the house. This air will be foul if the surrounding soil from which it is drawn be foul. So, also, the ground-water which flows under houses will be polluted if it first flow through a deposit of garbage; but in this case the deposit may be at a much greater distance than in the former, and yet harmful.

It is surely needless to multiply examples of this kind of abuse—the more that the older inhabitants of Sydney must be well aware of very many others now difficult to discover by an examination which does not include excavation. They would not be difficult to discover, however, if the mortality returns enabled the rates in comparatively small areas to be compared, and the necessity for thorough local examinations to be thus indicated. At present it is only when some such sudden outbreak as that now going on in the neighbourhood of Gowrie-street happens that a particular neighbourhood is obviously singled out by death; but when this does occur some of the faults indicated above are sure to be discovered, and to be discovered without any difficulty. Disease, however, does not most commonly work its ravages by series of attacks of explosive violence; it rather operates quietly and steadily, and thus secures its myriad victims. It cannot be disputed, therefore, that the vital statistics of the country should be reported upon by its chief health authority. By this means alone can those who are able to point out the causes of disease get the local knowledge which would enable them to give the returns a practical value, by showing from them which of the deaths may be justly considered preventable, in what localities such deaths chiefly occur, and why they do not occur elsewhere—whenafter it would be possible to say what, specifically, is necessary to be done to prevent continued loss of life from that kind of cause in the future. For want of this organization the mortality returns are at present mere records of past events. They may be perused, and then their tale must be lamented; but thereafter they are useless, save as a *memento mori*—as a warning that next year and for ever the like causes will produce a like effect. To all humane observers, a sufficiently dreary outlook, it may be supposed. —

In places where the prevention of disease is understood to be a practical possibility, attainable to all peoples who determine that a good deal of commonplace and rather dirty work shall, under skilled supervision, be done with steadfast thoroughness, the plan just referred to is usually carried out. It involves, however, great attention to details which are far beyond the public view; and a condition precedent in a population so much influenced by migration as that of New South Wales, is the taking of a rough annual enumeration of the population. This should not be one to supersede the decennial census, but should consist only of the number, sex, and ages of the people and the number of houses they live in. The Right Worshipful the Mayor of Sydney (Mr. Alderman John Harris), with excellent good sense, has seen the urgent necessity for means of comparing district rates, and was said a short time ago to have wished to map the city into small areas for this purpose. Probably, however, the division into wards is as small as can be employed without the risk of introducing a source of error. His most worthy intention would be quite well fulfilled, as far as the city is concerned, if only he would direct annually the rough enumeration indicated, and if the Registrar-General should co-operate by using especial care to procure the registration of births and deaths within the wards to which they really belong. This might be done with comparatively little expense by the officers who annually compile the Rate Roll; or it might be done by the officers of police who annually compile the Electoral Roll. Simple, however, as this plan is, and quite invaluable as the result, in conjunction with a careful system of registration, would be, it cannot be fully utilized—not fully utilized—until all Municipal Councils number the houses in their districts uniformly, and until the repetition of the same name for different streets in different but often adjacent districts is forbidden. Probably inquiry of the police would elicit evidence of the very great importance for several other reasons of amendment in this matter; but it may be mentioned, for example, that in the course of the present inquiry it was found impossible to mark on the appended map the position of houses from which hospital cases have been removed, even approximately. The area is small, the number of streets is small, and the number of cases small; but because the houses are most irregularly numbered, and because of repetitions of the same street name in the two districts, it was found that the several dwellings could not be marked down without a very tedious personal inquiry made in each case.

The conclusion of this matter may be stated in few words, if it be wished to single out the persons who are responsible. Municipal Councils are the only bodies who become possessed of large quantities of garbage; landlords who acquire irregular sites which are useless until they are levelled or "made up" are the only persons who can put it to profitable use—profitable to themselves, that is, if they do not occupy the houses they build on it; otherwise fatal to them, as they must observe it to be to their unsuspecting tenants. In committing this crime, therefore, two parties are concerned, both of whom must be considered in attempting to prevent its continued perpetration.

Of the Duties of Municipal Councils.

When outbreaks of illness of certain kinds occur, the Executive Government steps in and does whatever seems most necessary, or, at the least, specially advises and directs the action of Municipal Councils; but it is not by such outbreaks—not, at all events, by such as have hitherto happened—that very great damage to the progress of the country is done. This has been, and is being, caused by the sickness and mortality which are always going on, and which are due to such preventable diseases as typhoid fever, rather than to the occasional visitations of some other kinds of illness which seem more formidable because they are less accustomed. Now, this everyday sickness—which causes Sydney, fortunately placed as she is, to have (for example) a rate of infantile mortality of 173 on an average of the ten years 1876-85, while with its many disadvantages London's rate for the same period was only 160—is reducible chiefly by faithful performance of that work which is called "nuisance-removal." This is the especial duty of Municipal Councils; and if any neighbourhood is to be kept moderately healthy, it must be by the daily, almost the hourly, removal of nuisances. Councils then are, *de facto*, the working health-authorities of the country. They, and no others, have the greatest power for good or ill over the public health and over national progress. But, in the performance of this part of their most important duties they are practically left to themselves; and however capable and well-meaning they may be—and here there is no intention of detracting from them—it must not be forgotten that they are elected by their immediate neighbours to regulate local affairs. It is possible, therefore, that they sometimes find themselves not so free to act in right ways as the law assumes they are. However that may be, it is at all events not doubtful that in some cases they would welcome the support in proper courses of action contemplated by them which they would derive if they were known to be in some degree subject to supervision; and if, on appeal, it were competent for the Government to step in and remove the local obstruction with which they were hampered. In matters described above it is clear that these bodies have in the past disregarded, and are now disregarding, their duties to a fatal extent.

PART III.

THE PREVENTION OF TYPHOID.

This subject is here dealt with from the standpoint of State-medicine. Personal precautions, and destruction of the excreta of individual fever cases are matters for the practising physician to advise upon, and for domestic management to carry out. They are most important; but in practice they cannot be brought under State control.

The essentials.

The matters which are within control of the State, and which, if they were provided for, would reduce the importance of typhoid fever as a drag upon national progress to a minimum, are two—efficient excrement removal, and the supply of pure water. In the future, very much may be done by action taken under these two heads alone; but past errors have also to be corrected. The following additional points have therefore to be considered:—First, in view of the strictly local character of this disease, and the extent to which individual cases arise in remediable local faults, knowledge of dangerous spots must be got by providing for the compulsory notification of every case that occurs; secondly, power to order removal of the causes of illness, whether they be primary or secondary, must be granted.

Excrement Disposal.

To effect this promptly and thoroughly, sewerage is by far the best means; but if sewers are not connected with houses with certain precautions well known to be necessary to prevent the entrance of sewer-air to living and sleeping rooms, and if the sewers are not very thoroughly ventilated, this provision becomes the surest means of disseminating typhoid. There is authority to construct sewers, and considerable lengths actually have been made; but there is no law compelling house-connections to be carried out with the precautions necessary to prevent them from becoming instruments of death. This is a matter which clearly cannot be left to the indifference or neglect of the many, and accordingly a Bill to amend the Act in this respect has been drafted by order of the Minister for Public Works; but this has not yet been submitted to Parliament.

Abolition of Cess-pits.—The advantages of properly constructed sewers cannot be quickly extended to very large districts, nor to some populous districts, for many years to come. It is therefore necessary to abolish cess-pits in the meantime, and to effectually prevent the burial of night-soil, in bulk or from pans, in populous places.

One object in view is to keep the subsoil clean. This was attempted under the Nuisances Prevention Act by providing that cess-pits shall be water-tight. It is therefore necessary to point out that in this respect the Act has failed. No doubt an underground receptacle can be made water-tight; but the expense of such work makes sure that in a majority of cases an ineffectual mode of construction will be adopted; and, in point of fact, all Councils pass as sufficient $4\frac{1}{2}$ in. brick work, generally laid in mortar, and not often rendered in cement, which is not, and with the best materials could not, be made water-tight. In ordering the abolition of cess-pits, however, it would be absolutely essential that provision should be made for inspecting the work. The pits should be thoroughly emptied, well sprinkled with fresh lime, the brickwork removed, the adjacent soil excavated as far as any great fouling is visible, and the hole filled with clean earth. Another object of the abolition of cess-pits is to avoid the poisonous pollution of the air of privies already so often alluded to. As to disposal of the soil, the Act mentioned, by providing that no depôt for the purpose shall be used until it has been proclaimed by the Governor-in-Council, seems to have contemplated inspection of proposed depôts by professional officers of the Government before approval. As to the burying of night-soil on house allotments, or rather by individual householders, that is due solely to neglect of duty by Councils; they require correction. The definition of "populous places" need not present any insuperable difficulty.

If cesspits are abolished, pans must be substituted for them in all those parts which are not served by sewers. This change has been partially effected already in many municipalities—completely in one or two only. But the arrangements for emptying are simple to a degree which entitles them to be qualified as crude and primitive; one pan to each privy, a tank-cart to receive the contents once a week, and the work done in darkness, being the leading features. Often the night-man has to enter private premises to get the pan; and when it can be reached from a public way by a suitable door in the outer wall, this is either entirely without fastening or else fitted with a button which anyone can undo. In consequence in the poorer neighbourhoods children and larrikins often play tricks which are grossly indecent, or which lead to fouling of the floor of the privy, or they even remove the receptacle altogether; the contents being scattered in the lanes, and the pans injured or destroyed. It would be a more hopeful task to endeavour to correct any carefully carried-out plan however wrongly conceived, than the brutish indifference which warrants the foregoing description, but the remedies must at all events be mentioned. (a) It ought not to be necessary for a scavenger to enter private premises as a rule; pans should be accessible from outside them, but the door of access should be fastened by some simple but efficient contrivance. Perhaps a railway carriage lock and key would answer the purpose. (b) Then, if it be wished to do away with dirt and slovenliness there is no assistant so valuable as plenty of light; the mechanical arrangements should be such as allow of the work being done by day. The requirements are (c) a double set of pans, having (d) an interchangeable air-tight lid, and (e) carried in suitable covered vans. Clean pans may thus be carried to houses by day and the full ones removed, and thus the opportunity is given of (f) properly cleansing as well as emptying the full ones. This cleansing is most speedily, thoroughly, and effectually done at a depôt by a steam jet. Of course, all this would cost money—probably a good deal of money; but large sums expended for other purposes are not begrudged, and the sole consideration to be entertained is, how much it is worth while to pay to secure health and decency.

Water Supply.

The foregoing details, in as far as they keep the soil free from the specific infection to which typhoid is due, will keep water supplies free from it. A great safeguard under this most important head, however, would be the extension to all towns of a regular and constant supply taken from pure sources. But this alone is not sufficient. Landlords will sometimes—how often cannot be said—pay water-rates on dwellings within 100 ft. of a main according to law, and yet not take the water, in order to avoid the expense of connections and fittings. In other cases, persons to whose houses town-water is laid on, prefer some old underground receptacle or source to which they have become accustomed for drinking purposes. For these reasons, it should be within the power of the Government to order the abolition of every underground reservoir or source of water on premises situated within 100 ft. of a main, as soon as the water shall have been shown to be polluted. But, farther on this head, very many small dwellings are built beyond reach of any town-supply, and these often take their water from surface wells or underground tanks alone. Under these circumstances the digging of such wells or tanks cannot be justly prevented; but it might at all events be made certain that the residents shall have an opportunity of drinking pure water, and this would be done if it were made illegal to occupy any dwelling to which town water is not laid on until certain over-ground storage for rain-water has been provided. These two suggestions may seem, in a measure, arbitrary; but, after all, a function of Governments is to do for the people what they cannot individually—whether from want of power or from want of knowledge—do for themselves.

Garbage Disposal.

Garbage ought to be very carefully and regularly collected—rather more carefully in worse than in better neighbourhoods—and removed from among the people who produce it. It should be carried in covered carts to a depôt, and there, together with street-sweepings, be destroyed by fire. This may be done, even in towns, by one or other form of the apparatus called a "destructor," without causing any nuisance; and thus, by erecting three or four small ones rather than one large one, the expense of haulage may be reduced. Some profit may be got by using the heat evolved, and from the slag very excellent mortar may be made. The cost of garbage-removal may be thus somewhat reduced; but on the whole, it is a source of expenditure merely. There is no other practicable means of effectually dealing with this filth, and the necessary expenditure must be faced if typhoid is to be conquered.

Building on Made Ground.

It should be made illegal, without reservation, to erect any dwelling-house upon or abutting upon made ground, except under certificate issued by the Government.

Recommendations.

Conclusions.

We have no hesitation in saying that the importance of typhoid fever as a drag upon the national prosperity will be very much reduced if the following measures be taken, viz.:—

1. If the Metropolitan Water and Sewerage Act (Sewerage) Amendment Bill, as already prepared, become law; and if the several proposed schemes of sewerage be carried out; *
2. If cess-pits be abolished with proper precautions, and pan-closets substituted for them;
3. If the burial of nightsoil in gross or in detail elsewhere than on reserves appointed after inspection be effectually prevented;
4. If power be granted to close wells and sources of foul water on inhabited premises within 100 feet of a water-main, and to make the necessary inquiry and analysis;
5. If it be made illegal to occupy or to continue to occupy any dwelling-house which stands beyond reach of a town-water-supply and which is not provided with overground storage for rain water in iron tanks in the proportion of (say) 600 gallons to every three rooms or part of three;
6. (a) If the erection of any dwelling-house on made-up ground, or upon ground which is swampy or too low to be effectually drained, be forbidden, except in accordance with conditions expressed in an order issued by the Government on recommendation of its professional officers; (b) if the erection of any dwelling-house be forbidden until particulars and plans of the proposed drainage have been submitted, and if occupation be forbidden until all drainage and plumbing-work has been inspected and approved; (c) if powers be granted to enter on any premises on which a case of typhoid fever shall have occurred, or shall be reasonably suspected to have occurred, to cause the owner to make all such openings in connection with foundations, drains, cess-pits, closets, &c., and to sink such trial-holes as may seem necessary to ascertain the sanitary state of the premises, and (d) to order and enforce the execution of such remedial measures as appear necessary to prevent continuance of insanitary conditions thereon;
7. If by compulsory notification of cases of the infectious fevers the opportunity of distinguishing unhealthy houses and localities be afforded.

J. ASHBURTON THOMPSON, M.D.

GEO. H. STAYTON, M. INST., C.E.

* Bills are before Parliament for the completion of the North Shore sewerage scheme and the Manly sewerage scheme. The large sewerage scheme for the Western Suburbs of Sydney is under investigation by the Parliamentary Standing Committee on Public Works. A sewerage scheme has also been prepared for the Southern Suburbs of Sydney.

APPENDIX I.

OUTBREAK OF FEVER AT NEWTOWN. (PAPERS RELATING TO).

Ordered by the Legislative Assembly to be printed, 16 January, 1889.

[Laid upon the Table of the Legislative Assembly by the Secretary for Public Works, on the 16th January, 1889, papers referring to an inquiry which is being held into the causes of the recent outbreak of Typhoid Fever at Newtown.]

INTERIM REPORT upon an outbreak of Typhoid Fever in parts of the Municipalities of Newtown and Macdonaldtown.

In accordance with the verbal instructions of the Honorable the Minister for Public Works, that he should this day be furnished with an account of the progress made in the investigation directed by him to be undertaken by us in his minute of the 3rd inst., we have the honor to submit the following particulars:—

The minute referred to was made upon an extract from the *Sydney Morning Herald* of the 2nd instant, in which an account was given of the attack and death by typhoid of several members of a family residing at 53, Gowrie-street, Newtown. It will be seen that the minute in question orders an examination of the localities referred to in the extract, and a report to be made on their sanitary condition. Accordingly on the following day we visited Gowrie-street together and examined No. 53 and several houses in the vicinity. On the 5th instant we made further inquiries from house to house, in order to get some idea of the extent to which disease had fallen upon the houses adjoining No. 53, and also upon other houses which appeared to be similarly situated. In the absence of any organisation, which would enable the Health Department to get detailed knowledge from time to time of the occurrence of disease in Sydney, this kind of house to house investigation, essential as it is, is exceedingly tedious. On the 6th several letters were written to persons living in the locality, from whom it was thought that valuable information might be procured; much of this, however, has not yet come to hand. On the 7th further action was taken, and on the 8th we further inspected the locality, and gave instructions on the spot for the preparation of the sketch map*, which is appended to this interim report. On the 9th we conferred, and in the course of the day a verbal report on certain points was made to the Under Secretary for Works (see minute 89-66-12/1), in pursuance of which a letter of request to be allowed to make examinations of the ground and drains of the premises at Gowrie-street was written to the agent on the 11th. No reply having been received, on the 14th instant the Minister gave further instructions. On the 11th further investigations were made in the locality, and in consequence, the Medical Adviser desired the Inspector-General of Police to direct an officer, who had for many years been on duty in Newtown, to accompany the Deputy Medical Adviser, and to point out to him the areas on which houses suspected to be built in a specially unsanitary way stood. These areas will be found marked as they were pointed out on the 15th instant by the Police Sergeant, and as confirmed by old residents.

*Appendix.

The case which attracted the Minister's attention has been ascertained to be as follows:—

A family named Jones, which consisted of William (the father), aged 34, Charlotte (the mother), aged 31, and five children aged from 12 years to 9 months, lived for about 18 months in University-street, Camperdown, and there enjoyed good health. At the beginning of April, 1888, William Jones left for Broken Hill; and Mrs. Jones moved into a smaller house, choosing No. 53, Gowrie-street, Newtown. (See Map.*) About November 10, Jones, returning from Broken Hill, stayed a few days in Melbourne, and he is said to have fallen out of health while there. He came on to Sydney, and joined his wife at Gowrie-street, about November 16. Continuing out of health, ten days later he attended Prince Alfred Hospital as an out-patient. At last he applied for admission to the hospital, and was admitted; on December 18 he died of typhoid fever. Mrs. Jones began to be out of health about the 20th of November; she was admitted to the hospital suffering from typhoid the same day as her husband, and is now convalescent. Edward, aged 12, fell ill about November 26; was admitted to hospital December 13, and died of typhoid. Maggie, aged 5, fell ill about December 10; was admitted to hospital December 18, and died December 31 of typhoid. The other three children were taken charge of by various friends on their parents being removed; they are believed to be in good health.

*Appendix.

It will be seen from reference to the map that this and the adjacent houses in Gowrie-street, being Nos. 49 to 71, stand over an old clay-pit, which has been partially filled up. We found that the filling extended only to the front and back walls of the houses, leaving a deep hollow space underneath the floors in which stagnant water, having an offensive smell, was standing, and we were informed that there was always water, more or less, in this space. We also found that the back yards were unpaved, that they were flooded in wet weather as indicated in places by the usual marks to a depth in some parts of 18 inches. The whole row of cottages is provided at the rear with the usual yard gullies, each of which is connected with one drain which runs parallel with the back of the houses and discharges into the open channel in the back lane. In the first place these gullies are most improperly placed in an open brick wash-house, about 8ft. by 6ft., and close to the copper and kitchen grates, no vent pipe having been provided for carrying off the foul air which is drawn upwards by the heat of the fires. In the case of Nos. 51 and 53 there was evidence of subsidence by cracks in the walls of the washhouses, and there is every reason to suppose that the drains are imperfect and unsound. All these houses are furnished with cesspits formed in the loose made ground, which are not watertight, being of the usual half-brick and cement work. The cesspit at No. 53 was specially examined. It had not been emptied since the outbreak, and from the consistence of the contents (about 2' 6" in depth), it was apparent that the greater part of the liquid had drained away from it, the space under the houses affording it an easy outlet in that direction.

A glance at the map will show that the whole neighbourhood is open more or less to criticism on similar grounds. During the past five years disease has been rife there, including typhoid fever, and many general complaints have from time to time been made. For instance, in August, 1884, on a similar occasion to the present, so much alarm and indignation was aroused that the *Sydney Morning Herald* on its own account made an investigation and published a very long report. Nevertheless nothing was then done

done by way of remedy. And therefore the Minister for Works having shown his determination not to let the matter pass this time, and having given directions that a thorough investigation shall now be made, we are preparing such a detailed report as we hope will effectually support his efforts.

In the present state of the law no such immediate step as is necessary can be taken; but the evidence furnished, even in this interim report, is sufficient to show that the houses 51 to 63 Gowrie-street, are, in our opinion, entirely unfit for human habitation.

16th January, 1889.

J. ASHBURTON THOMPSON, M.D.
GEORGE H. STAYTON, M. Inst., C.E.

Extract from the *Sydney Morning Herald* of January 2nd, 1889.

THE RAVAGES OF TYPHOID.

A SAD instance of the ravages of typhoid fever has recently come under the notice of the authorities of Prince Alfred Hospital. On the 13th ultimo a lad named Edward Jones was admitted to that institution suffering from typhoid fever, and on the following day his sister Maggie was admitted with the same disease. Four days later the mother, Charlotte Jones, and the father, William Jones, entered the institution for the same cause. The father succumbed to the attack on the 21st, the son died on the following day; on Monday the daughter died too; and the mother alone is left. Mrs. Jones is now recovering from the fever; but does not yet know of the loss of her husband and children. The family lived in Gowrie-street, Newtown. Including their number there have been six cases of typhoid taken to the Prince Alfred Hospital from the same street within the past few weeks, and four of these have proved fatal.

Minute by The Secretary for Public Works.

I SHALL be glad if Mr. Stayton and Dr. Thompson will have the goodness to examine the localities referred to above, and report to me on their sanitary condition. I think by following up cases like this considerable light will be thrown on the causes which lead to the outbreak of this disease. Its prevalence in our community is causing me much concern, more especially as it is preventable by the adoption of a proper system of sewerage, which I trust the Parliamentary Standing Committee will see its way shortly to recommend. I should like to give them the benefit of the report for which I now ask.

JOHN SUTHERLAND, 3/1/89.

Will Dr. MacLaurin kindly invite Dr. Thompson to join Mr. Stayton in this inspection and report. Mr. Sutherland will be particularly obliged if the latter can be presented to him on Monday next.—J.B., 3/1/89. Dr. MacLaurin.

I should like Dr. Thompson to furnish me with a report on this matter as soon as possible, so that it may be with the Minister for Public Works at the time stated.—H.N. MacL., B.C., 4/1/89. The C.M.I.

Report by The Deputy Medical Adviser to the Government.

7 January, 1889.

WITH reference to your direction, attached, and the memorandum of the Under Secretary for Works, in which he says that the Minister will be particularly obliged if a report can be furnished this day, perhaps the latter should be informed that it is not possible to do this. On Friday afternoon Mr. Stayton and I visited Gowrie-street; on Saturday morning I made a house-to-house inquiry in one part of that street, and a general inspection of the neighbourhood (with which, however, I am already well acquainted); in the afternoon I abstracted from returns in this Department and tabulated information concerning Newtown and Macdonaldtown of essential importance, and yesterday I spent several hours in writing letters to elicit farther necessary information, and in defining the topographical limits within which the inquiry must be carried on. I also interviewed on Saturday, at this Department, an informant who volunteered valuable details.

I do not doubt that this inquiry will furnish an important example of the sanitary defects of several parts of Sydney, due to absence of sewerage and of building laws; but if it is to carry weight it must be accurate, and from the above I think it will be perceived that, even with the best endeavour, I am to-day in reality only ready to begin the inquiry systematically.

J. ASHBURTON THOMPSON, M.D.,

Deputy Medical Adviser.

Urgent.—For the information of the Hon. the Secretary for Public Works.—H.N. MacL., B.C., 7/1/89. The Under Secretary for Public Works. Mr. Stayton.—W.B., 8/1/89. Dr. Ashburton Thompson and myself have arranged to inspect the district again this (Tuesday) afternoon.—G.H.S., 8/1/89.

Minute by The Secretary for Public Works.

Subject:—Outbreak of Typhoid at Newtown—Investigation by Dr. Ashburton Thompson and Mr. G. H. Stayton, M.I.C.E.

Department of Public Works, Sydney, 10 January, 1889.

ALTHOUGH I have not yet been furnished with a full report on this serious matter, which by my direction was at once investigated by Dr. Thompson and Mr. Stayton, sufficient has been brought under my notice by verbal report from one of these gentlemen to show that the most grave causes exist for public anxiety in regard thereto. Mr. Stayton, I understand, has informed the Under Secretary that it would be very desirable to sink shafts at the back of the premises occupied by the victims of the outbreak, and at other places, to ascertain the nature of the soil on which the buildings are erected; but Mr. Stayton says he is afraid that in doing so there may be some danger of the collapse of the walls of one of the houses. The matter, however, is of such urgency that I am prepared to take upon myself the entire responsibility of authorising Mr. Stayton and Dr. Thompson to have the necessary investigation made whatever may be the result to the building, and I wish the Under Secretary to write in strong terms to the owners of the house in question, and any others similarly affected, requesting them in the interest of the public health to permit the work to be carried out, at the same time informing them that I will hold them harmless for any injury which may occur to the buildings.

The whole thing is too serious to admit of any hesitancy, and I am simply acting on the maxim, "*Salus populi suprema est lex*," which is peculiarly applicable in the present case.

JOHN SUTHERLAND.

Write

Write at once.—J.B., 11/11/89. Mr. Kitchen, 11/1/89. Mr. Piper.—W.B., 12/1/89. The papers were handed to Mr. Stayton for his report on 8/1/89, and have not yet been returned.

As the permission to sink the trial shafts has not yet been received, anticipate it, and carry out the work at once; it is a matter that admits of no delay; I will not permit if I can help it the lives of the citizens to be trifled with.—JOHN SUTHERLAND, 14/11/89.

Mr. Stayton and Dr. Thompson.—J.B., 14/1/89. Immediate. Perhaps Mr. Stayton will be good enough to inform me when he proposes to do this work, so that I may attend.—J.A.T. G. H. Stayton, Esq., C.E., 14/1/89.

The Under Secretary for Public Works to Mr. A. Kitchen.

[Very urgent.]

Sir,

Department of Public Works, Sydney, 11 January, 1889.

Referring to the recent outbreak of typhoid fever at Newtown, which occurred in some houses, the owner of which, it is understood, you represent, and in regard to which Dr. Ashburton Thompson and Mr. G. H. Stayton, M.I.C.E., have been directed to make an investigation, I am directed by the Secretary for Public Works to inform you that it has been found necessary, for the purposes of this investigation, to sink shafts at the back of the premises, and in view of the urgency and vital importance of the matter as affecting the public health, to request that you will move the owner of the premises to permit the works to be carried out.

I am to add that should any damage occur to the buildings in question, in consequence of the work, the Government will be fully responsible.

I have, &c.,

J. BURLING,

Under Secretary.

P.S.—The favor of an immediate reply will oblige.

Minute by The Secretary for Public Works.

Subject:—Outbreak of Typhoid Fever at Newtown.

Department of Public Works, Sydney, 15 January, 1889.

The documents in the office will show what action I have taken in this very serious case, which I regret being compelled to believe is only one of a great many others of a similar nature which have been occurring in the city and suburbs, to the disgrace of our civilization. My action during the period I have been Minister for Works will show that since the time my predecessor, Mr. Lyne, gave instructions for the carrying out of the surveys necessary in connection with the works for the improvement of the sanitation of the city and suburbs, I have been able to push the matter forward to a point where it now only requires the approval of the Parliamentary Committee and Parliament in order that the great works which have been designed by this Department may be executed.

Knowing the evils that have resulted from our defective sewerage arrangements, I have strained every nerve, not only to push on the works necessary for the amelioration of the existing state of things, but have endeavoured to arouse the public mind to a sense of the great evils which have already been caused, and the still greater ones which are threatened, if a supine attitude is maintained, which I regret to say has been only too common in matters of this kind.

I now leave the whole subject to the consideration of my successor, promising him that I will give him my most energetic support with a view to carrying to completion the works initiated by Mr. Lyne, pressed forward by me, and which are now left to him to give final effect to.

JOHN SUTHERLAND.

Minute by The Secretary for Public Works.

Outbreak of Typhoid at Newtown.

16 January, 1889.

I HAVE read with deep concern the interim report which has been furnished to me by Dr. Thompson, and Mr. Stayton in reference to the recent outbreak of typhoid in Gowrie-street, Newtown. The state of affairs therein revealed is simply appalling, and though attention has been often drawn to the matter before in various ways it has never probably been brought out so prominently in all its repulsive features. I wish these gentlemen to pursue their inquiries and probe the matter to the very bottom; and in leaving the further consideration of the subject to my successor I am sure I need not urge him to take the most energetic steps to cope with the great evil which threatens the community. I am thoroughly convinced that unless decided steps are taken the present encroachments of typhoid fever, which is rapidly though stealthily gaining upon us, will develop into something very near the terrible epidemics of yellow fever which decimate the populations of some countries.

I would strongly recommend that in advance of a comprehensive Health Bill a short measure be passed enabling the officers of the Works Department, in conjunction with those of the Health Board, to visit any suspected locality or house, and if it is found necessary to have the power to compel owners of property to carry out any requisition which may be made for the purpose of abating any dangerous nuisance found to exist. The neglect shown in these matters is little short of criminal.

JOHN SUTHERLAND.

APPENDIX II.

It is not unimportant to note, in connection with the foregoing account, that the following documents and extracts from the columns of the *Sydney Morning Herald* shows that just four and a half years ago attention was drawn to this locality by the sweeping off from it by typhoid fever of a whole family. It is only necessary to add that to-day the sources of disease are hidden below the surface, which then were uncovered; they have not been removed. Gowrie-street, indeed, on a bright afternoon would, to a superficial observer, present a perfect contrast to the condition of things described—and, as old residents aver, correctly described—in this document. The record of the twelve houses which is given in the report shows, however, with what rigour he would be punished who should, through carelessness or ignorance, disregard inevitable natural laws and take up his residence in them.

The Rev. J. Horuby Spear, a clergyman of the Church of England, and formerly incumbent of Macdonaldtown, who exerted himself during the years 1883-4-5 in vain attempts to get the sanitary condition of the district amended, has forwarded the following letter, as well as some other important information. It came to hand too late, however, for incorporation in the body of the foregoing report:—

Dear sir,

Mount Victoria, 30 January, 1889.

Sickness at home prevented me replying to your letter of inquiry dated 9th instant.

I now enclose you a map of Macdonaldtown showing, so far as memory guides me, the situation of the house where "a whole family was attacked with typhoid," in 1884-5, just beyond that part of Macdonald-street towards the railway, where George-street strikes it at right angles; you will notice it as the terminating point of the stream, shown in red dotted lines on the map, and along the course of which typhoid abounded. The number of persons attacked, including the furniture-man, were six; deaths, five. I cannot give names, but a milkman who lived opposite this house may remember. He raised a subscription for the sole survivor, whom I had removed to the Prince Alfred Hospital in the hospital ambulance.

On enclosed map I have described a figure, something like a heart; within its area fever cases abounded in 1884-5. The cause was not far to seek—the red dotted stream on the map being nothing more than inky slime carried down from Newtown to the lower levels of Macdonaldtown. All along its banks every house had typhoid in 1884-5.

Abutting out from George-street a terrace of cottages were run out on piles over old brick holes and low lying swamp land. This was just as I was leaving. Some resident remarked at the time, "I would not be paid to live in those cottages." I cannot learn whether fever visited them, but I can't see how they could have escaped—the conditions were so favourable, in fact, if I may so say, inviting. In Harold-street and other places I have seen these old brick holes filled up with the sweeping of the gutters and refuse of backyards, rocking with vegetable and animal matter in the highest state of putrefaction, emitting odours which would have thrown the "thirty-six stanches of Cologne" into the shade; and these vile deposits were sold to the owners of the land by the Corporation of Newtown at 6d. a load (I am prepared to prove this up to the hilt), and deposited on the lands by these Corporation carts.

I enclose a cutting from the *Herald*, written by myself in 1884-5, which will add to this information, as it had reference to this very matter. Please make use of me, and any information I give or may give, in any way you think may serve the cause you have so ably taken in hand.

Believe me, &c.,

C. HORNBY SPEAR,

Clerk in Holy Orders

(formerly Incumbent of Macdonald Town).

J. Ashborton Thompson, Esq., M.D., &c., &c., &c., Health Office, Sydney.

The other information Mr. Spear forwards consists of a map on which are certain marks and notes. The former have been transferred to a second map* attached to the report, and the latter are given below with reference to the large figures on it. He says, first, that during 1883-4-5 typhoid raged over the large area approximately defined by dotted lines, most of the cases proving fatal. * Appendix.

1. "This is the hole that called forth from the late Dr. Day the indignant exclamation, 'Is there no one here with manliness enough to protest against this horrible state of things? If this terrible nuisance is not abated before summer then God help the residents.'"

2. "It was somewhere herabouts that Mr. Churelwood, of Union-street, prosecuted the owner of the land (who was Mr. Peter James, a wealthy resident of Macdonaldtown), at my suggestion, for filling up old brick-holes with foul and filthy sweepings from the gutters and back-yards of the Borough of Newtown, which were sold to him by that corporation at 6d. a load. When the case came before the Magistrate at Newtown, sitting in the Temperance Hall, both the Mayor of Newtown and the Mayor of Macdonaldtown appeared in court on behalf of the defendant. The magistrate snubbed an important witness for the plaintiff, and adjourned the case for a week to give Mr. James an opportunity of abating the nuisance. This was 'done' by sprinkling over the vile deposit a thin layer of earth, and at the adjourned hearing the case was dismissed. It was opposite this spot (that is, on the site of the houses the subject of the foregoing report) that I called the attention of the Inspector of Nuisances for Newtown to an abominable deposit just made by a Newtown Corporation cart, and ordered him to summon the carter. He replied, 'No; I know my way about too well for that.'"

It will be observed that the spot thus indicated in chief is on the east side of Gowrie-street. It may be mentioned here that a terrace of good-looking houses now stands thereon, and that a cursory inspection of one of them showed that after a thorough inspection and the necessary excavations it would probably be found that they are as unfit for human habitation as are those opposite, which are the subject of the report.

3. "At the cottage herabouts a young married woman was attacked with typhoid, and died."

4. "This is the approximate position of the cottage in which a whole family was attacked with typhoid in 1884-5. All of them died except the mother, who was severely ill, but who was removed to hospital and eventually recovered. As far as my memory serves me, the father, a son, and two children died, as well as a young man who removed the furniture." In connection with these cases, the Rev. Mr. Horuby Spear (whose map indicates the course of the natural watercourse—then, and now, converted into a sewer—by dotted lines) says, "All along the course of this dotted stream—or, to speak correctly, black, inky slime—fever cases abounded, nearly all of them being fatal. This is the 'pestiferous swamp' thus alluded to in my communication to the *Herald* in 1884-5 (see below). Its course was stayed exactly opposite the house in which the whole family was attacked by reaching a higher level of land."

The following is the letter written by Mr. Spear to the editor of the *S. M. Herald*, and published in that paper in 1885:—

TYPHOID FEVER IN NEWTOWN.

To the Editor of the *Herald*.

Sir,—The clarion blast of alarm from the pulpit of St. Andrew's Cathedral was not sounded an hour too soon, nor without great and weighty cause. I trust it will be heard in the Council Chambers of our rulers, and awaken some action there.

Nothing

Nothing short of special legislation will arrest the progress of the pale spectre which is entering our homes and desolating our hearts. In the greed and rapacity of grasping demons we must seek for the cause of this appearance in our midst. The awful story from London of the man who was detected carrying the carcass of a pig which had died of small-pox "to be cured into bacon and ham," finds its parallel here, in the owners of low-lying lands in populous localities, bargaining with borough councils for the filthy scourgings of lanes and gutters to fill up their sections to a required level. "I," says an eye-witness, "have stood in the sweltering sun of a summer's day and watched these corporation carts depositing their vile contents on vacant allotments, 'as per agreement;' the reeking exhalations therefrom rivalling the 'tips' at Botany; and I have come away rowing that the owners thereof were murderers."

In 1878 typhoid fever raged in the town of Napier, New Zealand, to such an extent that public attention was directed to it. The medical experts traced the cause to the low-lying swamp lands in the immediate vicinity of the town, and suggested their being filled up by the town council. But the land was private property. The owners, when requested, refused to fill up these town sections, and the council had no power to make them. But what did they do? They appealed to Parliament and asked for the power; and they got it. They then filled up the sections at the owner's risk—not with the vile garbage that is employed here, laying the germs of more deadly disease, but with good solid earth; and the result was the property ran up 400 per cent., and the fever disappeared entirely from that locality.

Now, this is what we want:—First, an imperative Order in Council to stop all corporation carts from discharging refuse in any part of the city or suburbs. Let night trains, or trams, with special trucks, convey such refuse to a point of safety beyond the outskirts. And then let the Government institute a Commission of inquiry to collect information as to the cause of the present typhoid epidemic, and the best means of stamping it out, with the view of introducing a Bill, if necessary, during the approaching session of Parliament to obtain the requisite power for effectually dealing with the matter; which, affecting as it does the lives and happiness of thousands of our fellow citizens, should be approached in a spirit of broad and enlightened and philanthropic statesmanship. That it can be dealt with effectually I have endeavoured to show by quoting the prompt, vigorous, and decisive action of Napier, New Zealand, under very analogous circumstances to our own. And that there is information available to such a Commission, pointing direct to the cause of the present epidemic, and much more that may be obtained in the background, may be gathered from the following from the pen of an Anglican clergyman:—"A short time ago I had charge of a populous suburb in the immediate vicinity of Sydney. Its low-lying parts were here and there studded with stagnant pools of indescribable abominations. The far-famed '36 stanches of Ceylon' seemed to have emigrated and congregated and taken up their habitation and abode there. I will not offend the delicate sense by attempting to describe the pollution; sufficient for the purpose that every deceased quadruped, small or great, from the shambles, the gutters or the lanes, were freely deposited there by the local corporation carts, and left

'To exhale their fragrance
Uncollied and unknelt.'

And all around, and about, and on every side, houses were springing up like magic, some of them actually being built over these death-dealing swamps. In vain I strove to check this madness. I appealed to the Mayors of the respective boroughs, but was told they could not interfere with private property. I wrote to the suburban fathers in council assembled, and with no better result. One council referred my letter to its committee of works, and there the matter ended. The other refused to receive it, or to consider it; and neither of them had the manners to acknowledge it. I then appealed to the Board of Health, and was courteously informed, under date 24 June, 1884, that the Board had no power to interfere with the affairs of the municipalities, but that my letter had been forwarded to the Ministerial head of the Department; and shortly afterwards the Colonial Secretary forwarded my letter of complaint to one of the delinquent boroughs, and 'asked for information.' He was near getting it with a vengeance; for, when the communication came under consideration of the 'suburban fathers,' one of them arose in his wrath and moved that 'The letter be not received, as it contained offensive matter.' However, wiser counsels prevailed, and the council clerk was instructed to return the dignified reply 'That no such nuisance existed.' This proved, however, the 'last feather.' So the press was appealed to, and the *Herald* despatched a 'special' to 'see the land, what it is.' And he came, and saw, and, like the Queen of Sheba, found that 'the half' of the horrors 'had not been told him.' He embodied the result of his observations in an article, which created a sensation—so much so that attention was attracted to it in all directions. Now, I thought, the 'suburban fathers' will move. And so they did; but it was an explosion of wrath, which culminated, and burst on the head of the 'parson who had dared to stir up these puddles, and on the head of the pressman who had aided and abetted him therein.' So some day or other I expect to see terraces of houses run out over excavations, which would be more appropriately described as 'morgues.'

It is no wonder typhoid is rife when fever beds are allowed to exist. A pestiferous swamp—since "reclaimed"—threaded its sinuous course through the neighbouring low-lying flats, not as "a thread of silver," but as a black, inky slime; wriggling in and out like a black snake, dealing death in its course! Its whole track is marked with fever cases. In one house a girl, nine years of age, died; in another house a young man was robbed of the wife of his youth through the same pernicious source. She died at the age of 21 years. In another house, near where this puddle was stayed in its course, three adults and two children were attacked, and all died but one. There were other cases, but not fatal ones; and others again of which I had no personal knowledge, for I only speak of what I have seen; and I pause to ask, "Who slew all these?" Was it not the foulness which emanated from the contents of Corporation carts deposited on the sections of private owners at 6d. a load?

I am, &c.,

SANITAS.

It should now be mentioned that in November last, upon general complaint of the unhealthiness of the district by the Rev. Father Doyle, of the Church of St. Mary of the Suburbs, George-street, Macdonaldtown, the Board of Health directed inquiry to be made by the chief medical inspector; and that, with the exception of recommending the Council to cause the removal of nuisances from one exceptionally filthy property, nothing could be done to remedy the matters very properly complained of by Father Doyle, for want of legal power to intervene.

The

The following is the special report made by the *Herald* in 1884 upon this locality—partly in Newtown, partly in Macdonaldtown:—

A TYPHOID VALLEY NEAR SYDNEY.

Sydney Morning Herald, 2nd August, 1884.

NEWTOWN, with its district, is one of the few suburban localities that is not now recommended as specially healthy or specially picturesque. What its virtues may have been at the time when its low-lying land was first invaded by brick and mortar it is hard to say; but its original attractiveness, if it ever had any, has long ago been a thing of the past. It has long been a point in dispute as to whether the roads there are at their worst in summer or winter; but, judging from the statements made about them by some of the suffering inhabitants, there would appear to be very much of a sameness in this respect. The roads, however, are but a minor nuisance compared with another matter which will form the subject of the present article. There is a large tract of low-lying country to the left of the tramline going from Sydney, which is approached by a gentle declivity of some quarter of a mile. In the driest of dry seasons, this place is a kind of Botany dam, inasmuch as it naturally receives all the drainage for miles around. The Corporations of Newtown and Macdonaldtown, whose domains meet in this valley of humiliation, do their best to follow nature by sending down thither all the rubbish, and "all," in this case, comprehends a very great deal. When artificial and natural means combine so harmoniously, as in this case, the results are, perhaps, considerably more than might be imagined by a resident of Double Bay or Pott's Point. Yesterday morning a number of local gentlemen, including an Anglican clergyman, an inspector of nuisances, and an alderman, accompanied by a reporter from this paper, proceeded to this valley, sometimes called "Frogghollow," the condition of which has been a grievance for a long time past, and, under the present order of things, seems destined to continue to be one indefinitely. The first locality inspected was Harold-street, which is reached from the Erskineville Road. Although the weather was splendid, and the air crisp and clear, a more thoroughly disheartening spectacle for a sanitary reformer could scarcely be imagined. In an open space to the right of the road there stands a board labelled "Clean rubbish may be shot here." Close by are a couple of wooden tenements (*see map*), and at the rear is the "rubbish." It was stated that a sort of small lake of a quarter of an acre existed here about twelve months ago, and judging by the damp visible on some of the adjacent houses, the lake would appear to have been a tolerably prosperous one. The effect of the rubbish has been to divide the lake into a number of small puddles which smell as badly as they look. There was no fence to one of the two wooden houses, which have literally been built in a morass. A small, vile stream of putrid water passes under the W.C.s. at the back, and flows on alongside the street till it finally takes a downward course to the bottom of the valley. The back yards were simply black oozy mud, over which a couple of rude causeways had been constructed by one of the tenants. It was stated by the rev. gentleman present that one of the houses had been invaded with typhoid, with the usual results, and since then it had been uninhabited. An inspection, however, revealed the fact that an old lady was living there. She said that she had come on the previous day, and intended to depart on the morrow. A call at the other house brought to light a respectable looking but very pale woman, who with her husband and family had occupied the abode for a month. She complained bitterly that it was a shame that "nobody done anything" to make the place better, and added that the stench was so bad at nights and mornings that she dare not open the doors or windows. Considering that the two gentlemen who interviewed her at the time—it was nearly noon—had to keep camphor to their nostrils, the state of things at "lovely morn and dewy eve" can only be imagined by a scavenger or a resident there. In and out of the pools on the hillocks and in the Stygian stream was the "clean rubbish"—the emptyings of dust-bins, old kerosene tins, dead animals of various genera, and in fact anything and everything that could create a stench or manufacture a fever. On the other side of a narrow road which skirted the swamp on one side, was another gigantic dust-heap and more mud, not honest mud, but green, slimy filth, which required no small amount of ingenuity to cross. It was finally accomplished, with one or two accidents, by the party clinging to the wooden fence of a back yard of the last of a terrace of houses inhabited, not by Chinamen, but by Europeans. Then there was yet another road and more morass, only as the ground was higher, the mud and smell were not so bad. Small houses were on every hand, fringing the quagmire, and some of them appeared to have been built right in it. One little "cottage by the sea" was specially noticeable. It was said that at one time this "detached villa" had been swimming, and the one and only means of checking the water, viz., "clean rubbish," had evidently been resorted to pretty considerably. Only that morning, in fact, a load of particularly abominable rubbish had been shot right in front of the verandah, which was waiting to be shovelled under the house. It may seem sensational to talk of such things, but there was no disputing the rubbish, or the statements of the local men. It was simply impossible to stand on the verandah for 2 minutes without one's handkerchief applied to the face. The cottage was at the bottom of a long terrace of small houses which continued at intervals to the Newtown Road. The inhabitants seemed, however, to be tolerably acclimatised. The little children were playing about the stink heap, and appeared to be thoroughly enjoying themselves. One or two grown-up people, however, who were spoken to on the matter, did not look upon it in a philosophic way. A policeman of the Newtown force declared that soon after he took up his residence in the valley the "shadow of death" came in at the threshold, and, acting under the doctor's orders, he fled just in time to save his children's lives. The late Dr. Day, who, it may be remembered, recently lost his life in combating typhoid at Forster, paid a visit to this place and spoke of it in terms of the most unmistakable character; while other medical opinions of the same character could be quoted by the score. It was stated, in fact, although the statement is given simply as coming from one of the gentlemen yesterday, that Inspector Larkins had spoken of criminal informations in connection with the landlords of the houses. The inhabitants, when they feel a little worse than usual, or when fever breaks out, have a habit of petitioning the Newtown Corporation, which is supposed to exercise some sort of supervision over the interests of health and decency in the borough, and, according to one of the most influential aldermen of that influential body, the Council have a habit of doing nothing. They used to talk about it, but the question has long ago become too hopeless for that. "Clean rubbish" is the only palladium in their eyes, and as none of them are said to reside there, their view of the case is in every respect a neutral one. The alderman in question said yesterday, while the party were in the Newton Road, at the top of Erskineville

Road, "You see this hill"? pointing to the rising ground in the direction of the city. "Well, that hill is simply fringed by a belt of typhoid country." Upon being asked what remedial measures he would advocate, he suggested that some of the inhabitants should summon the nuisance-makers, including the borough scavengers. It must, however, be tolerably obvious that to the people who could allow themselves to live in such a place the idea of summoning the local authorities would be a trifle too daring. At any rate, it does not appear that any summoning has yet been done.

It has been before stated that the Boroughs of Newtown and Macdonaldtown meet in the valley. The putrid stream spoken of traverses about a mile of morass in the latter borough, being joined in its evil course by several tributary streams, which unite in one open drain not far from one of the arches of the Illawarra Railway. There the country thus "watered" is mostly open, and about 4 acres in extent. This is the bottom of the valley. There is, comparatively speaking, very little "clean rubbish" here, as the houses are few and far between, and the Corporation has not been much troubled in connection with it. It is simply an undrained swamp, and is, it was stated, about to be built upon altogether. There are waterholes here and there of the same character as would be found in the Cobar District during a drought, and some feeble specimens of yellow brick architecture, with galvanized iron roofs, are dotted here and there. Typhoid has called at some of these places—more, in fact, than is generally known, as some medical men, it was said, had a dislike to certify as to the fever. In Victoria-street, close to the line, there is what is called a road, which leads under the railway arch; but inasmuch as it is dangerous for a horse and cart to venture there, the Corporation have taken prompt measures, and railed the quagmire off. A picturesque structure on the rising ground was pointed out as a dairy, and the patches of green visible were stated to be the grazing ground for the cows. One of the party remarked that it was as well to be careful with the milk; for his part he boiled it, and then boiled the water also before it was used. He gave his reasons, which, under the circumstances, appeared obvious enough.

The inspection lasted a little while longer after this stage. The course of the open drain was traced to where it lost itself in the rising ground of a street the other side of the line. A house which stood close by this locality was pointed out as having been once cleared out by typhoid, the mother happily escaping after a change of residence. It was added that a young man who came to remove the furniture took it, and with it the germs of the disease, which proved fatal in a few days. There were more dairies and more cows visible here, and the condition of the animals at a distance appeared to testify to a remarkably hard struggle with circumstances.

As an excuse for this state of things it was stated that the Macdonaldtown Corporation were poor and could do little, but great things were hoped for when a new loan of £5,000 was raised. Perchance some of the dwellers in the "clean rubbish" locality might have thought so too when Newtown got £80,000 a few months ago from the London market.

The clerical gentleman aforesaid remarked, as the party were finishing their tour: "You now see the place at its best; wait till the summer, and come then." It is to be trusted that before the summer does come something more potent than summoning officials or depositing "clean rubbish" will be thought of. There apparently is no power or authority to do anything. One local functionary last summer, seeing how things were going, said he waited upon a member of the Board of Health, and was informed that unless a plague broke out nothing could be done. Whether the informant is right or not, nothing appears to have been done. The City Improvement Board have no official knowledge of the valley; and there is no Mr. Inspector Scymour or City Architect to "visitate" this place, which is far worse than Sussex-street or Kent-street. If it was necessary to put the law in motion there, it is asked, why should it be impossible to do so in the suburbs? If a butcher can be fined and imprisoned for selling putrid meat, why should not a landlord be dealt with when he allows people to occupy putrid houses?

One of yesterday's party, who had been in Napier, New Zealand, in 1878, when a similar state of things existed in one quarter of the town, and when fever was making havoc on all sides, said that an indignation meeting of the citizens, some of whom were well to do, was held, the result being that a special Act was passed by the New Zealand Legislature. The town council took the matter in hand thoroughly, and called upon the landowners to pay. Those who refused had their land seized and sold by auction, and out of the proceeds the necessary expense was defrayed. It may, perhaps, be as well to give this gentleman's name, as he has expressed his willingness. It is that of the Rev. J. Spear, an Anglican clergyman, whose pastorate lies partly in the valley.

Whether or not it should be necessary to wait until the hot weather and the typhoid make their appearance is a matter that possibly pertains to the Government; and in the meantime, if there are any whose practical Christianity would lead them to do something for "the poor and needy," and who may possibly deem that these statements are highly coloured, they are recommended to pass through the valley and "see what they can see."

Minute by The Under Secretary for Public Works.

Department of Public Works, Sydney, 15 February, 1889.

Subject :—Report of Dr. Ashburton Thompson and Mr. G. H. Stayton on the outbreak of Typhoid Fever at Newtown.

WITH regard to the conclusions with which this Report winds up, I have to inform the Minister that recommendations 2 to 7 inclusive deal with matters coming under the cognizance of the Colonial Secretary, and Dr. Maclaurin, the President of the Health Board, informs me that he intends immediately to bring the whole subject mentioned therein under the attention of Mr. Dibbs.

The first recommendation is the only one which comes within the scope of this Department. It relates to the Metropolitan Water and Sewerage Act Amendment Bill and the proposed schemes of sewerage. In respect of the first mentioned matter I have to inform Mr. Fletcher that the Bill has for some time been prepared, and is now awaiting final revision and Ministerial approval to its being introduced into Parliament. I will briefly indicate the provisions of this Bill :—

First—The Metropolitan Water and Sewerage Act of 1880 makes provision for the transfer of the sewerage of the city to the Water and Sewerage Board on the completion of the present system. As a matter of fact the new scheme of sewerage is not yet complete, but is sufficiently advanced to admit of its being brought into use and produce revenue, and in many cases connections have already been made; but until the sewers are handed over to the Board no rates can be collected, and thus the Government are losing a large revenue which would be available to pay interest on the large sum already spent in the construction of the system, something like £900,000. The first object of the Bill, therefore, is to provide for the transfer of the sewers, so far as completed, to the Board, including the old reticulation system of Sydney and the Suburbs. It will be remembered that last year a similar measure was passed dealing with the water supply. Hence the coming into existence of the present Water and Sewerage Board.

Secondly, as to minor matters, the Bill provides for a proper system of sewer ventilation, and for power to inspect properties for the purposes of sewerage. Provision is also made for giving the Minister for Works certain necessary powers to deal with those portions of the sewerage scheme which by reason of their not being complete, cannot yet be handed over to the Sewerage Board. With regard to the Borough of Redfern they have borrowed a sum of money to carry out their sewerage works, but arrangements have been made between the Council and the Government that in anticipation of the passing of this Bill the Government shall construct their sewers with the money they have borrowed, amounting to £30,000, and a special clause in the Bill provides for the transfer of the Council's obligations in respect thereof to the Government.

Further, in the present Acts there is no provision made for the leasing of lands which have become the property of the Board of Water Supply and Sewerage, and it is considered desirable that such powers should be given, as the Board hold valuable quarries at Prospect and other lands which it is proposed they should have power to lease, subject, of course, to the approval of the Governor-in-Council. Provision is therefore made in the Bill to permit of this being done.

If the Minister approves of the Bill it will be necessary for him to give final instructions to the Parliamentary Draftsman to complete the measure, of which I submit a rough draft for his inspection.

With regard to the proposed schemes of sewerage, I should point out that those for North Shore and Manly have already been reported upon by the Parliamentary Standing Committee, the reports have been adopted by the House, and the necessary construction Bills were read a first time.

With regard to the scheme for the Western Suburbs, the matter was referred to the Standing Committee, and a large amount of evidence on the subject was taken by them, when their proceedings were brought to a close by the dissolution of the late Parliament.

J. BARLING.

Minute by The Secretary for Public Works.

Department of Public Works, Sydney, 18 February, 1889.

Subject:—Report on outbreak of Typhoid Fever at Newtown.

I HAVE taken into most serious consideration the able and exhaustive report which has been furnished to me on the above subject by Dr. Ashburton Thompson and Mr. Stayton, M.I.C.E. The report reveals a very grave, not to say alarming, state of affairs in many parts of the suburbs in matters appertaining to sanitation, and it is clear that the most energetic measures are necessary, in order to cope with the evils which have been disclosed. I of course leave to my honorable colleague the Colonial Secretary those parts of the recommendations which relate to his Department, but with regard to the share which my Department will have to take in the matter I at once approve of the draft Bill being revised, with a view to its early submission to Cabinet and subsequent introduction into Parliament, and I shall be glad if Mr. Oliver, the Parliamentary Draftsman, will take such measures as will enable me to submit the Bill to my colleagues in time for its introduction to the House immediately after the meeting of Parliament.

With regard to the sewerage schemes which have been considered, I shall do my best to urge on the introduction of the necessary Bills to enable them to be carried into effect. The whole question is one which is far above all party politics, and demands immediate consideration of Parliament, no matter which party is in power.

In conclusion I have to express my entire concurrence with the action taken by my predecessor.

JAMES FLETCHER.

Minute by the Under Secretary on above.

Will Mr. Bennett please arrange with Mr. Oliver about the final revision of the Bill as quickly as possible.—J.B., 19/2/89.

The Under Secretary for Public Works to A. Kitchen, Esq.

Department of Public Works, Sydney, 19 January, 1889.

Sir,

I am directed to acknowledge the receipt of your letter of the 18th instant, in reply to mine of the 11th instant, granting the requisite permission to sink trial shafts at the back of your houses in Gowrie-street, and on behalf of Mr. Secretary Fletcher have to thank you for your ready acquiescence in my request.

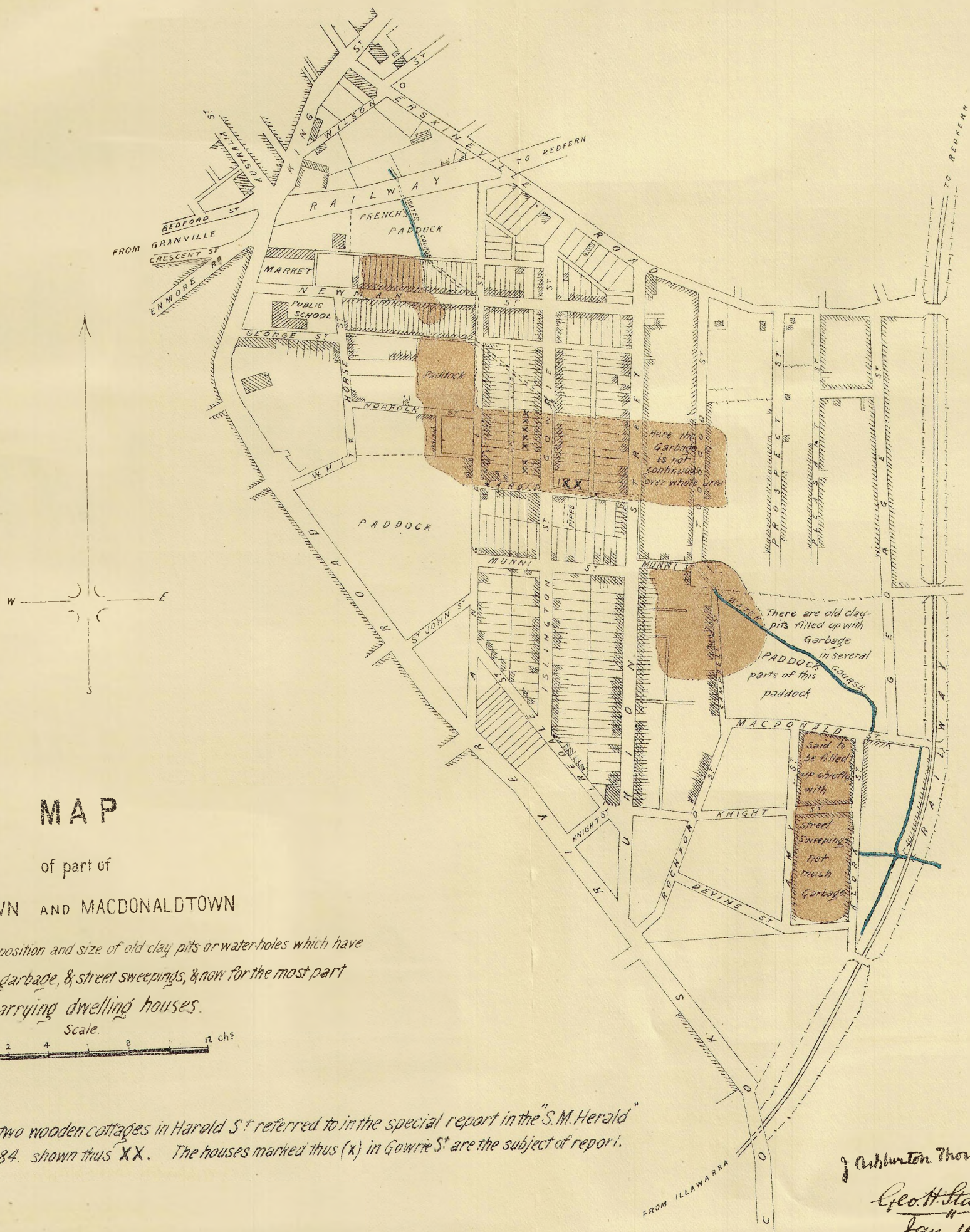
Dr. Ashburton Thompson and Mr. Stayton have been directed to place themselves in communication with you, and they will be glad to avail themselves of your offer of assistance.

I have, &c.,

J. BARLING,
Under Secretary.

[Two maps.]

APPENDIX.
To accompany Interim Report on outbreak of typhoid fever.



MAP

of part of
NEWTOWN AND MACDONALDTOWN

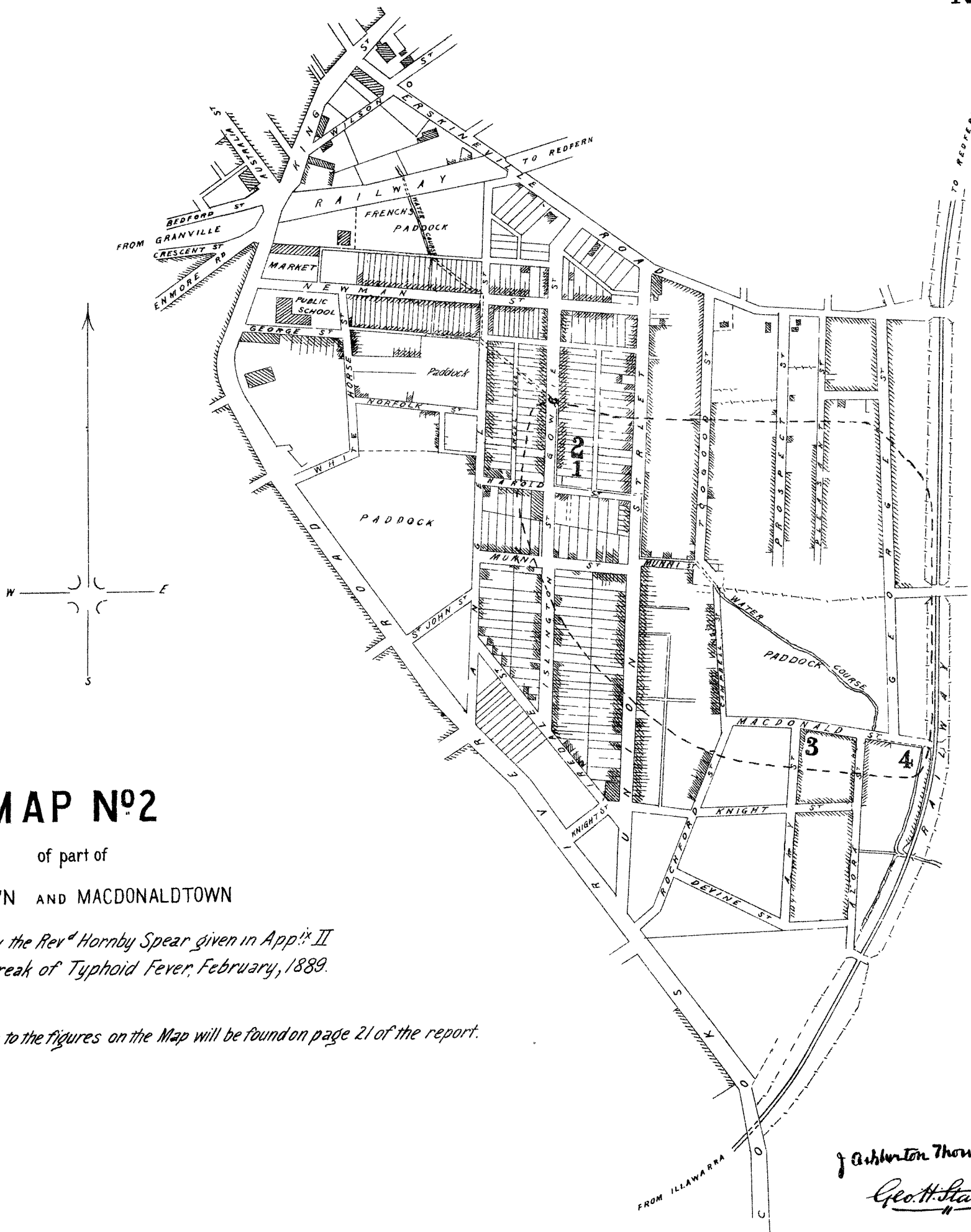
Showing approximately the position and size of old clay pits or water-holes which have been filled up with earth, garbage, & street sweepings, & now for the most part carrying dwelling houses.

Scale.
0 2 4 8 12 ch^s

NOTE: Here stand the two wooden cottages in Harold St referred to in the special report in the "S.M. Herald" of August 2nd, 1884. shown thus XX. The houses marked thus (x) in Gowrie St are the subject of report.

J. Ashburton Thompson Esq.

Geo. H. Stanton. M. Inst. C.E.
Jan 16th 1889.



MAP Nº2

of part of
NEWTOWN AND MACDONALDTOWN

*With explanatory notes by the Rev^d Hornby Spear given in App^x II
of a report on an outbreak of Typhoid Fever, February, 1889.*

NOTE - The references to the figures on the Map will be found on page 21 of the report.

J. Ashinton Thompson Engr.
Geo. H. Stoyton. M. Arch. C.E.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

TYPHOID FEVER IN SYDNEY AND SUBURBS,
(FROM 1876 TO 1888.)

Ordered by the Legislative Assembly to be printed, 23 May, 1889.

The Secretary to the Board of Health to The Principal Under Secretary.

Sir, Board of Health Office, 127 Macquarie-street, Sydney, 12 April, 1889.

I have the honor, by direction of the Board of Health, to forward you the enclosed paper on the prevalence and mortality of Typhoid Fever in the City of Sydney and Suburbs during last thirteen years, which has been prepared from the records in this Office for the information of the Colonial Secretary.

As this paper is of much public interest the Board would suggest that it be placed upon the tables of both Houses of Parliament.

I have, &c.,

EDMUND SAGER,
Secretary.

[Enclosure.]

TYPHOID Fever in the City of Sydney and its Suburbs from 1876 to 1888.

The accompanying tables, which have been carefully prepared for the information of the Colonial Secretary, contain certain interesting facts with reference to the prevalence and mortality of typhoid fever in the city of Sydney and suburbs during the last thirteen years, and are a continuation of returns previously furnished, completed to the 31st December last.

In table I a statement is given of the number of deaths in each month of the ten years ending 31st December, 1885, together with the ratio calculated per 100,000 of the population, as estimated on the 30th June in each year. From this it will be seen that during the decennial period there was a very large increase in the mortality from this disease, viz., from 46.07 per 100,000 in 1876 to 102.17 in 1885.

Table II gives a similar statement for 1886, 1887, and 1888. From this it will be seen that the mortality from typhoid fever has of late undergone considerable and progressive diminution; thus in 1886 the rate per 100,000 was 90.90; in 1887 it was 58.11; and in 1888, it was 51.42.

Table III, which contains a return of the number of cases of typhoid fever admitted to the metropolitan hospitals of Sydney, and of the number of deaths which have occurred in these institutions during 1886, 1887, and 1888. From this it appears that there were 814 cases admitted, with 128 deaths; in 1887 there were 598 cases with 81 deaths; and in 1888 there were 648 cases with 82 deaths; the death rates being 15.72, 13.54, and 12.65 per cent. on cases admitted during each year respectively.

From these figures it will be noted with much satisfaction that the death rates have been progressively diminishing for the past three years, and that, although the number of cases admitted in 1888 is greater by 50 than that of cases admitted in 1887, the number of deaths is practically the same. Experience has shown that the chances of recovering from typhoid fever are very much increased if the patients are placed under suitable treatment in the earlier stages of the disease.

Table IV shows the number of persons suffering from typhoid fever who were admitted to the metropolitan hospitals during the twelve months ending December 31st, 1888, arranged according to the localities from which they were removed, together with a calculation of the ratio of cases per each 10,000 of the population.

Table V shows the deaths which took place in the hospitals among the cases mentioned in the previous table; in this it has not been deemed necessary to calculate the ratio per 10,000.

From the two latter returns it appears that the West Central and Eastern districts have supplied by far the largest proportion of typhoid fever patients to the hospitals. From the West Central district came 100 cases, giving a ratio of 31.32 per 10,000 of the population, the Municipality of Newtown furnishing no less than 67 of the cases. The insanitary condition of this district has been recently pointed out in a report by Dr. Ashburton Thompson and Mr. Stayton.

From the Eastern district 101 cases were sent to hospital, the ratio being 26.92 per 10,000 of the population. From a return recently furnished to the Colonial Secretary it appears that in the boroughs of Paddington and Woollahra, out of a total of 5,264 houses no less than 4,384 were provided with cess-pits, a method of dealing with night-soil which has been shown to be in the highest degree insanitary.

It would have been more satisfactory if a return could have been given of the cases of typhoid fever actually occurring in the city and suburbs during the period in question, but, owing to the absence of any provision for the registration of infectious disease, no data exist on which such a return could be founded.

It is proposed to continue these returns annually, so as to record all the available information on this important matter.

In submitting returns for previous years, the Board pointed out that typhoid fever is essentially a preventable disease, and makes its ravages chiefly among the younger and more vigorous members of the community. By well-concerted sanitary measures the prevalence of the disease can be very greatly reduced, and much sickness and death may be spared to the community. The necessity for a Public Health Act is, in the opinion of the Board, more and more urgent.

By order,

EDMUND SAGER,

Secretary to the Board of Health.

Sydney, 10 April, 1889.

APPENDIX.

TABLE I.

Typhoid Fever—1876 to 1885.

RETURN showing the number of deaths from Typhoid Fever in the City of Sydney and its Suburbs for each month of the years 1876 to 1885—giving the death-rate per 100,000 for each month.

Year.....	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	
Estimated population on the 30th June of each year.....	167,141	174,240	182,680	192,829	213,310	227,693	237,008	240,805	267,194	282,945	
January.....	{ No. of deaths Rate per 100,000.....	{ 4 3.39	{ 6 3.44	{ 14 7.65	{ 5 2.59	{ 11 5.15	{ 9 3.95	{ 10 4.20	{ 19 3.99	{ 22 8.23	{ 22 7.78
February.....	{ No. of deaths Rate per 100,000.....	{ 5 2.99	{ 8 4.59	{ 11 6.01	{ 16 7.78	{ 7 3.28	{ 16 6.99	{ 19 7.98	{ 17 6.78	{ 19 7.11	{ 31 10.95
March.....	{ No. of deaths Rate per 100,000.....	{ 16 9.57	{ 12 6.88	{ 19 10.38	{ 16 8.30	{ 5 2.34	{ 14 6.15	{ 13 5.46	{ 10 3.99	{ 33 12.35	{ 34 12.02
April.....	{ No. of deaths Rate per 100,000.....	{ 12 7.18	{ 16 9.18	{ 20 10.33	{ 18 9.33	{ 10 4.63	{ 8 3.51	{ 19 7.98	{ 18 7.18	{ 33 12.35	{ 33 11.06
May.....	{ No. of deaths Rate per 100,000.....	{ 9 5.38	{ 14 8.03	{ 26 14.21	{ 14 7.26	{ 8 3.75	{ 11 4.83	{ 32 13.45	{ 34 13.65	{ 22 8.23	{ 34 12.02
June.....	{ No. of deaths Rate per 100,000.....	{ 11 6.59	{ 20 11.47	{ 12 6.56	{ 13 6.74	{ 8 3.75	{ 9 3.95	{ 23 9.67	{ 21 8.37	{ 18 6.74	{ 31 10.95
July.....	{ No. of deaths Rate per 100,000.....	{ 3 1.60	{ 6 3.44	{ 18 9.84	{ 9 4.67	{ 6 2.11	{ 2 0.83	{ 17 7.15	{ 11 4.38	{ 8 3.00	{ 20 7.07
August.....	{ No. of deaths Rate per 100,000.....	{ 4 2.39	{ 2 1.15	{ 13 7.10	{ 3 1.56	{ 8 3.75	{ 10 4.39	{ 10 4.20	{ 3 1.19	{ 4 1.50	{ 14 4.95
September.....	{ No. of deaths Rate per 100,000.....	{ 1 0.60	{ 1 0.57	{ 9 4.92	{ 6 3.11	{ 8 3.75	{ 5 2.19	{ 8 3.26	{ 5 2.00	{ 12 4.60	{ 12 4.24
October.....	{ No. of deaths Rate per 100,000.....	{ 3 1.60	{ 4 2.29	{ 7 3.83	{ 2 1.03	{ 4 1.87	{ 7 3.07	{ 9 3.78	{ 10 3.99	{ 10 3.74	{ 17 6.01
November.....	{ No. of deaths Rate per 100,000.....	{ 4 2.39	{ 3 1.72	{ 6 3.28	{ 5 2.59	{ 11 5.15	{ 1 0.44	{ 5 2.19	{ 11 4.38	{ 12 4.50	{ 15 5.30
December.....	{ No. of deaths Rate per 100,000.....	{ 5 2.99	{ 11 6.31	{ 11 6.01	{ 9 4.67	{ 7 3.28	{ 4 1.76	{ 10 4.20	{ 16 6.38	{ 21 7.65	{ 26 9.19
TOTAL.....	{ No. of deaths Rate per 100,000.....	{ 77 46.07	{ 103 59.11	{ 161 90.76	{ 115 69.63	{ 93 43.60	{ 95 41.74	{ 175 73.55	{ 166 66.13	{ 214 80.09	{ 280 102.17

TABLE II.

Typhoid Fever—1886 to 1888.

RETURN showing the number of deaths from Typhoid Fever in the City of Sydney and its Suburbs for each month of the years 1886 to 1888—giving the death-rate per 100,000 for each month.

Year.....	1886.	1887.	1888.	Year.....	1886.	1887.	1888.		
Estimated population on the 30th June of each year.....	323,180	340,702	367,856	Estimated population on the 30th June of each year.....	323,180	340,702	348,795		
January.....	{ No. of deaths Rate per 100,000.....	{ 33 10.21	{ 24 7.05	{ 14 3.91	August.....	{ No. of deaths Rate per 100,000.....	{ 8 2.47	{ 6 1.76	{ 9 2.51
February.....	{ No. of deaths Rate per 100,000.....	{ 44 13.61	{ 24 7.05	{ 24 6.71	September.....	{ No. of deaths Rate per 100,000.....	{ 6 1.54	{ 8 2.35	{ 7 1.96
March.....	{ No. of deaths Rate per 100,000.....	{ 41 12.68	{ 39 11.44	{ 21 5.67	October.....	{ No. of deaths Rate per 100,000.....	{ 6 1.85	{ 10 2.94	{ 3 0.84
April.....	{ No. of deaths Rate per 100,000.....	{ 41 12.63	{ 17 4.99	{ 28 7.82	November.....	{ No. of deaths Rate per 100,000.....	{ 7 2.16	{ 11 3.23	{ 7 1.96
May.....	{ No. of deaths Rate per 100,000.....	{ 42 12.99	{ 26 7.63	{ 21 5.67	December.....	{ No. of deaths Rate per 100,000.....	{ 25 7.73	{ 14 4.10	{ 26 7.26
June.....	{ No. of deaths Rate per 100,000.....	{ 23 7.11	{ 12 3.52	{ 15 4.19	TOTAL.....	{ No. of deaths Rate per 100,000.....	{ 294 90.90	{ 198 58.11	{ 184 61.42
July.....	{ No. of deaths Rate per 100,000.....	{ 19 5.87	{ 7 2.05	{ 9 2.51					

TABLE III.

Typhoid Fever—1886 to 1888.

RETURN of Patients suffering from Typhoid Fever, admitted to the Metropolitan Hospitals of Sydney during the years 1886, 1887, and 1888, showing the deaths occurring in, and the number of cases admitted to, each Institution during each month.

1886.

1886.	Coast.		Prince Alfred.		Sydney.		St. Vincent's.		Children's.		Total.	
	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.
January	48	6	20	9	10	2	9	4	2	...	95	21
February	60	9	16	2	10	6	8	...	3	...	97	17
March	47	7	31	3	9	3	12	...	6	1	104	14
April	80	10	23	3	13	2	15	4	7	...	138	19
May	61	8	22	3	13	2	7	3	5	...	108	16
June	31	5	19	3	13	1	3	...	1	...	67	9
July	14	6	10	2	2	2	3	...	2	...	31	9
August	1	...	7	2	1	...	2	...	1	...	12	2
September	10	...	9	2	7	2	3	...	1	...	30	4
October	6	2	3	...	7	1	2	...	2	...	23	3
November	13	1	12	1	10	2	11	...	1	...	47	4
December	29	3	22	4	7	1	4	2	...	...	62	10
Total for the year	400	56	197	34	103	24	79	13	30	1	814	128
Death rate on cases admitted	14.00%		17.26%		22.22%		16.45%		3.33%		15.72%	

1887.

1887.	Coast.		Prince Alfred.		Sydney.		St. Vincent's.		Children's.		Total.	
	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.
January	50	6	25	1	8	2	3	4	...	...	91	13
February	42	8	23	0	5	1	16	...	2	...	87	15
March	48	6	17	5	16	2	3	4	6	...	97	17
April	54	6	17	1	18	2	2	...	7	...	104	9
May	37	2	9	1	3	2	6	...	2	1	67	6
June	11	...	7	1	3	...	...	...	2	...	23	1
July	6	1	9	1	...	...	...	...	...	...	15	2
August	3	...	8	...	6	1	1	...	...	...	18	1
September	6	1	6	2	4	...	...	...	...	...	15	3
October	11	3	17	2	3	1	6	...	...	...	37	6
November	7	2	9	3	1	1	3	1	...	...	20	7
December	12	1	15	...	3	...	3	...	1	...	34	1
Total for the year	286	36	161	23	72	12	69	9	20	1	538	81
Death rate on cases admitted	12.59%		14.28%		16.66%		12.25%		5.00%		14.54%	

1888.

1888.	Coast.		Prince Alfred.		Sydney.		St. Vincent's.		Children's.		Total.	
	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.
January	32	1	22	3	7	1	7	1	...	...	68	6
February	30	1	20	5	16	5	17	2	1	...	84	13
March	44	2	23	2	12	...	12	...	5	...	96	4
April	34	1	22	3	18	6	22	1	4	...	100	11
May	24	2	30	6	11	3	9	3	5	1	79	15
June	18	2	15	6	6	1	7	...	...	...	46	9
July	5	...	8	2	3	...	4	...	...	...	20	2
August	2	...	4	...	2	...	3	...	2	...	13	...
September	5	...	1	...	1	2	...	...	...	1	7	3
October	6	1	2	...	3	...	...	...	...	...	11	1
November	14	...	16	1	6	...	5	1	2	...	43	2
December	27	3	32	12	12	1	7	...	3	...	81	16
Total for the year	241	13	105	40	97	19	93	8	22	2	648	82
Death rate on cases admitted	5.39%		20.51%		19.56%		8.00%		9.09%		12.65%	

NOTE.—Experience having proved that the journey to the Coast Hospital is very injurious to Typhoid Fever patients in the advanced stage of the disease, the majority of these are sent to the City Hospital.

TABLE IV.

RETURN showing the number of persons suffering from Typhoid Fever, who were removed to the Metropolitan Hospitals for treatment, from each district of the metropolis, during the twelve months ending 31st of December, 1888.

Districts.	Estimated population, 30 June, 1888.	Coast Hospital.	Prince Alfred Hospital.	Sydney Hospital.	Saint Vincent's Hospital.	Children's Hospital.	Total.	Total of District.	Cases per 10,000 of population.																																																	
STONRY	125,896	62	31	36	35	7	171	171	13.58																																																	
SUBURBS—																																																										
North-Western.	Balmain	6	4	2	.....	.....	12	60	13.25																																															
										Leichhardt	7	21	4	1	83																																										
																	Glebe	6	8	3	2	2	21																																			
West Central.	Newtown	20	37	4	3	3	67	106	31.32																																																	
										St. Peters	2	4	1	7																																										
																	Camperdown	1	9	1	11																																			
																								Macedonaldtown	6	12	1	2	21																												
East Central.	Redfern	0	7	2	2	2	22	76	17.24																																																	
										Darlington	3	1	1	1	6																																										
																	Alexandria	7	4	2	2	15																																			
																								Waterloo	11	6	2	3	1	23																												
																															Botany, North	2	1	3																					
																																						Botany, Lower	7	7														
Eastern.	Paddington	15	1	2	4	1	23	101	26.92																																																	
										Randwick	4	4	3	3	2	16																																										
																	Waverley	14	3	9	16	44																																			
																								Woolahra	9	5	1	3	18																												
Western and Southern.	Ashfield	1	4	2	.....	.....	7	50	10.72																																															
										Burwood	1	1																																										
																	Canterbury	1	1																																			
																								Five Dock	1	1																												
																															Kogarah	3	3																					
																																						Rockdale	1	1														
																																													Marrickville	11	5	2	2	1	21							
																																																				Hurstville	1	1
Strathfield .....	.....	3	.....	2	.....	.....	5																																															
North Shore.	East St. Leonards	9	1	4	1	.....	16	40	19.93																																																
										St. Leonards	6	1	7																																										
																	North Willoughby	7	1	4	12																																			
																								Gordon and Lane Cove	1	2	1	4																												
																															Manly	1	1																					
																																						Narrabeen	1	1														
SHIPPING .....	.....	1	1	1	.....	.....	3	3	.....																																																
Totals	357,856	230	164	94	83	22	613	613	17.13																																																	

TABLE V.

RETURN showing the number of persons suffering from Typhoid Fever who were removed to the Metropolitan Hospital for treatment from each district of the Metropolis, and whose cases terminated fatally, during the twelve months ending 31st December, 1888.

Districts.	Coast Hospital.	Prince Alfred Hospital.	Sydney Hospital.	Saint Vincent's Hospital.	Children's Hospital.	Total.	Total of District.
SUDNEY	5	8	6	4	23	23
SUBURBS—							
North-Western.							
Balmain	} 8
Leichhardt .....	.....	4	2	.....	.....	6
Glebe .....	.....	2	.....	.....	.....	2
West Central.							
Newtown	1	8	2	1	2	14	} 18
St. Peter's .....	.....	1	.....	.....	.....	1
Camperdown .....	.....	1	.....	.....	.....	1
Macdonaldtown .....	.....	2	.....	.....	.....	2
East Central.							
Redfern	1	1	} 9
Darlington	1	.....	.....	.....	.....	1
Alexandria .....	.....	1	.....	.....	.....	1
Waterloo	1	1	1	1	.....	4
Botany, North	1	.....	.....	.....	.....	1
Botany, Lower	1	.....	.....	.....	.....	1
Eastern.							
Paddington	} 6
Randwick .....	.....	1	1	1	.....	3
Waverley	1	.....	2	.....	.....	3
Woollahra .....	.....	.....	.....	.....	.....	.....
Western and Southern.							
Ashfield	1	1	2	} 9
Burwood .....	.....	1	.....	.....	.....	1
Canterbury .....	.....	.....	.....	.....	.....	.....
Five Dock .....	.....	.....	.....	.....	.....	.....
Kogarah .....	.....	.....	.....	.....	.....	.....
Marrickville .....	.....	2	.....	.....	.....	2
Hurstville .....	.....	.....	.....	.....	.....	.....
Petersham	1	3	.....	.....	.....	4
Strathfield .....	.....	.....	.....	.....	.....	.....
Rockdale .....	.....	.....	.....	.....	.....	.....
North Shore.							
East St. Leonards	1	2	3	} 6
St. Leonards .....	.....	1	.....	.....	.....	1
Gordon and Lane Cove .....	.....	.....	1	1	.....	2
North Willoughby .....	.....	.....	.....	.....	.....	.....
Manly .....	.....	.....	.....	.....	.....	.....
Narrabeen .....	.....	.....	.....	.....	.....	.....
SHIPPING
TOTALS	13	38	18	9	2	79	79

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

TYPHOID FEVER IN SYDNEY AND SUBURBS.
(FROM 1876 TO 1888.)

Ordered by the Legislative Assembly to be printed, 23 May, 1889.

The Secretary to the Board of Health to The Principal Under Secretary.

Sir, Board of Health Office, 127 Macquarie-street, Sydney, 12 April, 1889.

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As this paper is of much public interest the Board would suggest that it be placed upon the tables of both Houses of Parliament.

I have, &c.,

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Secretary.

[*Enclosure.*]

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THE accompanying tables, which have been carefully prepared for the information of the Colonial Secretary, contain certain interesting facts with reference to the prevalence and mortality of typhoid fever in the city of Sydney and suburbs during the last thirteen years, and are a continuation of returns previously furnished, completed to the 31st December last.

In table I a statement is given of the number of deaths in each month of the ten years ending 31st December, 1885, together with the ratio calculated per 100,000 of the population, as estimated on the 30th June in each year. From this it will be seen that during the decennial period there was a very large increase in the mortality from this disease, viz., from 46.07 per 100,000 in 1876 to 102.17 in 1885.

Table II gives a similar statement for 1886, 1887, and 1888. From this it will be seen that the mortality from typhoid fever has of late undergone considerable and progressive diminution; thus in 1886 the rate per 100,000 was 90.90; in 1887 it was 58.11; and in 1888, it was 51.42.

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From these figures it will be noted with much satisfaction that the death rates have been progressively diminishing for the past three years, and that, although the number of cases admitted in 1888 is greater by 50 than that of cases admitted in 1887, the number of deaths is practically the same. Experience has shown that the chances of recovering from typhoid fever are very much increased if the patients are placed under suitable treatment in the earlier stages of the disease.

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From the two latter returns it appears that the West Central and Eastern districts have supplied by far the largest proportion of typhoid fever patients to the hospitals. From the West Central district came 106 cases, giving a ratio of 31.32 per 10,000 of the population, the Municipality of Newtown furnishing no less than 67 of the cases. The insanitary condition of this district has been recently pointed out in a report by Dr. Ashburton Thompson and Mr. Stayton.

From the Eastern district 101 cases were sent to hospital, the ratio being 26.92 per 10,000 of the population. From a return recently furnished to the Colonial Secretary it appears that in the boroughs of Paddington and Woollahra, out of a total of 5,264 houses no less than 4,384 were provided with cess-pits, a method of dealing with night-soil which has been shown to be in the highest degree insanitary.

It would have been more satisfactory if a return could have been given of the cases of typhoid fever actually occurring in the city and suburbs during the period in question, but, owing to the absence of any provision for the registration of infectious disease, no data exist on which such a return could be founded.

It is proposed to continue these returns annually, so as to record all the available information on this important matter.

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By order,

EDMUND SAGER,

Secretary to the Board of Health.

Sydney, 10 April, 1880.

APPENDIX.

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Typhoid Fever—1876 to 1885.

RETURN showing the number of deaths from Typhoid Fever in the City of Sydney and its Suburbs for each month of the years 1876 to 1885—giving the death-rate per 100,000 for each month.

Year.....	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.
Estimated population on the 30th June of each year.....	167,141	174,240	182,889	192,828	218,810	227,663	227,208	260,808	267,134	282,845
January.....	{ No. of deaths 4 Rate per 100,000 2.39	{ No. of deaths 6 Rate per 100,000 3.44	{ No. of deaths 14 Rate per 100,000 7.65	{ No. of deaths 5 Rate per 100,000 2.69	{ No. of deaths 11 Rate per 100,000 5.15	{ No. of deaths 9 Rate per 100,000 3.95	{ No. of deaths 10 Rate per 100,000 4.20	{ No. of deaths 10 Rate per 100,000 3.99	{ No. of deaths 22 Rate per 100,000 8.23	{ No. of deaths 23 Rate per 100,000 7.78
February.....	{ No. of deaths 5 Rate per 100,000 2.99	{ No. of deaths 8 Rate per 100,000 4.59	{ No. of deaths 11 Rate per 100,000 6.01	{ No. of deaths 15 Rate per 100,000 7.78	{ No. of deaths 7 Rate per 100,000 3.28	{ No. of deaths 15 Rate per 100,000 6.69	{ No. of deaths 19 Rate per 100,000 7.98	{ No. of deaths 17 Rate per 100,000 6.78	{ No. of deaths 19 Rate per 100,000 7.11	{ No. of deaths 31 Rate per 100,000 10.95
March.....	{ No. of deaths 16 Rate per 100,000 9.57	{ No. of deaths 12 Rate per 100,000 6.88	{ No. of deaths 19 Rate per 100,000 10.38	{ No. of deaths 16 Rate per 100,000 8.30	{ No. of deaths 5 Rate per 100,000 2.34	{ No. of deaths 14 Rate per 100,000 6.15	{ No. of deaths 13 Rate per 100,000 5.46	{ No. of deaths 10 Rate per 100,000 3.99	{ No. of deaths 33 Rate per 100,000 12.35	{ No. of deaths 34 Rate per 100,000 12.02
April.....	{ No. of deaths 12 Rate per 100,000 7.18	{ No. of deaths 16 Rate per 100,000 9.18	{ No. of deaths 20 Rate per 100,000 10.33	{ No. of deaths 18 Rate per 100,000 9.33	{ No. of deaths 10 Rate per 100,000 4.68	{ No. of deaths 8 Rate per 100,000 3.51	{ No. of deaths 19 Rate per 100,000 7.98	{ No. of deaths 18 Rate per 100,000 7.18	{ No. of deaths 33 Rate per 100,000 12.35	{ No. of deaths 33 Rate per 100,000 11.66
May.....	{ No. of deaths 9 Rate per 100,000 5.39	{ No. of deaths 14 Rate per 100,000 8.03	{ No. of deaths 26 Rate per 100,000 14.21	{ No. of deaths 14 Rate per 100,000 7.26	{ No. of deaths 8 Rate per 100,000 3.75	{ No. of deaths 11 Rate per 100,000 4.83	{ No. of deaths 32 Rate per 100,000 13.45	{ No. of deaths 34 Rate per 100,000 13.55	{ No. of deaths 23 Rate per 100,000 8.23	{ No. of deaths 34 Rate per 100,000 12.02
June.....	{ No. of deaths 11 Rate per 100,000 6.59	{ No. of deaths 20 Rate per 100,000 11.47	{ No. of deaths 12 Rate per 100,000 6.56	{ No. of deaths 13 Rate per 100,000 6.74	{ No. of deaths 8 Rate per 100,000 3.75	{ No. of deaths 9 Rate per 100,000 3.95	{ No. of deaths 23 Rate per 100,000 9.67	{ No. of deaths 21 Rate per 100,000 8.37	{ No. of deaths 18 Rate per 100,000 6.74	{ No. of deaths 31 Rate per 100,000 10.95
July.....	{ No. of deaths 3 Rate per 100,000 1.80	{ No. of deaths 6 Rate per 100,000 3.44	{ No. of deaths 18 Rate per 100,000 9.84	{ No. of deaths 9 Rate per 100,000 4.67	{ No. of deaths 6 Rate per 100,000 2.11	{ No. of deaths 2 Rate per 100,000 0.88	{ No. of deaths 17 Rate per 100,000 7.15	{ No. of deaths 11 Rate per 100,000 4.38	{ No. of deaths 8 Rate per 100,000 3.00	{ No. of deaths 20 Rate per 100,000 7.07
August.....	{ No. of deaths 4 Rate per 100,000 2.39	{ No. of deaths 2 Rate per 100,000 1.15	{ No. of deaths 13 Rate per 100,000 7.10	{ No. of deaths 3 Rate per 100,000 1.50	{ No. of deaths 8 Rate per 100,000 3.75	{ No. of deaths 10 Rate per 100,000 4.39	{ No. of deaths 10 Rate per 100,000 4.20	{ No. of deaths 3 Rate per 100,000 1.19	{ No. of deaths 4 Rate per 100,000 1.50	{ No. of deaths 14 Rate per 100,000 4.95
September.....	{ No. of deaths 1 Rate per 100,000 0.60	{ No. of deaths 1 Rate per 100,000 0.57	{ No. of deaths 9 Rate per 100,000 4.92	{ No. of deaths 6 Rate per 100,000 3.11	{ No. of deaths 8 Rate per 100,000 3.75	{ No. of deaths 5 Rate per 100,000 2.19	{ No. of deaths 8 Rate per 100,000 3.36	{ No. of deaths 5 Rate per 100,000 2.00	{ No. of deaths 12 Rate per 100,000 4.50	{ No. of deaths 12 Rate per 100,000 4.24
October.....	{ No. of deaths 3 Rate per 100,000 1.80	{ No. of deaths 4 Rate per 100,000 2.29	{ No. of deaths 7 Rate per 100,000 3.83	{ No. of deaths 2 Rate per 100,000 1.03	{ No. of deaths 4 Rate per 100,000 1.87	{ No. of deaths 7 Rate per 100,000 3.07	{ No. of deaths 9 Rate per 100,000 3.78	{ No. of deaths 10 Rate per 100,000 3.99	{ No. of deaths 10 Rate per 100,000 3.74	{ No. of deaths 17 Rate per 100,000 6.01
November.....	{ No. of deaths 4 Rate per 100,000 2.39	{ No. of deaths 3 Rate per 100,000 1.72	{ No. of deaths 6 Rate per 100,000 3.28	{ No. of deaths 5 Rate per 100,000 2.59	{ No. of deaths 11 Rate per 100,000 5.15	{ No. of deaths 1 Rate per 100,000 0.44	{ No. of deaths 5 Rate per 100,000 2.10	{ No. of deaths 11 Rate per 100,000 4.38	{ No. of deaths 12 Rate per 100,000 4.50	{ No. of deaths 15 Rate per 100,000 5.30
December.....	{ No. of deaths 5 Rate per 100,000 2.99	{ No. of deaths 11 Rate per 100,000 6.31	{ No. of deaths 11 Rate per 100,000 6.01	{ No. of deaths 9 Rate per 100,000 4.67	{ No. of deaths 7 Rate per 100,000 3.23	{ No. of deaths 4 Rate per 100,000 1.76	{ No. of deaths 10 Rate per 100,000 4.20	{ No. of deaths 16 Rate per 100,000 6.38	{ No. of deaths 21 Rate per 100,000 7.85	{ No. of deaths 26 Rate per 100,000 9.19
TOTAL.....	{ No. of deaths 77 Rate per 100,000 46.07	{ No. of deaths 101 Rate per 100,000 59.11	{ No. of deaths 166 Rate per 100,000 90.76	{ No. of deaths 115 Rate per 100,000 59.63	{ No. of deaths 93 Rate per 100,000 43.60	{ No. of deaths 95 Rate per 100,000 41.74	{ No. of deaths 175 Rate per 100,000 73.65	{ No. of deaths 166 Rate per 100,000 68.13	{ No. of deaths 214 Rate per 100,000 80.09	{ No. of deaths 280 Rate per 100,000 102.17

TABLE II.

Typhoid Fever—1886 to 1888.

RETURN showing the number of deaths from Typhoid Fever in the City of Sydney and its Suburbs for each month of the years 1886 to 1888—giving the death-rate per 100,000 for each month.

Year.....	1886.	1887.	1888.	Year.....	1886.	1887.	1888.
Estimated population on the 30th June of each year.....	321,130	340,702	357,556	Estimated population on the 30th June of each year.....	321,130	340,702	348,795
January.....	{ No. of deaths 33 Rate per 100,000 10.21	{ No. of deaths 24 Rate per 100,000 7.05	{ No. of deaths 14 Rate per 100,000 3.91	August.....	{ No. of deaths 8 Rate per 100,000 2.47	{ No. of deaths 6 Rate per 100,000 1.70	{ No. of deaths 9 Rate per 100,000 2.51
February.....	{ No. of deaths 44 Rate per 100,000 13.61	{ No. of deaths 24 Rate per 100,000 7.05	{ No. of deaths 24 Rate per 100,000 6.71	September.....	{ No. of deaths 5 Rate per 100,000 1.54	{ No. of deaths 8 Rate per 100,000 2.35	{ No. of deaths 7 Rate per 100,000 1.96
March.....	{ No. of deaths 61 Rate per 100,000 12.68	{ No. of deaths 39 Rate per 100,000 11.44	{ No. of deaths 21 Rate per 100,000 5.87	October.....	{ No. of deaths 6 Rate per 100,000 1.85	{ No. of deaths 10 Rate per 100,000 2.94	{ No. of deaths 3 Rate per 100,000 0.84
April.....	{ No. of deaths 41 Rate per 100,000 12.63	{ No. of deaths 17 Rate per 100,000 4.99	{ No. of deaths 28 Rate per 100,000 7.82	November.....	{ No. of deaths 7 Rate per 100,000 2.16	{ No. of deaths 11 Rate per 100,000 3.23	{ No. of deaths 7 Rate per 100,000 1.96
May.....	{ No. of deaths 42 Rate per 100,000 12.99	{ No. of deaths 26 Rate per 100,000 7.63	{ No. of deaths 21 Rate per 100,000 5.87	December.....	{ No. of deaths 25 Rate per 100,000 7.73	{ No. of deaths 14 Rate per 100,000 4.10	{ No. of deaths 26 Rate per 100,000 7.26
June.....	{ No. of deaths 23 Rate per 100,000 7.11	{ No. of deaths 12 Rate per 100,000 3.52	{ No. of deaths 15 Rate per 100,000 4.19	TOTAL.....	{ No. of deaths 294 Rate per 100,000 90.90	{ No. of deaths 198 Rate per 100,000 58.11	{ No. of deaths 184 Rate per 100,000 51.42
July.....	{ No. of deaths 19 Rate per 100,000 5.87	{ No. of deaths 7 Rate per 100,000 2.05	{ No. of deaths 9 Rate per 100,000 2.51				

TABLE III.

Typhoid Fever—1886 to 1888.

RETURN of Patients suffering from Typhoid Fever, admitted to the Metropolitan Hospitals of Sydney during the years 1886, 1887, and 1888, showing the deaths occurring in, and the number of cases admitted to, each Institution during each month.

1886.	Coast.		Prince Alfred.		Sydney.		St. Vincent's.		Children's.		Total.	
	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.
January	48	6	20	9	16	2	9	4	2	...	95	21
February	60	9	16	2	10	6	8	...	3	...	97	17
March	47	7	31	3	9	3	12	...	5	1	104	14
April	80	10	23	3	13	2	15	4	7	...	133	19
May	61	8	22	3	13	2	7	3	5	...	108	16
June	31	6	19	3	13	1	3	...	1	...	67	9
July	14	5	10	2	2	2	3	...	2	...	31	9
August	1	...	7	2	1	...	2	...	1	...	12	2
September	10	...	9	2	7	2	3	...	1	...	30	4
October	6	2	6	...	7	1	2	...	2	...	23	3
November	13	1	12	1	10	2	11	...	1	...	47	4
December	29	3	22	4	7	1	4	2	...	...	62	10
Total for the year	400	56	197	34	103	24	79	13	30	1	614	128
Death rate on cases admitted	14.00%		17.26%		23.22%		16.45%		3.33%		15.72%	

1887.	Coast.		Prince Alfred.		Sydney.		St. Vincent's.		Children's.		Total.	
	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.
January	60	6	25	1	8	2	8	4	...	...	91	13
February	42	8	22	6	5	1	16	...	2	...	87	15
March	48	6	17	6	18	2	8	4	6	...	97	17
April	54	6	17	1	18	2	3	...	7	...	104	9
May	37	2	9	1	3	2	6	...	2	1	57	6
June	11	...	7	1	3	...	...	...	2	...	23	1
July	6	1	9	1	...	...	...	...	...	...	15	2
August	3	...	8	...	6	1	1	...	...	...	18	1
September	8	1	6	2	4	...	...	...	...	...	16	3
October	11	3	17	2	3	1	6	...	...	...	37	6
November	7	2	9	3	1	1	3	1	...	...	20	7
December	12	1	15	...	3	...	3	...	1	...	34	1
Total for the year	286	36	161	23	72	12	69	9	20	1	598	81
Death rate on cases admitted	12.59%		14.28%		16.60%		15.25%		5.00%		13.54%	

1888.	Coast.		Prince Alfred.		Sydney.		St. Vincent's.		Children's.		Total.	
	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.
January	32	1	22	3	7	1	7	1	...	...	68	6
February	30	1	20	5	16	5	17	2	1	...	84	13
March	44	2	23	2	12	...	12	...	5	...	96	4
April	34	1	22	3	18	6	22	1	4	...	100	11
May	24	10	30	6	11	3	9	3	5	1	70	15
June	18	2	15	6	6	1	7	...	...	...	46	9
July	5	...	8	2	2	...	4	...	...	...	20	2
August	2	...	4	...	2	...	3	...	2	...	13	...
September	5	...	1	...	1	2	...	...	...	1	7	3
October	6	1	2	...	3	...	...	...	...	...	11	1
November	14	...	16	1	6	...	5	1	2	...	43	2
December	27	3	32	12	12	1	7	...	3	...	61	16
Total for the year	241	13	195	40	97	19	93	8	22	2	648	82
Death rate on cases admitted	5.39%		20.51%		19.58%		8.60%		9.09%		12.65%	

NOTE.—Experience having proved that the journey to the Coast Hospital is very injurious to Typhoid Fever patients in the advanced stage of the disease, the majority of these are sent to the City Hospitals.

TABLE IV.

RETURN showing the number of persons suffering from Typhoid Fever, who were removed to the Metropolitan Hospitals for treatment, from each district of the metropolis, during the twelve months ending 31st of December, 1888.

Districts.	Estimated population, 30 June, 1888.	Coast Hospital.	Prince Alfred Hospital.	Sydney Hospital.	Saint Vincent's Hospital.	Children's Hospital.	Total.	Total of District.	Cases per 10,000 of population.	
SYDNEY	125,890	62	81	36	35	7	171	171	13.58	
SUBURBS—										
North-Western.	49,803	Balmain	6	4	2	12	66	13.25
		Leichhardt.....	7	21	4	1	.....	33	
		Glebe	6	8	3	2	2	21		
West Central.	33,845	Newtown	20	37	4	3	3	67	106	31.32
		St. Peters	2	4	1	.....	.....	7
		Camperdown.....	1	9	.....	.....	1	11
		Macedonaldtown.....	6	12	1	.....	2	21	
East Central.	44,681	Redfern	9	7	2	2	2	22	76	17.24
		Darlington.....	3	1	1	1	.....	6	
		Alexandria.....	7	4	2	2	.....	16	
		Waterloo	11	6	2	3	1	23		
		Botany, North	2	.....	1	.....	.....	3
		Botany, Lower	7	.....	.....	.....	.....	7
Eastern.	37,520	Paddington	15	1	2	4	1	23	101	26.92
		Randwick	4	4	3	3	2	16		
		Waverley	14	3	9	18	.....	44	
		Woollahra	9	5	1	3	.....	18	
		Ashfield	1	4	2	.....	.....	7
Western and Southern	46,041	Burwood	1	1	60	10.72
		Canterbury .....	.....	1	.....	.....	.....	1
		Five Dock	1	.....	.....	.....	.....	1
		Kogarah .....	.....	.....	3	.....	.....	3
		Rockdale .....	.....	1	.....	.....	.....	1
		Marrickville	11	6	2	2	1	21		
		Hurstville .....	.....	1	.....	.....	.....	1
		Petersham	1	7	1	.....	.....	9
		Strathfield .....	.....	3	.....	2	.....	5
		North Shore.	20,070	East St. Leonards.....	9	1	4	1			.....	15	40	19.93
St. Leonards	6			1	.....	.....	.....	7
North Willoughby	7			1	4	.....	.....	12
Gordon and Lane Cove	1			.....	2	1	.....	4
Manly.....	.....			.....	1	.....	.....	1
Narrabeen	1			.....	.....	.....	.....	1
SHIPPING	1	1	1	3	3	
Totals.....	357,856	230	184	94	83	22	613	613	17.13	

TABLE V.

RETURN showing the number of persons suffering from Typhoid Fever who were removed to the Metropolitan Hospital for treatment from each district of the Metropolis, and whose cases terminated fatally, during the twelve months ending 31st December, 1888.

Districts.	Const Hospital.	Prince Alfred Hospital.	Sydney Hospital.	Saint Vincent's Hospital.	Children's Hospital.	Total.	Total of District.
SUDNEY	5	8	6	4	23	23
SUNBES—							
North-Western. { Balmain	6
Loichhardt .....	.....	4	2	.....	.....	6
Glebe .....	.....	2	.....	.....	.....	2
West Central. { Newtown	1	8	2	1	2	14	18
St. Peter's .....	.....	1	.....	.....	.....	1
Camperdown .....	.....	1	.....	.....	.....	1
Macdonaldtown .....	.....	2	.....	.....	.....	2
East Central. { Redfern	1	1	9
Darlington	1	.....	.....	.....	.....	1
Alexandria .....	.....	1	.....	.....	.....	1
Waterloo	1	1	1	1	.....	4
Botany, North	1	.....	.....	.....	.....	1
Botany, Lower	1	.....	.....	.....	.....	1
Eastern. { Paddington	6
Randwick .....	.....	1	1	1	.....	3
Waverley	1	.....	2	.....	.....	3
Woollahra .....	.....	.....	.....	.....	.....	.....
Western and Southern. { Ashfield	1	1	2	9
Burwood .....	.....	1	.....	.....	.....	1
Canterbury .....	.....	.....	.....	.....	.....	.....
Five Dock .....	.....	.....	.....	.....	.....	.....
Kogarah .....	.....	.....	.....	.....	.....	.....
Marrickville .....	.....	2	.....	.....	.....	2
Hurstville .....	.....	.....	.....	.....	.....	.....
Petersham	1	3	.....	.....	.....	4
Strathfield .....	.....	.....	.....	.....	.....	.....
Rockdale .....	.....	.....	.....	.....	.....	.....
North Shore. { East St. Leonards	1	2	3	6
St. Leonards .....	.....	1	.....	.....	.....	1
Gordon and Lane Cove .....	.....	.....	1	1	.....	2
North Willoughby .....	.....	.....	.....	.....	.....	.....
Manly .....	.....	.....	.....	.....	.....	.....
Narrabeen .....	.....	.....	.....	.....	.....	.....
SHIPPING
TOTALS	13	38	18	8	2	79	79

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ALLEGED NUISANCE NEAR SPARKE'S BRIDGE, BOROUGH
OF ALEXANDRIA.

(CORRESPONDENCE IN REFERENCE TO THE.)

Ordered by the Legislative Assembly to be printed, 3 July, 1889.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 4th June, 1889, That there be laid upon the Table of this House,—

“Copies of all papers, correspondence, and documents in connection with
“and hearing upon the alleged nuisance near Sparke's Bridge, in the Borough
“of Alexandria, including the Report of the Medical Officer of the Govern-
“ment thereon.”

(*Mr. Joseph Abbott.*)

Mr. J. A. Smith to The Health Officer.

Dear Sir,

Mitchell Road, Alexandria, Sydney, 22 March, 1887.

I see in the *Evening News* of to-night that a visit has been made to some part of this borough with respect to its sanitary condition. I do hope that some of the officials would visit the south end of the Mitchell Road when the horrible noxious odours of the offensive trades were floating about in the atmosphere. To the fireholders who are stationed here it is something awful, the nuisance we submit to. As to rented houses and cottages, although they are the cheapest in and about Sydney, they stand empty, as none but those who are compelled will reside about here. It is a sad thing for parents to hear their little ones complaining about the horrid, sickening stench they have to endure. Cannot you, sir, move in the matter to see if the noxious trades site could be at once utilized for its special purpose of these trades? Being so very near the city, it is absolutely needful that they should be moved away at once. Apologizing for troubling you, and hoping you will use your powerful influence in the removal of this pestilential nuisance.

I remain, &c.,
(on behalf of many others),

J. A. SMITH.

Mr. Smith might call and see me (say) Friday, at 2 p.m.—H.N.M., 30/3/87. Requested to do so.—E.S., 30/3/87.

The Secretary, Board of Health, to Mr. J. A. Smith.

Board of Health Office, Sydney, 30 March, 1887.

MEMO.—*Re* your letter of the 22nd, Dr. MacLaurin would like you to call and see him at these offices, on Friday, the 1st proximo.

EDMUND SAGER,
Secretary.

Mr. J. A. Smith to The Secretary, Board of Health.

Dear Sir,

Mitchell Road, Alexandria, 31 March, 1887.

Re your letter of yesterday's date, I beg to say that owing to slackness of trade, I have been, and am at the present, working amongst the unemployed at Kogarah. The wages being so small, I am not able to afford to lose time to see Dr. MacLaurin. Any one residing about here can corroborate my statements

statements as to the abominable nuisance of the vicinity of the boiling-down establishment. A new place, called Godfrey's, has just been started in the immediate vicinity of about fifty dwellings, and only persons who are compelled will reside about here. We learn that the above establishment had a place at Cook's River, and they had to move. Just imagine coming nearer Sydney with such a business! Hoping the Noxious Trades site will soon be used for its legitimate purpose.

I have, &c.,
JOHN A SMITH.

Perhaps the Chief Medical Inspector will inquire into this matter when he has finished with the business at present in hand.—H.N.M., B.C., 1/4/87. The Chief Medical Inspector, 87-247.

The Chief Medical Inspector, Board of Health, to The President, Board of Health.

Health Department, N.S.W., 13 April, 1887.

I VISITED Mitchell Road and inquired into the nuisance referred to in the attached papers yesterday afternoon. I entered Green's factory in company with Mr. Green, junior. I observed many houses standing empty in the immediate neighbourhood, and as the complainant avers that this is due to the nuisance, and as this, if true, would be good evidence of nuisance, I think that before making final report the following persons should be written to:—Mr. W. Hutchinson, Bond-street; Mr. George Hudson (Hudson Bros.); Mr. Phillips, auctioneer, Newtown, who are said to be owners of, or agents for, many of these houses. The letter should run somewhat as follows:—"The attention of the Board of Health having been drawn to the state of various parts of the Borough of Alexandria, the Chief Inspector has been directed to make an inspection. He has observed many houses standing empty about the southern end of Mitchell Road, some of which he thinks he noticed empty nearly two years ago. He understands that you are interested in some of the property referred to; and I have the honor to inquire whether you are aware of any special reason why the houses do not let, and to ask you to be good enough to communicate it to the Board."

J. ASHBURTON THOMPSON,
Chief Medical Inspector.

Letters written.—E.S., 13/4/87. Approved.—H.N.M., 13/4/87. The gentlemen referred to by you have been communicated with.—E.S., B.C., 14/4/87. The Chief Medical Inspector.

The Secretary, Board of Health, to Mr. G. Hudson.

Sir,

Board of Health Office, Sydney, 13 April, 1887.

The attention of the Board of Health having been drawn to the state of various parts of the Borough of Alexandria, the Chief Medical Inspector has been directed to make an inspection. He has observed many houses standing empty about the southern end of Mitchell Road; some of which, he thinks he noticed empty nearly two years ago. He understands that you are interested in some of the property referred to; and I have the honor to inquire whether you are aware of any special reason in connection with the immediate surroundings why the houses do not let, and to ask you to be good enough to communicate it to the Board.

I have, &c.,
EDMUND SAGER,
Secretary.

[Letters similar to the above were sent to Mr. T. Phillips, auctioneer, 132 King-street North, Newtown, and to Mr. W. A. Hutchinson, 1 Foy's Chambers, Bond-street.]

Mr. T. Phillips to The Secretary, Board of Health.

Sir,

Newtown, 15 April, 1887.

I am in receipt of your favour, dated 13th instant, with reference to the number of untenanted houses situate in the Mitchell Road, Alexandria, and surrounding neighbourhood.

It is true that a number of those houses at the southern end of the Mitchell Road have been empty for close upon two years. The tenants I have had from time to time have always left for the same reason, *i.e.*, they cannot stand the abominable stench arising from the boiling-down works in the immediate vicinity. In my opinion it is most injurious to health and harbour of disease which the Government should at once have removed to some outlying district. There is not a doubt but the municipality suffers greatly through this evil.

If my views were carried out, I have no hesitation in saying the district would become thriving and populous. The removal of the boiling-down works by the Government would be a boon alike to the property-owners and inhabitants.

I have, &c.,
T. LAMBERT PHILLIPS.

The Chief Medical Inspector, Board of Health, to The President, Board of Health.

Nuisance from Boiling-down at Mitchell Road.

Health Department, N.S.W., 20 April, 1887.

It being more than a fortnight since letters of inquiry were despatched in accordance with my memorandum of the 13th instant, and one answer having been received from Mr. T. Lambert Phillips, of Brown-street, Newtown, an owner of house property in the neighbourhood, of the nuisance complained of; which letter corroborates the statements made by the complainant, Mr. J. A. Smith, in his letters attached; I now submit the following report.

I visited the locality on the 12th instant. At the south end of Mitchell Road I found three boiling-down establishments within a rather short distance of each other, established on the banks of a creek. I was informed that they belong respectively to Messrs. Green, Eve, and Godfrey; all are long established; Mr. Smith says, however, that Godfrey's is a new place. Possibly he refers to Mr. Green, who

who has occupied his premises only six months, but who took them over from a former proprietor who had been there many years. I smelt a little of the very offensive smell which generally issues from such establishments, and while I was still at a considerable distance from them; but the neighbours told me that the nuisance is not constant, but is chiefly observed when the boilers are being emptied for recharge, or when, while the boiling continues, steam and hot water escape from them. I spoke to one resident who has a stable, and who said that he had bought his property and must therefore stop where he is; but that if he were a tenant he would at once remove out of reach of the stench. I noticed many empty houses in the neighbourhood, and some of these (as already mentioned) I remember seeing empty nearly two years ago. Mr. Smith says, and Mr. Phillips agrees, that it is the smell which prevents the houses from letting, or, rather, drive away tenants who have entered into occupation of them; and other persons whom I spoke to gave the same reason; generally explaining (as in the case already given) that they had themselves built their own houses, and therefore could not move. It seems to me that there is very good evidence in this case of the existence of a very serious nuisance, which, whether dangerous to health or not, is the cause of great pecuniary loss to property-owners and to the borough.

I entered Mr. Green's place, and, in company with Mr. Green, junior, went over it. It appeared tidy and clean in an ordinary sense. But there were large quantities of greaves and bones which had been boiled, stacked, and awaiting grinding; these, of course, were offensive. The boiling is done in two upright vessels (having a steam-gauge, but no safety-valve); and there is no arrangement for drawing the vapours to the furnace; and these, when the boilers are opened, must escape into the air. Steam from these boilers is led to a tank, where it is subjected to some condensation; but it is not perfectly condensed, and no doubt some of the smell complained of arises from it. I believe that this business can be so conducted as to cause no offensive smell outside the factory, and that the necessary appliances are not in use at this establishment. I did not visit the other factories, but possibly similar remarks may apply to them.

J. ASHBURTON THOMPSON,
Chief Medical Inspector.

The Board of Health.—H.N.M., 2/5/87. Read at a meeting of the Board held on 4 May, 1887.—E.S.

The Secretary, Board of Health, to The Council Clerk, Alexandria.

Sir,

Board of Health Office, Sydney, 6 May, 1887.

I have the honor, by direction of the Board of Health, to forward for your Council's information a copy of a report made by the Chief Medical Inspector of this Board upon a nuisance from boiling-down establishments at Mitchell Road, within your municipality, with a suggestion that your Council will take such steps as they may think desirable to remedy the evils of this serious nuisance.

I have, &c.,
EDMUND SAGER,
Secretary.

[Copy of the Chief Medical Inspector's report of the 20th April, 1887, forwarded herewith.]

The Secretary, Board of Health, to Mr. T. Phillips.

Sir,

Board of Health Office, Sydney, 6 May, 1887.

Referring to your letter of the 15th ultimo, I have the honor to inform you that I have this day forwarded to the Municipal Council of Alexandria a copy of a report made by the Chief Medical Inspector of this Board, upon a nuisance from boiling-down establishments at Mitchell Road, in Alexandria, with a suggestion that they should take such steps as they may think desirable to remedy the evils of this serious nuisance.

I have, &c.,
EDMUND SAGER,
Secretary.

Mr. W. A. Hutchinson to The Secretary, Board of Health.

Dear Sir,

Bond-street, Sydney, 13 May, 1887.

I have to acknowledge your letter, 87-2561, dated 13th April, in reference to the continued untenanted condition of a number of houses near the southern end of Mitchell Road, in the Borough of Alexandria. While I think the houses in that quarter of the city are outside the range of 'bus, tram, or railway, and the roads are in such a deplorable state, that they militate against the letting of the houses; but I think the chief cause is the fearful smell arising from the boiling-downs in the neighbourhood. It is absurd that such like works should be permitted in a populous portion of the city, as such establishments boil down the refuse from the butchers of the city, and such refuse, especially in summer time, is in a decayed condition before reaching them, and dangerous to the health as well as fearfully offensive to the inhabitants.

I have, &c.,
W. A. HUTCHINSON.

Inform Mr. Hutchinson of the action taken in this matter.—H.N.M., 16/5/87. Done.—E.S., 16/5/87.

Mr. W. Koet to The Board of Health.

Gentlemen,

No. 11, Pleasant-street, Macdonaldtown, 25 April, 1888.

I beg to draw your attention to the abominable nuisance allowed to exist between the boundaries of Macdonaldtown and Alexandria Municipality, of some two or three boiling-downs. The stench arising from them after sundown is something unbearable, and must be the cause of a considerable amount of sickness. I have, over and over again, drawn the attention of the Council to the matter, but they tell me they have no power in the matter, as it is outside of their boundary; so that thousands of people have to draw out a miserable existence in stench and discomfort for the benefit of two or three individuals, who do not even take the trouble to keep their places clean, and one in particular allows piles

piles of rotten bones stacked about his yard exposed to the sun without cover, from which the stench arises from after sundown; so I hope you will take this matter into your earliest consideration, and abate this wretched nuisance.

I have, &c.,

W. KOET.

The C.M.I.—H.N.M., 26/4/88. Herewith.—J.A.T., 27/4/88.

The Chief Medical Inspector, Board of Health, to The President, Board of Health.
Complaint, *re* Boiling-down Nuisance, at Alexandria.

27 April, 1888.

THE accompanying letter appears to refer to the same nuisance which I inquired into and reported on 29th April, 1887.

Complaint was then made both by an aggrieved resident and an owner of houses in the neighbourhood, which he said stood empty, because successive tenants had been driven away by the smells; and I remarked that it was within my knowledge that many houses had for two years before that stood empty for one reason or another. I also ascertained that the factories, which are the cause of the nuisance, are all long established there, and that population has gradually approached them, until a large number of houses now stand within a short distance of them. I visited one of these factories, and I saw that the business is conducted without proper appliances; I learned that the others are similarly imperfect; and I pointed out that, although this trade is under the circumstances in which it is here actually carried on, a nuisance, which, in my opinion, should be at once abated, the prevention of nuisance from it is merely a matter of money to be expended in the purchase of the well-known machinery devised for this purpose and in general use in large cities.

There does not appear to be any ground for supposing that a farther inspection would reveal any new facts; but, for reasons which may be gathered from the above statement, it appears to me that the case is one which may be deemed suitable for Government prosecution, since a trial would draw attention to the fact that such trades can, with proper appliances, be carried on without nuisance in populous neighbourhoods, and are not necessarily and inevitably noxious. This would be an important result; it would tend to render prosecutions for other nuisances of the same class less hazardous than at present.

J. ASHBURTON THOMPSON, M.D.,

Chief Medical Inspector.

The Secretary, Board of Health, to The Principal Under Secretary.

Boiling-down Nuisance at Alexandria.

Sir,

Board of Health Office, 127, Macquarie-street, Sydney, 5 May, 1888.

I have the honor, by direction of the Board of Health, to request that the enclosed papers, respecting a nuisance, dangerous to the public health, be forwarded to the Crown Law officers for the consideration of the abatement of this nuisance by law.

I have, &c.,

EDMUND SAGER,

Secretary.

The Crown Solicitor,—H.P., 11/5/88. C.W., B.C., 11/5/88.

The Crown Solicitor to The Principal Under Secretary.

Subject:—Complaints *re* Boiling-down Nuisance at Alexandria.

Sir,

Crown Solicitor's Office, Sydney, 23 May, 1888.

I have the honor to return herewith the papers relating to the above matter, which were forwarded to me from your Department on the 15th day of May, 1888, and to state that I have submitted them to Mr. Attorney-General Simpson, a copy of whose advising thereon will be found below.

I have, &c.,

JOHN WILLIAMS,

Crown Solicitor.

The Principal Under Secretary, Colonial Secretary's Office.

[COPY OF OPINION.]

THESE papers to be forwarded to the Inspector-General of Police, so that the necessary steps may be taken to abate the nuisance, if such nuisance exist.

G. B. SIMPSON, A.-G., 18/5/88.

The Inspector-General of Police.—C.W., B.C., 29/5/88. Further reports herewith respecting nuisance caused by boiling-down establishments at Alexandria.—GEO. READ, Acting I.-G., 17/8/88. The Principal Under Secretary. Returned.—C.S.O., 20/8/88. The Medical Adviser to the Government.—C.W., B.C., 25/8/88. Read meeting held, 5/9/88. Papers to be put by. Police requested to ascertain from time to time if nuisance is committed.—E.S. I.G. Police, 6/9/88.

[Enclosures.]

Sir,

Redfern Police Station, 15 August, 1888.

I have the honor to report for your information, that the part of Alexandria where the boiling-down establishments complained of are situate, is very low-lying ground, drained by Sho'a's Creek.

The places referred to were evidently erected at a time when population was but small in the locality, and at present, the number of empty houses, especially of large size, is very noticeable, but whether this proceeds from the proximity of the works, or that the building of the houses was an unfortunate speculation, is hard to say.

In my opinion the locality is not suitable for the erection and letting of the better class of property, the only houses required being what would be convenient for the families of men employed at or about the works, and also resident tradespeople, who from motives of financial interest, and perhaps becoming habituated to any smell arising from the factories, &c., would not be likely to make complaints.

In addition to the places referred to, a butterine factory has recently been started, and the erection of a candle factory in connection with Mr. Godfrey's establishment, is in contemplation, and will probably attract a number of men and their families to this part of the borough. I have frequently called at the places spoken of and found them as clean as I believe they can be kept, and have reason to think that the proprietors (short of having the kind of machinery suggested by the Chief Medical Inspector) use their best endeavours to minimise the evil.

It must, however, be admitted that at times, the effluvia from the places can be noticed, but the inhabitants of Alexandria do not seem disposed to make complaints respecting the matter. With regard to a prosecution of the proprietors, I can only say, speaking as a servant of the Government, that I do not believe that any successful result would follow, owing to the want of support from the Mayor and Aldermen of Alexandria, who evidently do not see their way clear to institute or assist in a prosecution; and also the absence of any specific complaints from the inhabitants of the borough, many of whom are employed at the places referred to.

In

In my opinion the best course to follow, at all events until the establishment of a site for noxious trades, would be to request the co-operation of the officers of the Health Board and the Council, in seeing that strict attention is paid in those places to the details of management, viz., the reception and storage of the bones, offal, fat, &c., and the letting off of the "digesters and condensers," all of which if neglected, or conducted in a way regardless of the public health, can only result in a nuisance and afford good reason for complaint.

R. Anderson, Esq., Inspector.

I have, &c.,
ALFRED POTTER,
Sub-Inspector.

Forwarded to the Inspector-General of Police. I do not think that a prosecution in this case is advisable at present.—R. ANDERSON, Inspector, 17/8/88. The Principal Under Secretary.—G. READ, A.I.-G., 17/8/88.

Sir,

I have the honor herewith to return you papers, *re* boiling-down establishments, Alexandria, and I am also instructed to forward you the enclosed copy of the Mayor's report to the Council on the subject. The report in question was received, and it was determined to recommend that Messrs. Godfrey and Munroe be granted permission to connect with the sewer.

Mr. Sub-Inspector Potter.

Town Hall, Borough of Alexandria, 26 July, 1888.

I have, &c.,
NELSON VAUGHAN,
Council Clerk.

Mayor's Report.—Complaint *re* Boiling-down Nuisances at Alexandria.

Gentlemen,

Town Hall, Borough of Alexandria, 13 July, 1888.

Owing to a number of complaints having been made to the police regarding offensive smells arising from the boiling-down establishments within the borough, I deemed it my duty to inquire into the matter and acquaint you with the result. Accordingly, in conjunction with the Inspector of Nuisances, I visited all these establishments on the 10th ultimo.

The first place inspected was Mr. Godfrey's and I made arrangements the day previous for a digester to be blown off in our presence. I may here explain that a digester is a large upright boiler in which the meat and bones are cooked by steam, and from which, in this case, pipes lead to the furnace for the purpose of destroying the gases that arise during the process of cooking. There was no smell outside the works, and but very little on them. In fact, none that exception could be taken to, if I omit the smell from the bones. When the liquid called "soup" was blown off into the receiving tank there was a smell which lasted for about 30 minutes. Mr. Godfrey informed me that he cooks during the night only, and blows off the soup at about 4 a.m. The premises were very clean, and if Mr. Godfrey could make arrangements to connect his premises with the sewer, into which the "soup" could be blown, I am certain all grounds of complaint would be removed.

The next premises visited was that of Mr. Munroe's. The digesters at this place are not blown off, but are allowed to cool before being emptied. During the process of cooking the gas is allowed to escape into the open air. The premises were clean, and if connected with the sewer would be satisfactory.

I found the premises of Mr. Green in a very clean state, and he affirms that no offensive gas escapes. The digesters are blown off into an enclosed tank with a pipe leading across a stream into another tank, where it is allowed to cool, and is then let off at midnight in the form of cold water. There was a digester blown off in my presence, and I could not detect any smell during my stay upon the premises. After leaving, however, and when about 100 yards along the Mitchell Road, I noticed a very strong smell, but whether it came from Mr. Green's or not I am not in a position to say, as it was quite dark at the time, and therefore impossible for me to see which establishment was giving off the vapour.

Messrs. Eve Brothers do a great deal of their boiling in open pots, hence the gas is continually escaping. The premises were fairly clean.

In a report made by the Chief Medical Officer on 27th April last, he states that "The prevention of nuisance is merely a matter of money to be expended in the purchase of the well-known machinery." I think it a pity that particulars of this machinery were not given, as I feel sure that the owners of these premises are ignorant of its existence.

In conclusion, I may add that at the present time owners of boiling-down works here have no security. They may be removed at any time; hence it is scarcely fair to ask them to expend large sums of money in improvements.

J. R. DACEY,
Mayor.

Sir,

I have the honor to inform you, with reference to the complaint made of a nuisance proceeding from the boiling-down establishments in Alexandria, that it would appear that the prosecution of the offenders in that respect comes within the scope and powers of the Alexandria Borough By-laws (Nos. 40 and 41), and should it be thought necessary to officially inform the officers of the borough to that effect, that they might also be assured of every assistance, if required, from the Redfern Police.

J. Ryeland, Esq., Superintendent.

Redfern Police Station, 4 June, 1888.

I have, &c.,
ALFRED POTTER,
Sub-Inspector.

Supplement to the New South Wales Government Gazette, Friday, 11th November.

Colonial Secretary's Office, Sydney, 11 November, 1881.

BOROUGH OF ALEXANDRIA.—AMENDED BY-LAWS.

THE following amended By-laws, made by the Council of the Borough of Alexandria, for regulating the proceedings of the Council and the duties of its officers and servants; for determining the times and modes of collecting and enforcing payment of rates; for the management of roads, streets, and public places; for preventing and extinguishing fires; for regulating the erection of buildings; and for generally maintaining the good rule and government of the Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the "Municipalities Act of 1867."

HENRY PARKES.

AMENDED BY-LAWS FOR THE BOROUGH OF ALEXANDRIA.

All the By-laws now in force are hereby repealed.

* * * * *

Boiling-down Establishments, &c.

40. Any manufacture, trade, calling or occupation, in the conducting, following, or carrying on of which, or in consequence of, or in connection therewith, or from the premises where the same is conducted, followed or carried on, any gas, vapour, or effluvia, or any large quantities of smoke shall be evolved or discharged, which gas, vapour, effluvia, or smoke shall be calculated to injure animal or vegetable life, or the boiling-down or steaming of a carcass or part of a carcass of any animal, slaughter-house refuse, offal, bones, or the keeping of stacked bones under ammoniacal process, or the letting off of any liquid, steam, or vapour from any boiling-down whereby any such manufacture, trade, calling, operation, steaming, boiling-down of any carcass, part of a carcass, refuse, offal, the letting off of any gas, liquid, steam, or effluvia from bones, or other vapour emanating from any process, liquid, or decomposed matter or substance whatsoever, shall cause an offensive smell, or in any other way to injure or be a nuisance to the inhabitants or to any portion of the inhabitants of the said borough, or to people passing through the said borough, shall be considered a noisome and offensive trade within the meaning of those By-laws; and, generally, anything that by definition of law can be held or construed to be a nuisance within the meaning of the Municipal Act of 1867, or otherwise according to the principles of common law on which the Municipal law is based, shall be deemed a nuisance, and it shall be in the power of the Council to cause inquiry, and the Inspector of Nuisances, or other officer appointed by the Council for that purpose, may take legal proceedings for the abatement of the same, and the party or parties offending therein, for every such offence as aforesaid, shall be liable to any penalty not exceeding twenty pounds nor less than five pounds.

Boiling-down establishments.

Boiling-down, hog-sties, &c., Council may indict.

Duty of Council
re boiling-down
places.

41. In case any boiling-down, privy, hog-sty, sink, cesspool, yard, or enclosure, or any matter or thing which shall at any time be in any place within the said borough shall be or become a nuisance, it shall be lawful for the Council, after due investigation, by notice in writing, to order the removal of the said nuisance within seven days after such notice shall have been given to the owner or occupier of the premises wherein such nuisance is situated, or shall have been left for such owner or occupier at his or her last or usual place of abode, or on the said premises, and every such owner or occupier refusing or neglecting to remove or abate such nuisance pursuant to such notice and to the satisfaction of the Council, shall forfeit and pay any sum not exceeding twenty pounds nor less than five pounds.

Re Boiling-down Establishments referred to in attached papers.

No. 5 Police Station, 31 May, 1888.

SENIOR-SERGEANT THOS. M'NAMARA respectfully reports for the information of his officer. The boiling-down establishment referred to is situated in the Borough of Alexandria, and in the Police Sub-District of Redfern.

THOS. M'NAMARA,
Senior-Sergeant.

N. Larkins, Esq., Inspector.

Forwarded to Mr. Inspector Anderson.—N. LARKINS, Inspector. R. Anderson, Inspector of Police, Sydney, 31/5/88. Forwarded to Mr. Potter for attention.—J. RYELAND, Superintendent, 1/6/88.

The Secretary, Board of Health, to The Inspector-General of Police.

Sir,

Board of Health Office, Sydney, 6 September, 1888.

Referring to a report by Mr. Sub-Inspector Potter, dated 15th ultimo, forwarded to you, and transmitted to this Board through the Principal Under Secretary, on the subject of the nuisance caused by certain boiling-down establishments at Alexandria, I have the honor to request, by direction of the Board of Health, that you will be good enough to instruct that officer to ascertain, from time to time, whether any nuisance arises from the establishments referred to.

I have, &c.,
EDMUND SAGER,
Secretary.

Extract from *S. M. Herald*, 19 November, 1888.

A CORRESPONDENT, residing in Alexandria, writes:—"Within a quarter of a mile of my residence, on the eastern side, is a boiling-down establishment, to the south. Within the same distance, in another direction, is a similar establishment, whilst on the western side, at a similar distance, stands a piggery of large extent. I live in a thickly populated portion of Alexandria, and providing the wind is not northerly, the residents there are treated daily to nauseating and pestilential smells from the establishments mentioned. The heat this week has been intense, and it would have been a treat to have been able to open the doors and windows in the evenings to admit the cool air; but this was rendered utterly impossible in consequence of the effluvia with which the air was charged." The writer hopes the attention of the City Health Officer will be called to these facts.

Perhaps Dr. Thompson might inspect and report.—H.N.M., B.C., 19/11/88. The C.M.I. Herewith.—J.A.T., 28/11/88.

The Chief Medical Inspector, Board of Health, to The President of Board of Health.

Boiling-down Establishments in Alexandria.

27 November, 1888.

In company with Sub-Inspector Potter and the Inspector of Nuisances for Alexandria (Mr. Parr), I this morning revisited the boiling-down works situated in Alexandria, and belonging to Messrs. Green, Eve, Godfrey, and Munroe, respectively. [I also visited a piggery, which may be that referred to in the attached anonymous letter to the *Herald*; but as it is in the district of Macdonaldtown, and as I am going to inquire into Father Doyle's complaint of a piggery in that district, I do not refer to it herein.]

Green's.—As at my visit of April, 1887, I found this place very clean and tidy. Mr. Green's arrangement for condensing the vapours from the digesters in course of emptying them seem complete and likely to avoid all nuisance from that source; but, perhaps, some may arise when the manhole is opened and the bones and greaves taken out. This would be least if the digester were allowed to cool thoroughly before opening it. The sole smell perceptible here arose from the bones, which were either stacked for grinding or being ground. Without wishing to detract from the efforts Mr. Green makes to keep his works free from nuisance, which in fact are fairly successful, I must observe that this is a rather small place where but the two operations of tallow-making and bone-grinding are done.

Eve's.—At this place tallow-making, oil-making, wool-washing, and sometimes tanning, are done. Apparently a larger amount of work is done here than at Green's. The works seem cramped; they are ill-constructed and have such flooring as prevents cleanliness; and they were very dirty and offensive. Little care is taken to avoid nuisance. Oil, I am informed, must be made in open vessels, and from these offensive vapour rises; this, at some expense, might of course be collected and either condensed or burnt, by means of some such appliance as varnish makers use for a similar purpose.

Godfrey's is a much larger establishment, where tallow and oil are made and bones ground. It seems well-arranged and fairly well kept. It is farther removed from neighbouring dwellings than the two former, and I am not aware that any complaints of nuisance have been made against it.

Munroe's.—Here the arrangements for boiling down are primitive and the establishment is dirty. Tanning is done in another set of buildings. This is a small place.

The works last named stand close to the southern outfall sewer, and, perhaps, are far enough from inhabited dwellings to avoid complaint of any nuisance that may arise. But whether this be so or not, Munroe's should be kept cleaner, and I am of opinion he might fairly be called upon to use such apparatus for condensing the offensive vapours from the digesters as Green uses; this would not be necessary, I believe, if he allowed those vessels to get quite cold before opening them; but, while I do not know whether

whether he lets them get cold or not, but consider it improbable that he can afford time for it, it would not be possible to make sure that thorough cooling was always waited for. It would therefore be better, I think, in such establishments to insist upon digesters being blown off and the vapours being condensed in a suitable apparatus. I do not think Mr. Godfrey has efficient condensing apparatus. The arrangement referred to by the Mayor of Alexandria in his report, dated 13th July last, is one for burning off the vapour and foul air displaced from the charge when heat is first applied to the digester, and is, of course, shut down after the first few minutes, the digester being, in fact, Papin's invention, designed for stewing under pressure.

Mr. Eve's place appear to me so constructed as to become inevitably a nuisance, whether the vapours above referred to be condensed or not. It might undoubtedly be kept cleaner than it is kept; but the irregular and broken flooring would prevent any high standard of cleanliness being attained.

In conclusion, I observe that the offensive smell given off by such establishments arises from the following causes:—(1) From the raw material; (2) from the vapours which escape from the digested material when its constituent parts are exposed to the air hot, and these constituent parts are tallow, liquor, and bones and greaves; (3) from the open coppers in which oil is made; and (4) from the dry bones and greaves when stacked in quantity, and especially in course of grinding. Offence from the raw material and from dry bones, &c., can be avoided by storing these materials in comparatively closed chambers, ventilated by exhaustion, so that there is always an inflow of fresh air from the outside; the delivery being under a furnace in which the foul air withdrawn is consumed. I do not know of any other plan. I have already indicated the way in which offence from the heated material in the digesters may be got rid of when those are emptied, namely, by insisting upon their always being blown off and the vapours condensed. Offence from the oil-making vats might, of course, be avoided by covering those vats and exhausting the vapour, either with a fan, or perhaps, by furnace draft alone; if the contents require stirring or frequent inspection, there is a form of cover which allows of this, and which I can describe if necessary; the vats for receiving the hot tallow should also be similarly covered. The Mayor observes that these factories have no security—by which, I take him to mean no security against action for causing nuisance, and that therefore the proprietors cannot risk much money in such improvements as would avoid nuisance. But this reasoning has little force. Boiling-down is an offensive trade; that is to say, it cannot be conducted without there being offence on the premises. But actions for nuisance can be supported, I believe, only if the nuisance extends beyond the premises, and it is far from inevitable that it should so extend, provided the premises are of reasonable area. If, therefore, the owners expended money in confining offensive smells within the walls of their factories they would have the security necessary to warrant that expenditure. I think I am not wrong, however, in tracing the most offensive, and farthest reaching, smell issuing from them to the hot contents of the digesters, and this may be avoided without very great expense, as Mr. Green is, I think, able to show. This measure of improvement should, in my opinion, be insisted on, if no more is demanded.

Thus far I have spoken of nuisances caused by the necessary trade processes, and the manner in which they may at all events be confined to the factory. But there is another and gratuitous source of offence with which the Inspector of Nuisances has power to deal, and with which he should not be deterred from dealing just because the trade itself is offensive. I mean the neglect of ordinary cleanliness which I observed at Eve's and Munroe's. There can be no doubt that the Council should insist upon such a construction of flooring as at least admits of washing down, and that the Inspector should insist upon its being washed down regularly, and on the premises and apparatus being kept scrupulously clean. The accumulation of filth is no part of this business, and should be as strictly prevented as on any other premises. It is necessary, therefore, that smooth and unbroken flooring should be insisted upon everywhere except where the casks are filled with the finished tallow; and that in any other department where at present there is no flooring, a suitable kind should be forthwith laid.

J. ASHBURTON THOMPSON, M.D.,
Chief Medical Inspector.

Read at meeting of Board, 12/12/88. Copy to be forwarded to local Council.—E.S. Letters sent, 18/12/88, and further letters requesting reply, 24/1/89.—E.S.

The Secretary, Board of Health, to The Council Clerk, Alexandria.

Sir,

Board of Health Office, Sydney, 18 December, 1888.

Referring to certain correspondence which has recently appeared in the *Sydney Morning Herald* respecting the alleged nuisances caused by certain boiling-down establishments within your borough, I have the honor, by direction of the Board of Health, to inform you that, in accordance with their instructions, the Chief Medical Inspector of the Board has made a thorough examination of the establishments referred to, and to forward you herewith, for the information and guidance of your Council, a copy of the recommendations made by him with a view to the nuisances being minimised.

I have, &c.,

EDMUND SAGER,

Secretary.

[Copy of the Chief Medical Inspector's report of 27th November, was forwarded herewith.]

The Secretary, Board of Health, to The Council Clerk, Alexandria.

Sir,

Board of Health Office, Sydney, 24 January, 1889.

I have the honor, by direction, to forward you herewith a copy of a report on the dairy premises of Mr. John Andes, whose son was admitted to the Coast Hospital on the 18th instant, suffering from typhoid fever.

I am also directed to request you to be good enough to favour me with a reply to my letter of the 12th ultimo, transmitting a copy of a report on the boiling-down establishments in your district, and to draw the attention of your Council to the question of the unsuitability of the situation for dairy premises.

I have, &c.,

EDMUND SAGER,

Secretary.

[Enclosure.]

[Enclosure.]

CONSEQUENT on the admission to the Coast Hospital on the 18th January, 1889, of one John Andes, suffering from typhoid fever, an officer of the Board of Health visited and inspected, on the 15th, the dairy premises of his father John Andes, situated in the Borough of Alexandria, near the brickworks, at a place known as the Waterloo Flats, and reports as follows:—

Mr. Andes was absent from home. His wife states, that their son, aged 18 years, who is an only child, resides with them, but was employed at the brickworks in St. Peters. He took ill on Sunday, the 13th instant, and three days later went to see Dr. Kingsbury of Newtown, who advised his removal to an hospital. Mr. Andes is milking eleven cows; his dairy stands in a grass paddock; the buildings are of wood, and are rather old; stalls paved with brick, and drained out to an adjoining street. Water is obtained from a well sunk in the paddock near the dwelling. Earth closet, emptied by Council. The whole of the premises, including dwelling, were inspected, and everything about the place was found clean and tidy.

The officer desires to bring under the notice of the Board that in this locality are several dairies, also a number of boiling-downs and wool-washing establishments. Yesterday evening, and it is said to be so at all times, the atmosphere was loaded with a very disagreeable effluvia emanating from these establishments.
10th January, 1889.

The Council Clerk, St. Peters, to The Secretary, Board of Health.

Sir,

Town Hall, St. Peters, 20 February, 1889.

I am directed by this Council to draw your attention to the offensive smell arising from Shea's Creek and boiling-down establishments in close proximity, also to habitations along the creek, near Ricketty-street. The stench is such that complaints have been received by this Council from residents in the borough; and as these places are in the Borough of Alexandria, which adjoins this borough, this Council has written to the Alexandria Council to take some steps to abate the nuisance complained of. The Council, therefore, urge that some immediate steps be taken before an epidemic breaks out, to the danger of human life.

I have, &c.,

ANDREW T. GIBSON,
Council Clerk.

Board of Health,—H.N.M., 21/2/89. No reply received from Alexandria.—E.S. Read. Meeting, Board of Health, held 6/3/89. Copy of Dr. Thompson's report forwarded to St. Peters with letter (which see).—E.S.

The Secretary, Board of Health, to The Council Clerk, St. Peters.

Sir,

Board of Health Office, Sydney, 7 March, 1889.

Referring to your letter of the 20th ultimo, respecting the nuisance caused by boiling-down establishments situated within the Borough of Alexandria, I have the honor to inform you that this Board has repeatedly brought under the notice of that Council the nuisances caused by these establishments, and has urged it to take some steps to abate such nuisances. The Board addressed the Alexandria Council on this subject on the 18th December and 24th January, but to neither communication has any reply yet been received. For the information of your Council I beg to forward you herewith a copy of a report which was furnished to the Alexandria Council on the 18th of December last.

I have, &c.,

EDMUND SAGER,
Secretary.

[Copy of Chief Medical Inspector's Report of the 27th November, 1888, forwarded herewith.]

The Council Clerk, Macdonaldtown, to The Secretary, Board of Health.

Sir,

Council Chambers, Macdonaldtown, 12 March, 1889.

I have the honor, by direction of the Mayor of Macdonaldtown, Andrew Murray, Esq., to draw your immediate attention to the intolerable nuisance, caused by boiling-down establishments in the adjoining Borough of Alexandria to the inhabitants of this municipality.

The stench from these places at times is unbearable, and certainly most injurious to the public health, and the removal or abatement of this public nuisance would confer a boon upon the whole of the residents of Macdonaldtown and the surrounding district.

I have, &c.,

W. F. BRAY,
Council Clerk.

Read. Meeting Board of Health held this day. Similar reply to one sent as in the case of St. Peters.—E.S., 20/3/89.

The Secretary, Board of Health, to The Council Clerk, Macdonaldtown.

Sir,

Board of Health Office, Sydney, 22 March, 1889.

Referring to your letter of the 12th instant, respecting the nuisances caused by "boiling-down" establishments situate within the Borough of Alexandria, I have the honor to inform you that this Board has repeatedly brought under the notice of that Council the nuisance caused by these establishments, and has urged it to take some steps to abate such nuisances. The Board addressed the Alexandria Council on this subject on the 18th December and on the 24th January, but to neither communication has any reply yet been received.

For the information of your Council, I beg to forward you herewith a copy of a report which was furnished to the Alexandria Council on the 18th of December last.

I have, &c.,

EDMUND SAGER,
Secretary.

[Copy of Chief Medical Inspector's report of the 27th November, 1888, forwarded herewith.]

The Council Clerk, St. Peters, to The Secretary, Board of Health.

Sir,

Town Hall, St. Peters, 20 March, 1889.

I am directed by the Mayor to acknowledge receipt of your letter, dated 7th March, also enclosing copy of report furnished to Alexandria Council by your Medical Adviser, Dr. Ashburton Thompson, which copy was read at the last meeting of this Council, held 18th March.

The report in itself is most carefully compiled, and should be of most valuable assistance to the Alexandria Council in trying to minimise these noxious vapours which arise from these establishments. I may state that this Council is leaving nothing undone and sparing no effort to keep the sanitary condition of this borough in a good state, and their results are crowned with success.

I have, &c.,

ANDREW T. GIBSON,
Council Clerk.

Extract from Minutes of Board of Health, dated 27 March, 1889.

Boiling-down Establishments, Alexandria.

FURTHER letter from St. Peter's Council, 89-1,503, dated 20th March, on this subject, read; ordered papers to stand over till further information as to how far the Cattle Slaughtering Acts apply to this subject is obtained.

Cattle Slaughtering Act, 14 Vic. No. 30, Sec. 4.

4. And be it enacted That the business of a blood-boiler bone-boiler fellmonger slaughterer of horses or boiler or steamer of animals or parts of animals for extracting the tallow or fat therefrom shall not be carried on in any building or place within the limits of any city or town to which this Act shall be extended and whosoever offends against this enactment shall forfeit and pay on conviction for every such offence before any two or more Justices of the Peace in a summary way any sum not exceeding fifty pounds and a further penalty of forty shillings for each day during which the offence is continued.

Certain busi-
nesses not to be
carried on within
the limits of any
city or town
under a penalty
not exceeding
£50.
Further penalty
of 40s. each day.

The Secretary, Board of Health, to The Principal Under Secretary.

Sir,

Board of Health Office, Sydney, 3 April, 1889.

I have the honor, by direction of the Board of Health, to request you to furnish me with a return showing the names of places or districts to which the provisions of the following Acts have been extended:—The Nuisances Prevention Act, Towns Police Act, and Slaughtering Act. And further, that the Board may be informed of the names of the districts or places to which the provisions of any of the above Acts may be extended from time to time.

I have, &c.,

EDMUND SAGER,
Secretary.

Parliamentary Question.

11. MR. JOSEPH ABBOTT to ask THE COLONIAL SECRETARY,—

- (1.) Is it a fact that a nuisance exists in the vicinity of Sparke's Bridge, in the Borough of Alexandria?
- (2.) Will the Government cause inquiry to be made, for the purpose of ascertaining the nature of the nuisance (if any), and obtain a report thereon?
- (3.) If, upon inquiry, a nuisance is found to exist in this locality, will the Government lay upon the Table of this House, the report, showing (1) the nature of the nuisance, (2) its cause, and (3) its effects upon the health and comfort of the residents in its neighbourhood?
- (4.) If, upon inquiry and report, a nuisance is found to exist in the abovenamed locality, will the Government take steps to have it removed or abated without unnecessary delay?

Will you be so good as to furnish me with the necessary information to enable the Colonial Secretary to reply to the above Question?—C.W., B.C., 18 May, 1889. The Medical Adviser to the Government.

P.S.—The Colonial Secretary is desirous of receiving the reply before 1 o'clock p.m. on Tuesday.

Will Dr. Ashburton Thompson please visit and make inquiries, so as to enable me to reply to Questions 1 and 3 herewith.—F.N.M., 20/5/89. Herewith.—J.A.P., 20/5/89.

Questions as to Nuisance at Sparke's Bridge, Alexandria (being a nuisance from boiling-down factories).
20 May, 1889.

A NUISANCE does exist in the vicinity of Sparke's Bridge, Alexandria. I made inquiry into the matter in 1887, and on two occasions in 1888, reports being dated 15th and 26th April, 1887, 27th April, 1888, and 27th November, 1888. The first afford evidence of damage to house property by this nuisance, and refer to certain boiling-down factories which cause it; the second makes further remarks upon the conduct of the same establishments, and suggests that the case is suitable for prosecution. The third deals with the establishments, and with the kind of business at considerable length, and shows that in one case the proprietor has taken effectual steps to prevent nuisance from his works, and recommends that the others should adopt similar expedients. A farther inspection this morning enables me to add to the last report the following with regard to Mr. Godfrey's factory. An offensive (and, as I am told, hot) effluent used to be conducted by earthenware pipes into Shea's Creek at a point distant from the works, and about mid-way between them and Sparke's Bridge; and there was considerable nuisance from this at the out-fall. These pipes have recently been removed. The above particulars answer the questions 1 to 3, except as to the effect of the nuisance on the health of the inhabitants. No means of making any practically useful statement of facts under this head are possessed by the Health Department; but it may be stated that, although the comfort of persons exposed to the effluvia which constitute the nuisance, is doubtless seriously interfered with, health is (in other parts) not found to be injured by it.

J. ASHBURTON THOMPSON,
Chief Medical Inspector.

Reply:—

(1.) Yes.

(2.) Inquiry has been made, and a report thereon obtained.

The papers in this case are somewhat voluminous, but there does not appear to be any objection to laying them on the Table of the House. The matter has been already before the Attorney-General.

H.N.M., 20/5/89. The Principal Under Secretary.

The Principal Under Secretary to The Medical Adviser to the Government.

Legislative Assembly, 21 May, 1889.

- (9.) Nuisance at Sparke's Bridge, Alexandria:—Mr. Joseph Abbott asked the Colonial Secretary,—
- (1.) Is it a fact that a nuisance exists in the vicinity of Sparke's Bridge, in the Borough of Alexandria?
 - (2.) Will the Government cause inquiry to be made, for the purpose of ascertaining the nature of the nuisance (if any), and obtain a report thereon?
 - (3.) If, upon inquiry, a nuisance is found to exist in this locality, will the Government lay upon the Table of this House the report showing (1) the nature of the nuisance, (2) its cause, and (3) its effects upon the health and comfort of the residents in its neighbourhood?
 - (4.) If, upon inquiry and report, a nuisance is found to exist in the abovenamed locality, will the Government take steps to have it removed or abated without unnecessary delay?
- Sir Henry Parkes answered,—
- (1.) Yes.
 - (2.) Inquiry has been made, and a report thereon obtained.
 - (3.) The papers are somewhat voluminous; but there will be no objection to laying them upon the Table, if moved for in the ordinary way.
 - (4.) The matter shall be looked into.

The Government Medical Adviser.—C.W., B.C., 29/5/89.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

COMPARATIVE VIEW OF THE MORTALITY OF THE DIFFERENT COLONIES FROM CERTAIN DISEASES.

(RETURN.)

Ordered by the Legislative Assembly to be printed, 5 March, 1889.

[Address delivered at the Intercolonial Medical Congress, held in Melbourne, by H. N. MACLAURIN, M.D., LL.D., President of the Board of Health of New South Wales, as Chairman of the Section of Public Health, on the 10th January, 1889.]

WHEN I was requested to undertake the honorable duty of presiding over the section of Public Health in this Congress, I felt at first a good deal of difficulty in deciding upon the subject to which I should call your attention in this preliminary or introductory address. If I had consulted my own convenience alone, I should have probably selected the condition of public health legislation and administration in New South Wales, as being the matter with which I am the most familiar. But it seemed to me that while this would naturally be of the highest importance to myself and to my fellows from the oldest colony, it could yet hardly be regarded as of sufficient interest to gentlemen from the other colonies to justify me in making it the subject of an address which ought to be of a somewhat comprehensive and general character. I was further induced to look in another direction for my text by learning that from at least two gentlemen of New South Wales the members of the section will have the privilege of hearing papers on the sanitary laws and administration of that colony, both generally and with particular reference.

After casting about in every direction, it seemed to me that I could not do better than try to lay before you a short sketch of the health condition of the various Colonies of Australasia, including New Zealand, as deduced from the registration of mortality during the last few years. This will, at all events, be an attempt to lay a foundation for the labours of the sanitarians, by showing what the diseases really are which cause death in the various communities, and consequently what are the directions in which sanitary influences are most required. It is true that the materials at my command, being entirely drawn from mortality tables, cannot give a complete presentation of the actual diseased conditions of the colonies, for no account is taken of those cases of disease which recover. But there are no materials in existence from which such complete information could be obtained; and I think that, on the whole, the mortality of a colony may be taken, for the present, at least, to furnish a sufficiently accurate approximate estimate of the amount of disease of the colony. The plan adopted by me for this purpose has been to select from the statistical report of the various colonies the forty most prevalent causes of death in three successive years, excepting in Western Australia, for which I was in possession of materials for only the year 1886. For the other colonies the years selected were 1884, 1885, and 1886, excepting in the case of New South Wales, in which I had to take the years 1883, 1884, and 1885, as the complete returns for 1886 were not published in time for my inquiry.

The diseases have been first of all arranged in order of frequency, giving the total number of deaths from each registered cause; they have then been distributed, so as to show the prevalence of each cause of death during the different quinquennial periods of life; and, moreover, percentages have been calculated showing, 1st, the ratio of deaths from each cause to 100,000 of the estimated mean population published in the year to which the table refers, and secondly, the ratio which the number of deaths produced by each cause bears to the total number of deaths registered in the colony for the year. In addition, where the information was sufficient for the purpose, I have distributed the causes of death as far as possible between urban and rural districts, giving in each case similar percentages to those which were calculated for the whole Colony. Owing to the insufficiency of the information at my command, this has been possible for Australia only in the cases of New South Wales and Victoria, and even in those the method has not been altogether so satisfactory as I could wish. Thus, in New South Wales I

am able to give tables for Sydney, for its suburbs, and for the country districts generally, but I am not able to separate from the country such important centres of population as Newcastle, Goulburn, or Bathurst, which are consequently included in the country, thereby somewhat influencing the character of the mortality return. Similarly, for Victoria, I am able to distribute the return into two parts, one embracing Melbourne and its suburbs, and the other the remainder of the colony, including the country districts as well as such large and important centres of population as Ballarat, Geelong, Sandhurst, and other great towns. There can be no doubt that by this the apparent mortality of the country districts of these colonies is somewhat increased owing to the influence of the large country towns; but at all events it is possible to ascertain the health condition of the great cities of Sydney and Melbourne and to frame an estimate of that of the country parts sufficiently approximate to be not devoid of interest to us.

It will be readily understood that the taking out of this information has been very laborious; for the single colony of New South Wales nearly 1,000 calculations were required, all of them being of an intricate and complex character; and for the other colonies similar calculations, although not in such large numbers, had also to be made. It would have been quite impossible for me, taken up as my time is with numerous other engagements, to have carried out this very intricate piece of work by myself; and I have here to express my hearty obligations to Mr. Sager, the Secretary of the Board of Health of New South Wales, to whose ready and kindly co-operation it is due that I am able to place these tables before you.

Apart from the mechanical difficulty necessarily attached to such an enormous series of calculations, another difficulty has arisen from the fact that the nosological system adopted is not quite the same for all the colonies, and in some cases seems to have been modified in particular colonies in the course of the period under consideration. And while I am on this subject I would also point out the great advantage that would result from a sanitary point of view if measures were taken in all the colonies to ensure the compulsory notification and registration of at least the more important infectious diseases. We know from our tables the mortality which results from typhoid fever, scarlet fever, and measles, but we have no means at present of estimating the misery which arises from the very numerous cases of such diseases which, however, do not end in death. It is easy for medical men to conceive the grief and pain arising from these causes, as well as the absolute loss to the community, even from a pecuniary point of view, but I am afraid that the importance of this matter has not yet been brought home to the public mind. If we were able to show in an exact form the actual suffering and loss which result from the infectious diseases alone, we might hope to be able to arouse the attention of the public and to convince them of the necessity of introducing those sanitary reforms which the profession of medicine have been so long and for the most part ineffectually demanding.

As in almost every other part of the world, consumption of the lungs figures in most of our returns as the greatest single cause of death. It is first in the colonies of New South Wales and Victoria for the whole period, and in South Australia for one year. In Queensland it occupies the second place, in Tasmania the third place excepting for one year, when it is second, and in the sparsely-peopled territory of Western Australia it is only the tenth in the order of fatality. In New Zealand it is at the head of the list for two years of the period, and for the third it is bracketed an equal first with accidental causes. Where I have been able to separate approximately the urban and rural districts (*i.e.*, in New South Wales and Victoria), it will be found to head the list in Melbourne and suburbs, and in Sydney; in the country districts of Victoria and the suburbs of Sydney, it is found to take second place excepting one year when it is third; but in the rural districts of New South Wales it holds only the third place—being exceeded by old age and accidents. What is the relative prevalence of phthisis in the various colonies? To answer this, I have prepared the accompanying table for the year 1885, the latest common to all the colonies for which I had materials—excepting Western Australia, for which I have only materials for one year, *viz.*, 1886. It gives the number of deaths per 100,000 living in each colony or district which I have been able to separate.

TABLE I.—1885.

District or Colony.	Per 100,000.
New South Wales	115.71
Sydney	222.87
Suburbs	197.46
Country	75.77
Victoria	141.94
Melbourne and Suburbs	239.16
Rest of Victoria	88.62
Queensland	186.23
Tasmania	108.38
South Australia	96.01
New Zealand	89.65
Western Australia (1886)	68.21

It will be seen from this table that the districts under consideration divide themselves into two classes, according to the prevalence of the disease. In the first, containing in order Melbourne, Sydney, suburbs of Sydney, and whole colony of Queensland, the percentage of cases is high, approaching to the average of the thickly-peopled countries of the old world. In the second division the percentage is low, the order being Tasmania, South Australia, New Zealand, Victoria outside Melbourne and suburbs, country parts of New South Wales, and lastly Western Australia, in which there were only twenty-seven deaths in all from phthisis, or at the rate of 68 per 100,000 living. In the last case, however, we should most likely consider the numbers involved too small to form an accurate standard, especially as the return is given for only one year.

Another method of regarding the prevalence of this disease is to estimate the ratio of deaths from phthisis to those from all causes. A table containing this information for all the colonies for the same period (*i.e.*, 1885, excepting Western Australia, 1886) is here given.

TABLE

TABLE II.—1885.

Colony.	Ratio to deaths from all causes.
New South Wales.....	7.16
Sydney.....	11.00
Suburbs.....	7.80
Country.....	5.73
Victoria.....	9.63
Melbourne and Suburbs.....	11.87
Rest of Victoria.....	7.54
Queensland.....	9.51
Tasmania.....	7.12
South Australia.....	7.70
New Zealand.....	8.45
Western Australia (1886).....	3.35

As in the former table, Melbourne and Sydney head the list, in Melbourne the ratio of deaths from phthisis to those from all causes being 11.87, and in Sydney 11.00; these are followed by Queensland, 9.51; Victoria, as a whole, 9.63; New Zealand, 8.45; suburbs of Sydney, 7.80, and South Australia, 7.70; and gradually in a descending scale until we reach Western Australia, with 3.35. Here I may mention as a curious fact that, from an examination of the death returns of the Australian Mutual Provident Society for a period of thirty years, and of the Mutual Life Association of Australasia for a period of twenty years, I find the ratio which claims arising from deaths by phthisis bear to claims from all other causes whatsoever to be almost exactly the same in both societies, viz., 12.4 per cent. When we consider the very great care taken by both of these Associations in examining persons who propose to them for assurance, and when we take into account the identity of the percentage of loss to each society from phthisis, I think we may infer that this ratio of 12.4 may be taken as the percentage of deaths from phthisis which may be expected among any number of healthy adults, principally males, distributed over the greater part of Australasia. At first sight, considering that the ratio of deaths from phthisis to deaths from all other causes for the whole colony of Victoria is only 9.63, and for the colony of New South Wales is only 7.16, it would look as if the life-insurance companies cut a very poor figure with their 12.4, in spite of all the trouble they take to exclude unhealthy lives. But this is only apparent, for we must bear in mind that the life-assurance companies rarely accept proponents under the age of fifteen, and for the most part their entrants are several years older. They thus escape the very serious causes of death which operate for the most part in infancy and early childhood; and therefore phthisis, which is chiefly a disease of adult life, figures very highly among the death-dealing causes in the assured population. In order to make this more clear, I have taken out the ratio which deaths from phthisis bear to deaths from all causes occurring above the age of fifteen in the colonies of Victoria and New South Wales, and the results are as follows:—In Victoria, percentage of deaths from phthisis to deaths from all causes over fifteen years of age is 15.43, and in New South Wales, 13.40. Hence we see that the assurance companies' result is rather better than the average of Victoria and a shade better than that of New South Wales; and this confirms the opinion that most intelligent men have held, that the true use of medical examination for a life-assurance company is not to provide a class of entrants much above the average in the expectancy of life, but rather by the exclusion of diseased and unhealthy lives to prevent the expectancy of the whole class of entrants in any year falling below the average. I have calculated a similar ratio for Queensland and find it to be 16.01.

When we come to compare the condition of Australia with that of the countries of the old world we cannot be but struck with the comparative immunity from consumption which a considerable proportion of this country enjoys. If we take the trouble to glance down the very elaborate table given by Hirsch in the third volume of his Handbook of Geographical and Historical Pathology, we shall be pleased to find that the rural parts at least of Australia occupy a position with respect to this disease which will compare very favourably with most other countries in the globe. Even Queensland, which is much the worst of our colonies as a whole, would stand very well among European countries, being practically the same as Switzerland, in which the death-rate from phthisis is very low for Europe, and to some parts of which phthisical patients are occasionally sent by medical advice. And the more-favoured colonies (at all events in the country parts) will compare favourably with the rural portions of north-west Africa, which have long been celebrated for comparative immunity from phthisis.

It is but right, however, to bear in mind, on the other hand, that the urban portions of Australia possess no such immunity, and that Melbourne and Sydney show a very considerable proportion of phthisical deaths—the former city, with its suburbs, showing 2.39 deaths per 1,000 persons living, a proportion which, according to Hirsch, is nearly equal to that of many European cities, although, of course, much below many German and Austrian towns, in which phthisis seems to assume the proportions of a real plague.

It is useless to shut our eyes to the fact that consumption has got a footing among us, and that it is now one of our most important causes of death. How it is to be checked in its advances, and, if possible, lessened in its prevalence, are among the most important sanitary problems of the day.

It would take too long if I were here to go into this question. I would venture, however, to draw your attention to two matters:—1st, that phthisis is essentially a disease of towns, especially of great towns, and that, consequently, improvement of the hygienic conditions of great towns, more especially in ventilation, free space, and, not least, in good morals, will necessarily tend to the diminution of the phthisical death-rate; 2nd, the discoveries of the last few years with respect to the bacterial origin of phthisis ought surely to awaken the public from the apathy with which they continue to consume the flesh of tuberculous oxen and the milk of tuberculous cows. That these tuberculous animals do present the characteristic bacilli of tubercle there is no doubt. I suppose I must admit that I cannot point to a case in which the transfer of the bacillus from the ox or cow to the human being, by feeding, has been actually demonstrated; but the identity of the morbid cause in the ox and the human being is quite sufficiently probable to raise a suspicion strong enough to justify us in preventing any risk of the kind, and

I suppose no one would knowingly allow his family to be fed on tuberculous beef or tuberculous milk. There is, however, a good deal of trafficking in tuberculous cattle, at least in New South Wales, whether for slaughtering or dairy purposes; and one measure which is most urgently required in that Colony is a law rendering penal all trafficking in such diseased animals for any purpose whatsoever. I believe that such a law would be of great service in preventing the spread of consumption among our population.

This view will, I think, be strengthened if we inquire how the Jews in Australia fare in regard to phthisis, and I am indebted for some valuable information on this head to my friend the Rev. A. B. Davis, the learned and much respected Jewish clergyman in Sydney. It is well known that the greatest care is taken by the Jews to avoid the consumption of meat which is in any way tainted by disease. As Mr. Davis says in his letter to me, "the slightest speck on the lungs (which are blown out to their full extent), or blemish of any kind would be sufficient to condemn the carcass, and the butcher accredited by the Jewish community would not be permitted to dispose of it." Now, just as I should expect, the Jews in Australia show a great immunity from phthisis. Mr. Davis states that in the Jewish population of New South Wales, numbering 4,000, he can only call to mind one death from phthisis in three years. Taking the average for the whole Colony of New South Wales, the expected deaths in 4,000 persons for this period would have been 13.68; and as Jews for the most part live in cities, we might fairly expect the death-rate to be higher than for the whole Colony. Instead of the rate expected we find, however, only one death, and a consequent saving of (say) twelve lives in this number of persons in three years. I do not say that this saving of life is entirely due to the avoiding the use of tuberculous meat, but I take leave to maintain that I am justified in crediting this cause with a good deal of the beneficial result. Perhaps it will be still more striking if I point out the saving of life in the Colony which would ensue if the Jewish average were maintained for the whole population. In 1885, 1,095 persons died of consumption in New South Wales, being at the rate of 115.51 for each 100,000 of the population. If the Jewish rate had been general, only 79 would have died, being a saving of over 1,000 lives in one year.

It may of course be alleged that this death rate among the Jewish population ought not to be taken as being absolutely accurate, and that therefore it is hardly fair to compare it strictly with the general death rate of the Colony. Possibly this may be so, but even after making every allowance for mistaken diagnosis, and for any other probable source of error, I cannot but feel convinced that the alleged immunity of the Jews from phthisis, does, on the whole, really exist, at all events in New South Wales, and that their condition with respect to this disease contrasts very favourably with that of the general population.

As for Melbourne, I cannot give you exact figures; but I learn from Mr. Davis, on the authority of Mr. Meyer, and Dr. Brownless, the respected Chancellor of the Melbourne University, that little or no phthisis exists among the Jews in that city.

It might be worth while to notice that the country districts of New South Wales, where the phthisis rate is low, are for the most part devoted to the rearing of sheep; while Queensland, where the rate is high, is, at all events in the coast divisions, almost exclusively devoted to the raising of cattle.

Surely there is sufficient energy among us to lead us to try to reduce the general death-rate to that of the Jewish community, and the first step in this direction is in my opinion, to put an absolute end to the use of meat from tuberculous oxen, and of milk from tuberculous cows.

Although consumption is nominally the most important cause of death from the numerical point of view, still we may say that in reality it must give place to certain of the diseases of infancy and childhood. To show that this is the case it is necessary to make certain changes in the mode in which the diseases of infancy have been registered, and to classify them in groups by adding together diseases which though nosologically separate are yet so closely allied as to constitute practically different varieties of one great disease. Thus, atrophy and diarrhoea of infancy, teething, want of breast-milk, and the like may be fairly considered as varying manifestations of infantile mal-nutrition, and similar groups may be formed from the fatal nervous, and pulmonary diseases of children. If we then proceed to add together the various diseases constituting each of these principal groups we shall find our tables assume a somewhat different character. Herewith I give three tables in which these diseases have been arranged in the manner indicated.

INFANTILE DISEASES.

CLASS A.—NUTRITIVE.

TOTAL Deaths of persons under 5 years of age from the undermentioned causes in the Australasian Colonies during the year 1885.

Disease.	Name of Colony.							Total.
	New South Wales.	Victoria.	Queensland.	Tasmania.	South Australia.	New Zealand.	Western Australia (1886).	
Atrophy and debility	1,058	805	363	107	287	268	.....	2,948
Diarrhoea and dysentery	751	802	431	94	268	337	.....	2,713
Euteritis	243	181	64	11	45	90	.....	643
Teething	324	111	180	35	79	101	.....	830
Tabes mesenterica	260	96	58	.....	40	51	.....	523
Gastritis and stomach disease	178	219	45	.....	7	43	.....	492
Liver disease	2	13	15	.....	10	18	.....	58
Peritonitis	18	8	2	1	6	5	.....	40
Cholera	31	38	23	4	16	10	.....	172
Want of breast-milk	79	115	28	20	20	29	.....	300
Thrush	59	19	16	9	10	17	.....	130
Total	3,093	2,467	1,225	281	806	678	.....	8,849
Percentage to deaths from all causes	20.23	17.17	19.65	13.80	20.21	16.03	.....	19.44

CLASS B.—NERVOUS DISEASES.

TOTAL Deaths of persons under 5 years of age from the undermentioned causes in the Australasian Colonies during the year 1885.

Disease.	Name of Colony.							Total.
	New South Wales.	Victoria.	Queensland.	Tasmania.	South Australia.	New Zealand.	Western Australia (1880).	
Apoplexy		4		1	3	4		12
Convulsions	820	312	346	141	155	153		1,927
Cephalitis	235	179	41	16	45	42		558
Paralysis	5	1	2		1	1		10
Hydrocephalus	73	116	26	9	43	46		318
Brain disease	5	21	26	15	27	38		132
Epilepsy	15	11	7			4		37
Total	1,153	644	448	182	270	288		2,934
Percentage to deaths from all causes	7.54	4.93	7.18	8.94	6.90	4.74		6.24

CLASS C.—RESPIRATORY DISEASES.

TOTAL Deaths of persons under 5 years of age from the undermentioned causes in the Australasian Colonies during the year 1885.

Disease.	Name of Colony.							Total.
	New South Wales.	Victoria.	Queensland.	Tasmania.	South Australia.	New Zealand.	Western Australia (1880).	
Pneumonia	236	260	31	16	84	106		733
Bronchitis	397	288	84	48	98	168		1,083
Congestion of lungs	60	83	41	23	10	28		254
Whooping-cough	103	162	23	16	37	57		488
Pleurisy	8	7	1	1	2	3		22
Influenza	56	29	10	3	1	6		104
Total	874	829	195	107	232	397		2,634
Percentage to deaths from all causes	5.72	5.77	3.13	6.25	7.07	6.52		5.59

From these it will be seen that in the case of the nutritive diseases of childhood the warmer Colonies, viz., Queensland, New South Wales, and South Australia, have a decidedly greater mortality; whereas in the colder Colonies—Victoria, New Zealand, and Tasmania—infantile mortality from nutritive disorder is less. On the other hand, from respiratory diseases Queensland shows a great immunity, but South Australia here also has an unfortunate pre-eminence. In nervous diseases, exemplified by convulsions, cephalitis, and so forth, Tasmania, contrary to our expectation, show the greatest fatality, followed by New South Wales, Queensland, and South Australia. Taking it altogether it must be observed that in all the classes of diseases of infancy Victoria and New Zealand are decidedly the most healthy.

Old age is fourth in New South Wales, is thirteenth in Queensland, eighth in Victoria, first in Tasmania, fifth in South Australia, and in Western Australia, third. In the country parts of most of the Colonies it seems, as a cause of death, to be much on an equality with accidents.

There are many matters connected with these tables which it would be exceedingly interesting to inquire into; but in a brief sketch like the present, detailed inquiry necessarily would be somewhat out of place, my object being to give a few of the most salient points, which are obvious on a cursory glance. I must, moreover, remember that the time at our disposal is but limited, and that there are also limits to your patience on which I must not encroach too much. I shall therefore refrain from going regularly down the columns, and shall now confine myself to considering one or two of the most important diseases, especially those which are generally considered the most amenable to sanitary influences. Of these, typhoid fever is certainly one of the principal, whether we consider its prevalence, the amount of public attention it excites, or the influence which sanitary improvements are believed to have in checking it. The exact details of the prevalence of this disease during the three years under consideration will be found set forth at length in the larger tables which I have caused to be prepared. For convenience I have, as in the case of phthisis, selected the latest year for which a return common to all the Colonies is in my possession, viz., 1885, and I have drawn up a short table giving at a glance a comparative view of the mortality from typhoid fever in the various Colonies during that year. And it is to be borne in mind that this is only an account of the mortality from typhoid, and that the real sickness from typhoid—that is to say, the number of persons affected by this disease who recovered from it, or at all events who did not die from it—cannot in any way be ascertained, there being no materials for the purpose, but must be simply estimated as a matter of speculation by each of us, in accordance with his experience of the fatality attendant upon the disease in different places.

Typhoid

Typhoid Fever, 1885.

Name of Colony or District.	Order of Fatality.	Total Deaths.	Rate per 100,000 of population.	Percentage of Deaths.
New South Wales	12th	503	53.06	3.20
Sydney	9th	93	71.31	3.53
Suburbs	9th	130	85.28	3.37
Country	11th	280	42.10	3.18
Victoria	10th	424	43.48	2.95
Melbourne and Suburbs	12th	183	52.98	2.63
Country	9th	241	38.27	3.25
Queensland	3rd	541	169.90	8.68
South Australia	11th	145	45.34	3.64
New Zealand	16th	128	22.32	2.10
Tasmania	18th	30	22.42	1.47
Western Australia 1886	16th	13	32.84	1.61

From this table it will be seen that Queensland is by far the greatest sufferer from this disease of any of the Colonies. In that tropical province typhoid occupies the second place in the list of fatality, causing 541 deaths in the year, an absolutely greater number than in any other Colony; the relative mortality was at the rate of 169.9 per 100,000 of the population, and the percentage to deaths from all causes was 8.68. Taking the other years in my tables, it appears that in 1884 the results were rather worse, and in 1886 rather better; we may, therefore, assume that the results of 1885 give not an unfair idea of the mortality from typhoid fever in Queensland. It is certainly very high, quite sufficiently so, I think, to attract the attention of sanitary inquirers in that Colony. Leaving Queensland, which occupies an unenviable position by itself, we shall find that the death-rate in even the most populous of the other Colonies is much lighter, although there can be no doubt that in some there is still a good deal of room for improvement. New South Wales is the worst, with its death-rate for the whole Colony of 53.06, which rises in Sydney to 71.31, and in the suburbs to 85.28. These figures, especially the last, are far from creditable; but I am glad to say that public attention has at last been called to this matter, and various measures have been adopted or are in process of adoption with a view to reducing the mortality from this disease. Of these, I may mention the Dairies Supervision Act, which was passed in 1886, and is now gradually being extended to different parts of the Colony. I should also notice that the Government have in preparation a comprehensive scheme of sewerage for the western suburbs of Sydney, which have hitherto been left to their own devices in this important matter.

The somewhat sensational reports which from time to time appeared in the newspapers last summer as to the prevalence of typhoid fever in Victoria would lead us to suppose that there had been at that time a considerable increase within a comparatively recent period in the prevalence of this disease in that Colony. I am, of course, not in a position to give the number of deaths for 1888, but for 1887 there were 631, whereas in 1885 there were only 424, being at the rate of 43.48 per 100,000, Melbourne and suburbs being credited with 183 of these deaths, at the rate of 52.98 per 100,000 of the population.

It would appear from these figures that of late typhoid fever has been increasing in severity in Victoria. What may be the reason of this I shall leave to those to say whose business it is to manage the health affairs of the Colony.

South Australia appears to be, as regards this disease, much on a level with Victoria and New South Wales, the mortality being 45.34 per 100,000. But when we come to consider the island colonies we find a very different and much more agreeable state of matters, the death-rate falling in New Zealand to 22.32, and in Tasmania to 22.42 per 100,000. Here then is a problem for the sanitarians, which I trust they will lose no time in attacking, viz.: How to reduce the 169.9 of Queensland—not to speak of the smaller figures of the other Australian Colonies—to the very desirable 22.32 of New Zealand.

The last disease with a notice of which I shall trouble you to day is one which has always attracted great attention in the different parts of Australia, viz., diphtheria. In accordance, as I believe, with the views of the best authorities, I have associated croup with it. I attach hereto a table giving a comparative view of the prevalence of the disease in the different Colonies for the year 1885, already selected, excepting, as usual, Western Australia, for which I have only one return, viz., 1886:—

Name of Colony or District.	Order of Fatality.	Total Deaths.	Rate per 100,000 of population.	Percentage of Deaths.
New South Wales	10th	532	61.38	3.76
Sydney	—	40	35.27	1.74
Suburbs	—	91	59.70	2.35
Country	—	445	66.90	5.06
Victoria	14th	332	34.05	2.31
Melbourne and Suburbs	—	129	37.35	1.85
Country	—	203	32.24	2.74
Queensland	9th	208	65.32	3.34
South Australia	7th	188	58.79	4.71
New Zealand	10th	172	29.99	2.83
Tasmania	13th	50	37.37	2.45
Western Australia	23rd	9	22.74	1.12

From this it appears that, if whole Colonies be taken, Queensland has again a bad pre-eminence, heading the list with a death-rate of 65.32 per 100,000, to which New South Wales comes, as a very close second, with 61.38. If we leave out from the latter the figures for Sydney and the suburbs, we find that the country districts of New South Wales surpass the whole Colony of Queensland, the death-rate amounting to 66.90 per 100,000. This is another illustration of the well-known principle that diphtheria is a disease rather of the country than the town. An apparent exception to this is shown by the suburbs of Sydney, which, with the high ratio of 59.70, approach closely to the rural rate; this excessive prevalence

prevalence of diphtheria appears to me to be, to a considerable extent, due to the absence of any systematic method of getting rid of the faecal accumulations within these suburbs, a defect which, I am glad to say, is likely very soon to be remedied. South Australia, with its ratio of 58.79, follows close on New South Wales; and the three Colonies named are in a distinctly worse position as regards mortality from diphtheria than any of the other Colonies. Thus in Victoria the rate was only 34.05, in Tasmania it was 37.37, in New Zealand it was just under 30, while in Western Australia it was a little over 22 per 100,000.

The difference in these figures is sufficiently striking; and here again plenty of scope is offered for the exertions of sanitarians.

There are very many other matters of interest connected with these tables to which I might draw your attention; for example, the prevalence of different diseases in different quinquennial periods of life would afford us a most interesting subject of study. But time will not allow me to enter into the subject with further detail; and in fact, as you will see, I have not been able to do more than deal with it in the most superficial way, touching merely on the matters which were most obvious on the surface. But even such cursory consideration as we have been able to give to-day is quite sufficient to show that there is an ample field in these Colonies for the exercise of all means for the improvement of the public health.

In conclusion, I venture to express the hope that our sanitarians will leave no stone unturned until they succeed in lowering the death-rates from preventable diseases in all the Colonies—at all events to the minimum level which our tables show to exist in the most salubrious of our districts.

And I am sure that I cannot give utterance to this aspiration more appropriately than before the present audience, composed as it is of the most distinguished practitioners of medicine from all the Australasian Colonies, and more especially of those who take particular interest in matters of public health. This great congress of the profession, so successfully organized by our Victorian friends, ought to lead to the most beneficial results in every branch of medicine, and certainly not least are the hopes entertained from our action in the department of public health. Medical men have always been honourably distinguished by the great interest they take in sanitary matters, and it is to us that the public naturally look for guidance and advice in such questions. It is our duty to make plain to everyone what are the shortcomings of our community in questions of public health, and to show how these shortcomings can be remedied. No better opportunity can be conceived than this congress affords for the proclaiming of our views, and it is difficult to overestimate the influence for good which it will have with the public, who are never backward in acknowledging with respect any honest effort to advance the interest of the community.

RETURN of Deaths from the forty most prevalent causes in the COLONY OF VICTORIA during the year 1885. Arranged in the order of fatality, showing the number of deaths from each cause occurring in each quinquennial period of life, the death-rate per 100,000 of the mean population from each cause, and the percentage of deaths from each cause to the deaths from all causes.

Table with 40 rows of causes of death and columns for age groups (Under 5 to 75 years up), Whole Colony (Total Deaths, Rate per 100,000, Percentage to Deaths from all causes), Melbourne and Suburbs (Total Deaths, Rate per 100,000, Percentage to Deaths from all causes), and Country (Total Deaths, Rate per 100,000, Percentage to Deaths from all causes).

RETURN of Deaths from the forty most prevalent causes in the COLONY OF QUEENSLAND during the year 1884. Arranged in the order of fatality, showing the number of deaths from each cause occurring in each quinquennial period of life, the death-rate per 100,000 of the mean population from each cause, and the percentage of deaths from each cause to the deaths from all causes.

Order of Fatality.	Cause of Death.	Under 5 years.	From 5 to 10 years.	From 10 to 15 years.	From 15 to 20 years.	From 20 to 25 years.	From 25 to 30 years.	From 30 to 35 years.	From 35 to 40 years.	From 40 to 45 years.	From 45 to 50 years.	From 50 to 55 years.	From 55 to 60 years.	From 60 to 65 years.	From 65 to 70 years.	From 70 to 75 years.	From 75 years upwards.	Ages not specified.	Whole Colony.		
																			Total Deaths.	Rate per 100,000.	Percentage to Deaths from all causes.
1	Dysentery and Diarrhoea	490	8	10	307	306	92	56	23	25	6	13	7	8	4	2	7	4	1,377	361.01	20.05
2	Phtbisis	16	3	6	76	160	119	54	40	31	26	17	13	8	2	...	...	4	572	191.50	8.33
3	Typboid Fever	53	26	33	81	106	132	56	24	23	10	7	4	6	1	...	1	...	563	189.43	8.20
4	Accidents	67	25	24	35	45	58	41	36	30	23	19	17	7	6	4	1	...	444	143.65	6.47
5	Atrophy and Debility	265	4	...	15	25	7	2	3	6	1	6	3	1	...	...	...	...	438	146.04	6.38
6	Convulsions	339	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	340	113.83	4.95
7	Pneumonia	52	3	5	43	62	37	25	14	12	10	9	7	4	2	...	...	...	287	96.08	4.18
8	Diseases of Circulatory System	2	7	4	9	23	15	16	28	26	22	25	17	16	10	10	9	3	242	81.02	3.53
9	Teething	156	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	156	52.23	2.27
10	Remittent Fever	18	2	...	24	52	22	12	3	8	6	4	2	1	...	...	...	...	150	50.18	2.19
11	Old Age	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	140	46.87	2.04
12	Bronchitis	77	3	...	4	10	7	8	3	1	4	2	5	4	2	...	...	...	140	46.87	2.04
13	Group and Diphtheria	111	17	4	...	1	...	1	1	...	...	...	...	...	...	...	...	...	135	45.20	2.57
14	Lung Disease, &c.	19	1	1	10	21	18	5	5	5	6	4	4	3	1	...	...	...	104	34.82	1.51
15	Cancer	1	1	...	1	4	7	6	9	12	11	12	7	9	8	6	1	...	94	31.47	1.97
16	Premature Birth	91	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	91	30.47	1.33
17	Brain Disease, &c.	44	1	3	6	2	4	2	2	7	3	0	1	1	1	...	...	...	83	27.79	1.21
18	Cephalitis	55	4	5	4	7	3	2	2	...	1	...	...	...	...	...	...	...	83	27.79	1.21
19	Tuberculosis Scrofula	17	...	3	11	23	14	4	...	...	1	...	...	...	...	...	...	...	72	24.10	1.05
20	Enteritis	31	4	3	7	5	4	2	1	7	...	2	1	...	1	...	...	...	68	22.76	.99
21	Childbirth and Metris	...	...	...	3	13	21	10	11	6	3	...	...	...	...	...	...	...	67	22.43	.98
22	Apoplexy	...	...	...	1	2	5	0	8	5	8	8	4	6	2	...	...	...	63	21.09	.92
23	Gastritis and Stomach Disease	40	...	...	2	4	4	...	2	3	1	2	1	2	...	...	...	...	69	19.75	.86
24	Tuberc Mesenterica	51	3	...	1	...	1	1	...	1	...	...	...	...	...	...	...	...	68	19.42	.84
25	Liver Disease, &c.	3	1	...	1	5	3	3	6	7	11	7	6	3	...	1	...	...	57	19.08	.83
26	Alcoholism	...	...	...	1	2	4	5	11	7	8	12	3	1	2	...	...	...	50	18.74	.82
27	Suicides	...	...	...	1	7	7	7	6	7	2	4	2	3	...	...	...	...	45	15.06	.65
28	Dropsy	3	2	1	3	4	2	1	3	1	3	6	4	3	3	...	...	...	45	15.06	.65
29	Privation	6	...	...	...	5	...	3	3	1	8	3	6	1	2	...	...	...	42	14.06	.61
30	Paralysis	1	...	...	2	4	1	1	3	3	2	5	4	4	5	1	...	...	42	14.06	.61
31	Pleurisy	...	1	...	9	13	8	4	2	...	...	...	...	...	1	...	...	...	40	13.39	.58
32	Peritonitis	2	...	2	5	12	4	2	2	5	1	...	...	...	...	...	...	...	36	12.05	.52
33	Syphilis	12	...	...	6	7	6	2	...	2	...	1	...	...	...	...	...	...	36	12.05	.52
34	Purpura and Scurrey	4	1	...	8	12	4	1	...	...	...	2	...	...	...	1	...	...	34	11.33	.49
35	Hydrocephalus	23	2	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	32	10.71	.47
36	Asthma	2	...	...	...	...	...	...	2	3	6	3	4	5	3	1	...	...	29	9.71	.42
37	Ague	2	1	...	3	11	5	...	1	2	1	1	...	...	...	...	...	...	27	9.01	.40
38	Epilepsy	5	...	2	1	3	...	1	5	3	4	1	...	...	1	...	...	...	26	8.75	.38
39	Hens	9	1	...	2	1	1	2	...	...	2	...	1	2	3	1	...	...	25	8.37	.36
40	Rheumatism	...	1	2	5	3	1	6	1	1	1	2	2	...	...	...	...	...	25	8.37	.36
	Total	2,166	123	110	689	956	616	350	257	266	188	180	123	111	85	66	100	29	6,423	2150.36	93.62

RETURN of Deaths from the forty most prevalent causes in the COLONY OF QUEENSLAND during the year 1886. Arranged in the order of fatality, showing the number of deaths from each cause occurring in each quinquennial period of life, the death-rate per 100,000 of the mean population from each cause, and the percentage of deaths from each cause to the deaths from all causes.

Order of Fatality.	Cause of Death.	Under 5 years.	From 5 to 10 years.	From 10 to 15 years.	From 15 to 20 years.	From 20 to 25 years.	From 25 to 30 years.	From 30 to 35 years.	From 35 to 40 years.	From 40 to 45 years.	From 45 to 50 years.	From 50 to 55 years.	From 55 to 60 years.	From 60 to 65 years.	From 65 to 70 years.	From 70 to 75 years.	From 75 years upwards.	Ages not specified.	Whole Colony.		
																			Total Deaths.	Rate per 100,000.	Percentage to Deaths from all causes.
1	Diarrhoea and Dysentery.....	387	4	2	33	33	14	13	8	6	10	7	2	13	5	4	2	3	551	165.70	9.70
2	Phthisis.....	4	3	1	51	123	95	61	37	38	21	20	14	15	8	...	1	5	494	148.57	8.66
3	Accidents.....	71	21	10	25	56	56	39	25	26	18	23	10	11	9	3	3	20	434	130.52	7.78
4	Typhoid Fever.....	32	18	13	43	56	87	34	26	17	16	12	9	4	2	9	408	120.70	7.32
5	Convulsions.....	320	2	322	96.84	5.77
6	Atrophy and Debility and Inanition.....	263	3	4	3	...	3	3	4	3	5	5	1	1	207	89.33	5.33
7	Diseases of Circulatory System.....	7	7	9	11	17	23	17	28	41	28	29	21	23	12	10	9	3	292	87.92	5.24
8	Croup and Diphtheria.....	169	27	1	...	1	1	1	260	60.15	3.59
9	Teething.....	182	152	54.73	3.26
10	Pneumonia.....	41	2	...	14	17	11	7	11	9	3	9	5	3	...	1	2	...	135	40.60	2.42
11	Premature Birth.....	133	133	39.99	2.38
12	Old Age.....	120	36.09	2.15
13	Bronchitis.....	63	4	...	2	4	2	...	1	6	3	7	3	5	6	1	7	...	119	35.79	2.13
14	Euteritis.....	82	2	1	1	3	4	1	106	31.88	1.90
15	Tuberculosis, &c.....	12	...	...	21	34	15	14	2	1	2	1	...	...	...	...	...	102	30.67	1.83
16	Cancer.....	3	1	2	4	8	10	13	18	15	6	4	2	3	1	92	27.67	1.65
17	Lung Disease, &c.....	42	6	...	1	7	6	6	3	1	3	4	2	3	1	1	1	1	91	27.37	1.63
18	Liver Disease, &c.....	11	1	...	2	4	2	4	2	3	9	6	13	7	4	4	1	1	79	23.76	1.42
19	Cephalitis.....	37	2	4	5	7	2	2	2	0	3	2	2	1	...	...	...	75	22.55	1.34
20	Brain Disease, &c.....	23	1	1	4	2	5	1	5	4	12	8	2	4	2	2	...	72	21.65	1.29	
21	Childbirth.....	...	...	...	2	13	19	14	14	6	2	...	...	...	...	...	...	70	21.05	1.25
22	Whooping Cough.....	61	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	62	18.65	1.11
23	Tubes Mesenterica.....	51	...	1	3	2	1	2	1	...	...	...	...	...	...	...	...	61	18.34	1.09
24	Alcoholism.....	...	...	...	3	3	7	3	12	9	6	8	6	1	1	...	...	53	17.44	1.04
25	Disease of Stomach.....	34	...	...	1	4	4	...	1	1	1	...	4	2	3	1	...	56	16.24	1.00
26	Apoplexy.....	...	...	...	1	1	2	1	4	7	10	5	4	6	4	3	...	50	15.04	0.90
27	Paralysis, &c.....	5	...	2	1	1	2	3	1	3	3	3	6	6	5	2	5	48	14.36	0.80	
28	Suicides.....	...	...	...	1	5	10	9	6	4	3	2	...	1	1	...	...	44	13.23	0.79
29	Ague.....	6	1	3	4	7	8	3	4	1	2	1	...	...	...	...	...	41	12.23	0.73
30	Hydrocephalus.....	35	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	37	11.13	0.66
31	Peritonitis.....	2	2	1	7	8	3	1	1	3	1	2	1	2	1	1	...	37	11.13	0.66	
32	Cholera.....	19	3	...	1	3	...	4	2	1	1	1	...	1	1	...	...	37	11.13	0.66
33	Want of Breast Milk.....	34	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	34	10.22	0.61
34	Pleurisy.....	2	1	1	4	10	5	5	3	2	...	...	...	...	...	...	...	33	9.92	0.59
35	Remittent Fever.....	7	5	...	2	2	4	3	1	3	2	...	1	...	...	...	...	30	9.02	0.54
36	Bright's Disease.....	1	...	...	...	3	2	4	1	5	3	3	1	3	2	...	...	30	9.02	0.54
37	Syphilis.....	6	...	...	1	7	4	4	2	2	...	...	2	...	...	...	...	20	8.72	0.52
38	Epilepsy.....	4	2	2	...	6	2	2	3	...	3	1	...	1	...	1	...	27	8.12	0.48	
39	Laryngitis.....	17	5	...	2	1	1	...	...	...	...	1	...	...	...	...	...	27	8.12	0.48
40	Priapism.....	1	1	3	4	3	2	2	3	1	1	6	27	8.12	0.48
	Total.....	2,169	119	68	248	471	411	265	229	233	186	153	130	135	82	63	102	58	6,142	1,540.42	92.23

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RETURN of Deaths from the forty most prevalent causes in the COLONY OF SOUTH AUSTRALIA during the year 1884. Arranged in the order of fatality, showing the number of deaths from each cause occurring in each quinquennial period of life, the death-rate per 100,000 of the mean population from each cause, and the percentage of deaths from each cause to the deaths from all causes.

Order of fatality.	Cause of Death.	Under 5 years.	From 5 to 10 years.	From 10 to 15 years.	From 15 to 20 years.	From 20 to 25 years.	From 25 to 30 years.	From 30 to 35 years.	From 35 to 40 years.	From 40 to 45 years.	From 45 to 50 years.	From 50 to 55 years.	From 55 to 60 years.	From 60 to 65 years.	From 65 to 70 years.	From 70 to 75 years.	From 75 years upwards.	Ages not specified.	Whole Colony.			
																			Total Deaths.	Rate per 100,000.	Percentage to Deaths from all causes.	
1	Diarrhoea and Dysentery	385	5	1	...	2	5	1	2	3	2	3	...	4	2	3	2	...	422	134.91	8.81	
2	Debility, Atrophy, and Inanition	353	1	2	...	...	...	...	...	3	2	3	...	10	2	2	...	...	380	121.49	7.03	
3	Phthisis	11	4	8	33	61	51	44	32	19	10	22	...	11	3	2	...	...	323	103.27	0.74	
4	Old Age	...	...	...	...	...	...	...	...	...	...	...	...	...	19	65	74	149	...	277	89.56	5.78
5	Diseases of Circulatory System	10	9	10	8	12	19	19	14	15	20	23	33	22	26	18	6	...	...	259	82.80	5.41
6	Pneumonia	103	10	5	10	7	10	14	14	13	9	8	10	4	6	4	2	...	...	229	73.21	4.78
7	Bronchitis	153	7	4	2	2	...	3	...	4	3	3	3	3	0	10	16	...	...	222	70.38	4.63
8	Accidents	41	13	15	15	12	22	16	16	7	10	4	12	6	5	4	6	...	...	203	64.90	4.24
9	Diphtheria and Croup	158	33	3	1	1	...	...	...	1	...	...	...	...	...	...	...	...	...	190	62.66	4.00
10	Convulsions	186	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	188	60.10	3.92
11	Enteric Fever, &c.	27	14	18	26	28	14	0	2	4	4	2	...	1	1	1	...	...	161	49.28	3.15	
12	Measles	116	16	2	...	...	4	1	...	...	...	...	...	...	...	...	...	...	...	139	44.44	2.90
13	Brain Disease, &c.	54	8	3	4	3	3	4	8	4	4	5	4	6	10	3	4	...	...	130	41.56	2.71
14	Cancer	1	...	1	...	...	4	3	6	13	12	14	13	16	12	10	4	...	...	109	34.85	2.28
15	Premature Birth	102	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	102	32.61	2.13
16	Toothing	101	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	101	32.29	2.11
17	Enteritis	62	3	1	2	2	3	1	...	3	1	2	3	3	2	...	...	...	...	86	27.49	1.70
18	Liver Disease, &c.	11	...	...	1	...	...	...	7	12	8	9	5	12	2	5	1	...	...	82	26.22	1.71
19	Cephalitis	49	7	4	2	2	1	...	2	2	2	2	1	1	...	...	...	...	...	73	23.34	1.62
20	Apoplexy	2	1	1	...	1	3	4	1	3	2	6	4	16	12	7	9	...	...	72	23.02	1.50
21	Other Diseases of Respiratory Organs	32	3	3	1	6	3	4	4	4	1	2	2	4	...	3	...	...	...	72	23.02	1.50
22	Typhoid Mesenterica	60	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	61	19.60	1.27
23	Whooping Cough	51	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	53	16.04	1.11
24	Paralysis, &c.	2	1	...	...	2	2	2	4	1	7	4	5	7	5	6	6	...	...	53	16.04	1.11
25	Childbirth and Metris	...	...	...	1	13	11	11	10	3	...	...	...	...	...	...	...	...	...	49	15.66	1.02
26	Hydrocephalus	35	7	2	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	47	15.03	.98
27	Peritonitis	6	1	1	2	6	7	0	2	1	2	...	4	4	1	2	...	...	...	46	14.71	.96
28	Want of Breast-milk and Starvation	36	...	...	...	1	2	2	1	2	...	...	...	...	...	...	...	...	...	44	14.07	.92
29	Dropsy	7	...	...	...	1	...	2	1	3	...	...	1	5	3	4	5	...	...	36	11.51	.75
30	Suicides	...	...	...	3	3	4	3	4	3	2	3	...	5	...	...	1	...	...	31	9.91	.65
31	Scarlet Fever	20	7	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	29	9.27	.60
32	Bright's Disease	1	...	6	8	3	...	1	3	...	...	3	2	4	1	1	...	...	...	28	8.95	.68
33	Disease of Stomach	12	...	...	4	2	2	2	...	1	2	1	2	2	1	2	2	...	...	27	8.63	.66
34	Epilepsy	...	2	2	4	2	2	1	2	1	...	2	2	2	1	1	...	...	...	22	7.08	.46
35	Asthma	...	...	...	...	...	1	1	...	1	...	1	6	4	...	3	2	...	...	21	6.71	.44
36	Rheumatism	3	3	1	1	...	3	...	...	2	3	...	1	...	2	...	...	...	...	19	6.07	.40
37	Thrush	17	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	17	5.43	.35
38	Anæmia, &c.	12	...	1	...	...	1	1	1	...	...	...	...	1	...	...	...	...	...	17	5.43	.35
39	Simple Cholera	12	...	...	1	...	1	...	...	2	...	...	...	...	...	...	...	...	...	16	5.11	.33
40	Nephritis	1	3	...	1	2	1	...	1	1	2	1	...	...	...	...	...	...	...	16	5.11	.33
	Total	2,232	162	96	124	173	177	166	139	127	117	133	138	142	149	152	221	...	4,448	1,422.08	92.88	

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RETURN of Deaths from the forty most prevalent causes in the COLONY OF SOUTH AUSTRALIA during the year 1885. Arranged in the order of fatality, showing the number of deaths from each cause occurring in each quinquennial period of life, the death-rate per 100,000 of the mean population from each cause, and the percentage of deaths from each cause to the deaths from all causes.

Order of Fatality.	Cause of Death.	Under 5 years.	From 5 to 10 years.	From 10 to 15 years.	From 15 to 20 years.	From 20 to 25 years.	From 25 to 30 years.	From 30 to 35 years.	From 35 to 40 years.	From 40 to 45 years.	From 45 to 50 years.	From 50 to 55 years.	From 55 to 60 years.	From 60 to 65 years.	From 65 to 70 years.	From 70 to 75 years.	From 75 years upwards.	Ages not specified.	Whole Colony.		
																			Total Deaths.	Rate per 100,000.	Percentage to Deaths from all causes.
1	Diarrhoea and Dysentery	268	2	...	...	1	2	1	1	2	3	2	4	4	5	6	9	...	315	98.51	7.90
2	Phtisis	12	7	22	52	41	37	39	29	21	20	10	8	6	10	...	1	...	307	98.01	7.70
3	Atrophy, Debility, and Imbecility	287	...	1	...	...	...	...	1	2	2	...	6	4	2	2	...	...	307	98.01	7.70
4	Diseases of Circulatory System	9	11	6	9	3	4	12	7	12	24	21	22	27	28	19	25	...	239	74.74	5.99
5	Old Age	...	...	...	...	...	...	...	...	...	...	...	1	15	25	43	150	...	234	73.18	5.87
6	Pneumonia	84	6	6	9	7	18	10	10	13	9	8	9	10	7	6	5	...	217	67.86	5.44
7	Diphtheria and Croup	146	36	3	1	1	1	...	...	...	...	...	...	...	...	...	...	...	188	58.79	4.71
8	Accidents	31	16	12	7	16	16	13	7	13	13	6	9	5	2	3	3	...	171	53.48	4.29
9	Convulsions	155	2	2	...	...	...	1	...	...	1	...	...	...	...	...	...	...	161	50.35	4.04
10	Bronchitis	98	4	...	2	2	1	3	1	2	7	4	2	6	9	10	10	...	161	50.35	4.04
11	Typhoid Fever, &c.	21	11	10	25	36	16	8	8	2	4	2	1	1	...	...	...	145	45.34	3.64	
12	Cancer	1	1	...	1	...	2	2	9	7	15	11	12	14	13	5	6	...	100	31.27	2.51
13	Whooping Cough	87	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	90	28.14	2.26
14	Premature Birth	89	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	88	27.52	2.21
15	Liver Disease, &c.	10	3	1	...	3	2	3	5	8	12	8	9	9	6	2	1	...	87	27.21	2.18
16	Teething	79	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	79	24.70	1.98
17	Inflammation of Brain	45	9	...	4	...	...	1	...	3	6	2	1	1	1	...	...	72	22.52	1.80	
18	Enteritis	45	2	2	...	2	2	2	...	...	...	3	3	1	...	...	...	64	20.01	1.60	
19	Brain Disease, &c.	27	...	...	4	...	2	1	3	2	2	2	3	4	6	2	3	...	62	19.39	1.55
20	Hydrocephalus	48	8	1	2	1	...	...	...	...	...	...	...	...	...	...	...	...	60	18.76	1.60
21	Apoplexy	3	...	2	...	1	2	1	2	6	2	2	3	9	12	9	5	...	58	18.14	1.45
22	Paralysis, &c.	1	1	1	1	1	1	3	2	2	2	6	10	4	8	8	4	...	55	17.20	1.38
23	Childbirth and Metris	...	...	...	2	13	10	11	12	4	1	...	...	...	...	...	...	...	53	16.57	1.32
24	Tubes Mesenterica	49	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	50	15.64	1.25
25	Other Diseases of Respiratory Organs	10	1	...	1	2	1	4	2	2	3	2	1	2	1	...	1	...	33	10.32	.83
26	Suicides	...	...	1	3	7	2	1	3	6	2	2	3	2	...	...	...	1	32	10.01	.80
27	Want of Breast Milk	29	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	29	9.07	.73
28	Peritonitis	6	4	...	2	1	6	1	1	3	1	...	...	1	1	...	1	...	28	8.76	.70
29	Bright's Disease	1	...	1	2	...	...	...	2	2	3	1	3	3	3	2	2	...	26	8.13	.65
30	Dropsy	4	...	...	...	...	...	1	1	1	4	1	1	2	3	1	2	...	23	6.88	.55
31	Simple Cholera	16	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	19	5.94	.48
32	Insanity	...	...	...	...	...	1	2	6	4	4	2	2	...	...	...	...	...	18	5.63	.45
33	Asthma	2	...	...	...	1	...	...	...	...	...	...	1	5	3	1	2	...	18	5.63	.45
34	Other Diseases of Urinary System	1	...	...	4	1	1	...	1	1	1	2	1	1	2	...	2	...	18	5.63	.45
35	Disease of Stomach	7	1	...	...	...	1	1	1	1	1	...	1	1	1	1	2	...	18	5.63	.45
36	Anemia, &c.	11	...	1	...	...	2	...	...	...	1	...	...	...	...	...	...	...	17	5.32	.43
37	Other Diseases of Digestive System	10	...	...	...	...	...	...	1	1	...	1	...	...	1	...	2	...	16	5.00	.40
38	Rheumatism	1	1	2	...	...	1	1	1	1	1	1	1	2	1	1	...	...	15	4.69	.38
39	Diseases of Bladder	1	...	...	1	...	...	2	...	...	...	...	...	1	2	4	...	...	13	4.06	.32
40	Laryngitis	9	1	2	...	...	...	...	...	...	1	...	...	...	...	...	...	...	13	4.06	.32
	Total	1,702	130	75	129	138	135	131	116	118	153	103	114	141	146	127	239	1	3,698	1,156.45	92.70

RETURN of Deaths from the forty most prevalent causes in the COLONY OF SOUTH AUSTRALIA during the year 1886. Arranged in the order of fatality, showing the number of deaths from each cause occurring in each quinquennial period of life, the death-rate per 100,000 of the mean population from each cause, and the percentage of deaths from each cause to the deaths from all causes.

Order of Fatality.	Cause of Death.	Under 5 years.	From 5 to 10 years.	From 10 to 15 years.	From 15 to 20 years.	From 20 to 25 years.	From 25 to 30 years.	From 30 to 35 years.	From 35 to 40 years.	From 40 to 45 years.	From 45 to 50 years.	From 50 to 55 years.	From 55 to 60 years.	From 60 to 65 years.	From 65 to 70 years.	From 70 to 75 years.	From 75 years upwards.	Ages not specified.	Whole Colony.		
																			Total Deaths.	Rate per 100,000.	Percentage to Deaths from all causes.
1	Phthisis	9	1	2	18	60	55	62	35	24	24	19	11	11	5	1	2	...	339	108.50	8.00
2	Debility, Atrophy, and Inanition	300	...	...	...	...	2	...	2	1	1	3	2	1	...	1	1	...	315	100.52	7.44
3	Diarrhoea and Dysentery	267	4	...	2	2	2	3	3	2	4	3	3	2	...	2	5	...	307	98.26	7.25
4	Old Age .....	.....	...	...	...	...	...	...	...	...	...	...	...	9	30	69	179	1	282	90.26	6.66
5	Diseases of Circulatory System	8	6	12	9	5	11	14	20	21	16	24	31	24	35	23	16	...	275	83.02	6.49
6	Accidents	43	18	9	18	12	24	23	13	21	10	15	6	9	5	4	5	6	240	76.81	5.67
7	Pneumonia	87	3	2	4	5	5	14	8	14	6	7	4	8	6	3	5	...	180	57.61	4.25
8	Convulsions	170	3	1	...	2	...	...	...	...	...	...	...	...	...	...	1	...	177	56.65	4.18
9	Bronchitis	110	2	2	...	...	1	1	2	...	...	3	4	9	7	9	10	...	160	51.21	3.78
10	Diphtheria and Croup	80	32	2	1	...	1	...	...	...	...	...	...	...	...	...	...	...	117	37.44	2.76
11	Euteric Fever, &c.	12	3	7	19	18	17	11	7	2	2	4	3	1	...	...	...	106	33.98	2.50	
12	Cancer	1	...	...	1	1	5	6	12	10	16	12	9	18	9	9	...	104	32.29	2.46	
13	Teething	101	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	101	32.83	2.38
14	Enteritis	69	2	1	2	2	2	1	1	...	2	2	2	2	2	1	2	...	94	30.08	2.22
15	Whooping Cough	30	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	93	29.76	2.20
16	Premature Birth	93	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	93	29.76	2.20
17	Inflammation of the Brain	64	10	2	2	2	5	2	1	...	3	...	1	1	1	...	1	...	85	27.20	2.01
18	Liver Disease, &c.	10	...	...	...	...	1	3	5	3	9	6	16	4	8	4	...	...	76	24.32	1.79
19	Apoplexy	5	...	...	...	...	2	2	2	4	2	13	3	11	7	7	3	...	72	23.04	1.70
20	Brain Disease, &c.	26	3	1	2	2	1	5	4	2	7	...	6	1	2	3	3	...	68	21.76	1.61
21	Hydrocephalus	37	14	4	1	1	2	...	1	...	...	...	...	...	...	...	...	...	59	18.88	1.39
22	Paralysis, &c.	1	...	...	...	1	1	1	...	3	1	...	2	...	7	...	5	13	49	15.68	1.16
23	Want of Breast Milk	44	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	44	14.08	1.04
24	Tubes Mesenteric	42	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	43	13.76	1.01
25	Other Diseases of Respiratory Organs	16	...	...	3	3	2	3	2	1	1	...	1	2	1	3	...	...	40	12.80	0.94
26	Childbirth and Metria .....	.....	...	...	3	4	5	7	8	8	1	...	...	4	...	...	...	...	36	11.52	0.45
27	Insanity	1	...	...	2	...	2	2	4	3	2	3	5	3	4	1	2	...	35	11.20	0.83
28	Bright's Disease .....	.....	...	...	2	...	2	3	4	3	2	3	5	3	4	1	2	...	34	10.88	0.80
29	Peritonitis	6	2	3	2	3	3	3	2	...	1	...	3	1	2	...	1	...	32	10.24	0.76
30	Suicides .....	.....	1	...	2	1	3	4	4	2	4	1	1	5	1	1	...	...	31	9.92	0.73
31	Epilepsy	2	...	...	2	2	3	2	...	3	1	1	3	3	...	...	1	...	23	7.36	0.54
32	Simple Cholera	17	...	...	...	...	1	...	...	...	...	...	3	3	...	...	...	...	21	6.72	0.49
33	Pleurisy	3	1	...	2	1	2	2	...	2	2	...	3	1	...	1	...	...	20	6.40	0.47
34	Disease of Stomach	6	...	...	1	2	1	...	1	2	1	2	...	3	...	1	...	...	20	6.40	0.47
35	Nephritis	8	2	...	1	2	1	...	1	1	1	1	1	1	...	...	...	...	20	6.40	0.47
36	Other Congenital Defects	18	...	1	...	...	...	1	1	...	...	...	...	...	...	...	...	...	19	6.08	0.45
37	Ilcus	2	1	2	1	2	1	1	4	...	...	2	...	1	1	...	...	...	18	5.76	0.42
38	Hydatid Disease .....	.....	1	2	...	2	6	3	2	1	...	1	...	1	...	...	...	...	18	5.76	0.42
39	Pyæmia	2	...	...	...	2	5	2	2	1	1	1	1	1	...	...	...	...	17	5.44	0.40
40	Scrofula	7	2	2	...	...	1	...	...	2	...	1	1	...	...	...	...	...	16	5.12	0.38
	Total	1,747	119	67	101	187	164	183	152	140	116	133	186	137	142	149	266	8	3,879	1,241.52	91.61

RETURN of Deaths from the forty most prevalent causes in the COLONY OF NEW ZEALAND during the year 1884. Arranged in the order of fatality, showing the number of deaths from each cause occurring in each quinquennial period of life, the death-rate per 100,000 of the mean population from each cause, and the percentage of deaths from each cause to the deaths from all causes.

Order of Fatality.	Cause of Death.	Under 5 years.	From 5 to 10 years.	From 10 to 15 years.	From 15 to 20 years.	From 20 to 25 years.	From 25 to 30 years.	From 30 to 35 years.	From 35 to 40 years.	From 40 to 45 years.	From 45 to 50 years.	From 50 to 55 years.	From 55 to 60 years.	From 60 to 65 years.	From 65 to 70 years.	From 70 to 75 years.	From 75 years upwards.	Ages not specified.	Whole Colony.		
																			Total Deaths.	Rate per 100,000.	Percentage to Deaths from all causes.
1	Phthisis.....	16	11	11	47	74	72	62	60	42	33	33	18	7	7	2	2	1	498	90.12	8.67
2	Accidents.....	97	28	29	29	30	29	28	47	30	37	36	19	9	13	9	5	3	478	86.50	8.33
3	Atrophy, Debility, and Inanition.....	327	1	2	...	...	...	3	4	1	5	1	7	...	...	...	...	...	351	63.52	6.11
4	Diseases of Circulatory System.....	12	3	11	4	12	12	23	26	26	33	32	32	27	35	17	24	2	330	59.72	6.75
5	Pneumonia.....	30	15	3	12	8	10	6	12	21	21	20	19	7	14	6	7	2	284	51.39	4.95
6	Bronchitis.....	166	7	4	2	...	...	3	2	5	6	11	11	9	20	14	15	...	275	49.76	4.79
7	Diarrhea and Dysentery.....	183	...	2	...	1	2	1	2	...	2	...	2	...	1	...	4	...	207	37.46	3.61
8	Premature Birth.....	198	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	198	35.83	3.45
9	Convulsions.....	199	...	...	2	...	1	...	...	...	...	...	...	...	...	...	...	...	193	34.92	3.36
10	Cancer.....	1	2	1	2	...	3	4	8	27	39	31	22	20	10	11	10	...	191	34.56	3.38
11	Diphtheria and Croup.....	91	65	14	5	2	...	1	...	...	...	...	...	...	...	...	...	...	178	32.21	3.10
12	Whooping Cough.....	161	4	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	167	30.22	2.91
13	Old Age.....	...	...	...	...	...	...	...	...	...	...	...	...	...	15	21	113	...	149	26.96	2.59
14	Apoplexy.....	1	...	1	1	3	1	7	12	14	13	14	16	20	17	7	13	...	144	26.06	2.51
15	Childbirth.....	...	...	1	3	26	33	26	27	17	4	...	...	...	...	...	...	...	137	24.76	2.39
16	Typhoid Fever.....	9	11	12	21	17	12	10	7	8	3	3	4	...	1	...	...	1	118	21.35	2.06
17	Brain Disease, &c.....	20	6	2	8	5	1	...	6	12	9	7	9	6	5	3	3	...	102	18.46	1.78
18	Paralysis.....	2	...	...	1	1	3	1	6	9	8	7	3	14	18	11	13	...	97	17.55	1.69
19	Enteritis.....	65	6	4	...	2	1	3	1	...	1	1	2	...	1	...	2	1	90	16.29	1.37
20	Cephalitis.....	34	16	6	7	4	5	1	...	3	2	2	2	...	...	...	...	...	63	11.84	1.48
21	Lung Disease, &c.....	28	3	3	3	...	2	4	5	2	5	7	2	...	3	1	2	3	73	13.21	1.27
22	Toothing.....	72	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	72	13.03	1.25
23	Stomach Disease and Gastritis.....	29	1	1	...	...	1	4	...	6	8	...	2	2	1	3	7	...	65	11.76	1.13
24	Tabes Mesenterica.....	61	1	...	1	...	...	1	...	...	...	...	...	...	...	...	...	...	64	11.58	1.11
25	Liver Disease.....	...	...	1	1	2	...	7	4	...	6	3	10	10	6	6	...	1	62	11.22	1.08
26	Suicides.....	...	...	3	...	2	6	5	7	9	7	9	4	4	3	...	...	...	57	10.31	0.99
27	Other Tuberculosis Diseases.....	30	9	3	6	...	2	1	3	...	3	...	...	...	...	...	...	...	57	10.31	0.99
28	Tuberculosis and Scrofula.....	20	1	6	4	5	4	2	3	...	1	2	1	...	...	...	1	...	50	9.05	0.87
29	Hydrocephalus.....	44	4	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	49	8.87	0.86
30	Rheumatism.....	1	5	6	8	4	2	5	2	2	1	...	4	1	...	1	6	...	47	8.50	0.82
31	Bright's Disease.....	...	2	3	1	2	4	4	2	1	6	7	4	4	4	...	3	...	47	8.50	0.82
32	Alcoholism.....	...	...	...	2	...	1	...	4	11	7	5	5	1	1	1	...	...	38	6.83	0.66
33	Nephritis.....	3	4	3	...	2	3	4	1	5	2	5	2	...	1	1	2	...	38	6.88	0.68
34	Kidney Disease, &c.....	...	...	...	1	2	6	1	1	2	11	...	...	4	4	4	...	...	36	6.51	0.63
35	Erysipelas.....	14	1	1	1	...	1	1	2	2	1	3	1	3	3	1	1	...	36	6.51	0.63
36	Dropsy.....	6	1	2	...	2	...	2	1	3	2	2	2	3	3	4	3	...	35	6.33	0.61
37	Pleurisy.....	2	1	2	4	2	1	3	1	7	2	1	3	3	1	...	...	...	33	5.97	0.57
38	Epilepsy.....	2	3	3	5	2	4	2	4	2	2	1	...	...	...	...	2	...	32	5.79	0.56
39	Measles.....	27	3	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	31	5.61	0.54
40	Illeus.....	6	3	1	...	1	2	3	...	3	1	2	2	...	2	1	3	...	30	5.43	0.52
	Total.....	2,007	217	140	180	211	229	232	259	275	250	268	207	155	187	119	244	10	5221	944.82	30.00

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RETURN of Deaths from the forty most prevalent causes in the Colony of NEW ZEALAND during the year 1885. Arranged in the order of fatality, showing the number of deaths from each cause occurring in each quinquennial period of life, the death-rate per 100,000 of the mean population from each cause, and the percentage of deaths from each cause to the deaths from all causes.

Order of fatality.	Cause of Death.	Under 5 years.	From 5 to 10 years.	From 10 to 15 years.	From 15 to 20 years.	From 20 to 25 years.	From 25 to 30 years.	From 30 to 35 years.	From 35 to 40 years.	From 40 to 45 years.	From 45 to 50 years.	From 50 to 55 years.	From 55 to 60 years.	From 60 to 65 years.	From 65 to 70 years.	From 70 to 75 years.	From 75 years upwards.	Ages not specified.	Whole Colony.		
																			Total Deaths.	Rate per 100,000.	Percentage to Deaths from all causes.
1	Phthisis	14	4	12	57	82	94	71	38	40	37	29	21	9	8	2	1	...	514	69.65	8.45
2	Accidents	85	23	25	28	24	37	30	37	43	38	28	15	14	10	4	7	3	454	79.18	7.46
3	Disease of Circulatory System	18	3	2	12	9	16	17	19	34	51	45	40	47	36	26	21	...	409	71.33	6.72
4	Diarrhoea and Dysentery	337	3	2	4	6	1	7	1	1	3	5	4	4	1	1	6	...	383	67.15	6.33
5	Pneumonia	106	10	5	14	10	18	13	16	18	13	18	13	12	10	7	4	...	297	51.80	4.88
6	Atrophy, Debility, and Inanition	268	2	...	1	1	...	1	2	2	2	2	3	11	1	...	...	...	294	51.28	4.83
7	Bronchitis	163	4	5	1	...	1	2	2	4	4	8	9	11	15	16	22	...	272	47.44	4.47
8	Premature Birth	229	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	229	39.94	3.76
9	Cancer	...	...	...	...	...	2	6	5	20	36	28	18	23	22	9	8	...	177	30.87	2.91
10	Diphtheria and Croup	82	66	18	4	1	...	...	...	...	...	...	...	1	...	...	...	...	172	29.99	2.83
11	Old Age	...	...	...	...	...	...	...	...	...	...	...	...	...	14	33	122	...	169	29.47	2.78
12	Convulsions	153	3	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	157	27.88	2.59
13	Childbirth	...	...	...	5	26	31	27	27	23	5	...	...	...	...	...	...	...	144	25.11	2.37
14	Enteritis	99	5	2	6	5	...	6	6	4	3	2	3	2	3	...	...	...	143	24.94	2.35
15	Apoplexy	4	...	2	...	3	2	0	6	5	20	17	10	18	23	9	12	...	137	23.89	2.25
16	Typhoid Fever, &c.	13	18	14	16	22	12	10	10	4	5	2	2	...	...	...	...	...	128	22.32	2.10
17	Paralysis, &c.	1	2	1	1	3	2	5	3	10	5	13	10	8	17	14	24	...	119	20.75	1.96
18	Liver Disease, &c.	18	2	1	...	3	6	1	8	10	13	16	12	13	9	2	2	...	118	20.58	1.94
19	Inflammation of the Brain	42	11	7	16	8	0	6	5	2	3	4	2	1	1	...	...	...	113	19.71	1.86
20	Teething	101	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	101	17.61	1.66
21	Whooping Cough	87	3	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	91	15.87	1.50
22	Brain Disease, &c.	38	3	2	...	2	7	2	6	3	4	2	2	8	3	3	3	...	88	15.35	1.45
23	Diseases of Stomach and Gastritis	43	...	...	1	1	...	2	2	5	4	2	2	9	6	4	2	...	79	13.78	1.30
24	Hydrocephalus	43	12	7	3	1	3	...	...	...	...	...	...	...	...	...	...	...	72	12.66	1.18
25	Other Diseases of Respiratory System	28	1	...	1	1	1	1	3	8	3	3	2	2	5	4	3	...	65	11.34	1.07
26	Tubes Mesenterica	51	5	2	3	1	...	...	...	...	...	...	...	...	...	...	...	...	62	10.81	1.02
27	Suicides	...	...	1	2	5	7	5	8	5	6	5	1	4	3	2	...	...	54	9.42	.89
28	Bright's Disease	...	2	1	2	2	3	4	3	10	9	3	4	5	3	...	2	...	53	9.24	.87
29	Scrofula	18	5	4	4	2	6	1	2	2	1	2	1	...	...	...	...	...	48	8.87	.79
30	Peritonitis	6	5	2	3	3	7	3	1	...	4	1	2	2	1	...	3	...	42	7.32	.69
31	Erysipelas	13	...	1	...	2	2	2	...	5	2	5	1	5	1	1	1	...	41	7.15	.67
32	Epilepsy	4	1	6	4	4	...	2	4	3	2	4	...	4	...	...	...	...	38	6.63	.62
33	Pleurisy	9	1	...	1	1	1	2	...	2	2	1	1	3	6	3	...	...	33	5.75	.54
34	Rheumatic Fever	3	1	...	3	3	1	6	2	4	2	1	2	1	1	...	3	...	33	5.75	.54
35	Alcoholism	2	4	4	8	5	2	3	...	...	...	6	2	...	...	...	...	...	32	5.58	.53
36	Insanity	...	...	...	2	...	2	7	6	4	4	2	1	1	...	1	...	...	31	5.41	.51
37	Want of Breast Milk	29	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	29	5.06	.48
38	Other diseases of Urinary System	...	3	...	1	...	...	4	...	2	...	2	...	3	...	2	1	...	23	4.68	.46
39	Laryngitis	11	2	1	...	...	...	1	...	...	...	...	...	1	1	...	...	...	24	4.18	.39
40	Total	2,125	222	138	201	238	279	262	220	276	291	258	186	220	195	143	249	3	5,506	960.30	90.54

RETURN of Deaths from the forty most prevalent causes in the COLONY OF NEW ZEALAND during the year 1886. Arranged in the order of fatality, showing the number of deaths from each cause occurring in each quinquennial period of life, the death-rate per 100,000 of the mean population from each cause, and the percentage of deaths from each cause to the deaths from all causes.

Order of Fatality.	Cause of Death.	Under 5 years.	From 5 to 10 years.	From 10 to 15 years.	From 15 to 20 years.	From 20 to 25 years.	From 25 to 30 years.	From 30 to 35 years.	From 35 to 40 years.	From 40 to 45 years.	From 45 to 50 years.	From 50 to 55 years.	From 55 to 60 years.	From 60 to 65 years.	From 65 to 70 years.	From 70 to 75 years.	From 75 years upwards.	Ages not specified.	Whole Colony.		
																			Total Deaths.	Rate per 100,000.	Percentage to Deaths from all causes.
1	Phthisis	12	8	16	44	81	70	57	54	57	34	31	14	8	11	2	1	...	500	85.80	8.15
2	Accidents	85	47	35	29	25	35	45	34	41	37	37	15	12	7	5	9	2	500	85.80	8.15
3	Dysentery and Dysentery	389	2	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	495	74.73	7.00
4	Disease of Circulatory System	14	10	13	15	11	15	13	25	30	46	41	42	50	31	26	25	...	407	69.02	6.63
5	Atrophy, Debility, and Inanition	293	2	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	318	54.63	5.18
6	Pneumonia	121	11	8	5	9	20	16	19	11	15	19	21	14	8	3	6	...	306	62.57	4.99
7	Bronchitis	189	6	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	288	49.47	4.69
8	Cancer	2	1	...	2	1	3	6	8	18	31	42	30	27	17	14	12	...	214	36.76	3.49
9	Old Age	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	207	35.56	3.37
10	Premature Birth	182	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	182	31.20	2.97
11	Convulsions	172	3	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	177	30.41	2.88
12	Diphtheria and Croup	72	62	10	5	...	...	...	...	...	...	...	...	...	...	...	...	...	150	25.77	2.44
13	Typhoid Fever, &c.	16	15	8	20	24	15	6	10	6	6	4	...	1	1	1	1	...	134	23.02	2.18
14	Whooping Cough	130	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	132	22.67	2.15
15	Apoplexy	1	...	...	...	4	6	3	7	12	12	12	10	19	17	12	14	...	129	22.16	2.10
16	Enteritis	95	2	2	4	2	1	1	1	2	3	6	...	3	1	1	2	...	126	21.64	2.05
17	Liver Disease, &c.	23	8	2	2	5	4	4	2	10	11	8	11	11	17	5	5	...	123	21.13	2.00
18	Teething	115	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	115	19.75	1.87
19	Furunculosis, &c.	2	...	2	2	2	3	3	8	7	10	7	13	14	12	13	15	...	113	19.41	1.84
20	Childbirth, &c.	...	...	...	5	20	27	27	21	9	2	...	...	...	...	...	...	...	111	19.07	1.81
21	Inflammation of the Brain	50	15	9	11	9	4	4	2	...	...	...	...	1	1	...	...	...	107	18.83	1.74
22	Hydrocephalus	45	15	7	6	8	1	...	...	...	...	...	...	...	...	...	...	...	82	14.09	1.34
23	Brain Disease, &c.	23	6	5	7	3	2	3	2	3	2	4	2	...	2	4	4	...	72	12.37	1.17
24	Other Diseases of Respiratory System	23	2	1	1	1	5	3	3	2	5	6	1	3	5	1	3	...	72	12.37	1.17
25	Tuberculosis Mesenterica	63	3	2	1	2	...	...	...	...	...	...	...	...	...	...	...	...	71	12.20	1.16
26	Suicides	...	...	...	6	2	9	10	7	6	13	7	4	3	...	...	...	...	66	11.34	1.07
27	Diseases of Stomach and Gastritis	27	...	2	2	...	2	3	...	1	4	4	5	3	3	3	3	...	62	10.65	1.01
28	Bright's Disease	...	...	3	...	5	6	6	3	7	5	4	6	4	4	1	1	...	57	9.10	.93
29	Scrofula	18	5	3	5	10	1	1	2	3	1	2	...	1	...	...	...	...	52	8.93	.85
30	Measles	40	6	1	...	...	1	1	...	...	...	...	...	...	...	...	...	...	49	8.42	.80
31	Peritonitis	7	2	5	5	3	3	2	4	2	1	2	1	...	2	...	2	...	41	7.04	.67
32	Alcoholism	...	...	...	...	2	...	2	7	2	7	3	4	1	2	1	...	...	36	6.18	.59
33	Want of Breast-milk	33	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	33	5.67	.54
34	Ilous	6	1	1	2	1	2	1	1	1	...	3	3	...	...	4	4	...	30	5.15	.49
35	Epilepsy	4	2	4	4	2	2	1	5	1	...	2	...	1	1	...	...	...	30	5.15	.49
36	Thrush	24	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	24	4.12	.39
37	Erysipelas	7	1	1	...	1	1	...	...	...	2	1	2	1	1	...	3	...	21	3.61	.34
38	Simple Cholera	18	...	...	...	...	...	...	...	1	...	1	...	...	...	...	...	...	20	3.43	.32
39	Emphysema Asthma	...	...	...	...	...	1	2	...	...	4	1	3	1	3	3	3	...	20	3.43	.32
40	Pleurisy	...	1	2	2	...	1	...	2	1	1	2	2	1	2	2	1	...	20	3.43	.32
	Total	2,315	232	144	187	234	241	231	235	240	259	270	207	202	180	162	291	2	5,632	967.50	91.80

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RETURN of Deaths from the forty most prevalent causes in the COLONY OF TASMANIA during the year 1884. Arranged in the order of fatality, showing the number of deaths from each cause occurring in each quinquennial period of life, the death rate per 100,000 of the mean population from each cause, and the percentage of deaths from each cause to the deaths from all causes.

Order of Fatality.	Cause of Death.	Under 5 years.	From 5 to 10 years.	From 10 to 15 years.	From 15 to 20 years.	From 20 to 25 years.	From 25 to 30 years.	From 30 to 35 years.	From 35 to 40 years.	From 40 to 45 years.	From 45 to 50 years.	From 50 to 55 years.	From 55 to 60 years.	From 60 to 65 years.	From 65 to 70 years.	From 70 to 75 years.	From 75 years upwards.	Ages not specified.	Whole Colony.		
																			Total Deaths.	Rate per 100,000.	Percentage to Deaths from all causes.
1	Old Age	...	...	...	...	...	...	...	...	...	...	...	...	10	30	65	197	...	302	231.34	15.17
2	Diseases of Circulatory System	1	2	2	4	5	5	4	5	11	7	14	12	22	21	14	22	...	151	115.67	7.59
3	Phthisis	4	1	2	16	19	25	17	10	10	7	14	3	6	1	1	3	...	145	111.03	7.29
4	Atrophy and Debility	112	2	1	...	...	1	1	1	2	...	2	2	...	1	...	1	...	126	96.52	6.33
5	Convulsions	114	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	115	88.09	5.78
6	Bronchitis	43	2	1	1	1	...	1	...	...	...	1	1	5	7	5	12	...	92	70.47	4.62
7	Accidents	17	2	2	5	2	9	2	2	1	4	5	5	7	4	3	2	...	80	61.28	4.02
8	Pneumonia	25	1	1	5	2	7	1	2	1	5	2	4	5	6	3	4	...	74	56.69	3.72
9	Cancer	...	...	1	1	...	1	1	1	2	3	11	3	13	6	11	9	...	65	49.79	3.27
10	Brain Disease, &c.	18	...	1	3	3	1	1	3	2	1	...	6	7	10	1	4	...	61	46.73	3.05
11	Diarrhoea and Dysentery	53	...	...	...	...	...	...	...	1	...	1	...	...	...	...	...	...	57	43.66	2.86
12	Apoplexy	1	...	...	...	...	2	1	...	...	3	7	9	7	10	8	6	...	54	41.37	2.71
13	Typhoid Fever, &c.	6	8	2	9	7	8	2	4	1	1	...	1	...	1	...	1	...	50	38.30	2.51
14	Croup and Diphtheria	32	13	2	3	...	...	...	1	...	...	...	...	...	...	...	...	...	51	39.06	2.55
15	Cephalitis	12	6	6	3	2	2	2	...	2	2	1	1	1	1	...	...	...	41	31.41	2.06
16	Paralysis	1	1	...	...	...	...	...	...	...	1	4	3	6	4	7	14	...	40	30.64	2.61
17	Dropsy	1	1	...	1	...	...	2	2	1	...	1	1	6	4	6	7	...	33	25.23	1.66
18	Premature Birth	31	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	31	23.75	1.56
19	Congestion of the Lungs	17	...	1	2	...	1	...	...	1	1	...	1	2	1	...	...	...	28	21.45	1.41
20	Teething	28	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	28	21.45	1.41
21	Liver Disease	1	...	...	1	3	...	1	1	4	1	4	3	3	...	2	3	...	27	20.68	1.36
22	Enteritis	11	...	...	...	1	1	...	...	2	...	2	1	3	1	2	...	...	22	16.85	1.10
23	Nephritis	...	...	...	...	...	1	2	2	2	1	2	...	2	2	...	2	...	16	12.26	0.80
24	Gastritis and Stomach Disease	1	...	...	1	1	...	1	...	1	2	...	1	3	1	4	...	...	15	11.49	0.75
25	Privation	5	2	...	1	1	...	1	...	1	...	...	1	...	...	2	...	...	14	10.72	0.70
26	Pleurisy	1	1	...	1	...	1	...	1	1	1	1	2	...	...	2	1	...	13	9.06	0.65
27	Scarlatina	7	4	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	12	9.10	0.60
28	Kidney Disease, &c.	...	...	1	1	...	...	...	1	...	...	1	2	1	1	2	...	...	12	9.10	0.60
29	Childbirth and Metrin	...	...	2	...	4	4	1	1	...	...	...	...	...	...	...	...	...	12	9.10	0.60
30	Whooping Cough	11	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	11	8.43	0.55
31	Peritonitis	...	1	1	2	...	2	1	1	...	1	...	1	...	1	...	...	...	11	8.43	0.55
32	Rheumatism	...	1	...	1	...	...	1	4	1	...	...	...	...	1	...	1	...	10	7.66	0.50
33	Asthma	...	...	...	...	1	...	...	...	1	1	...	1	5	...	...	...	...	9	6.89	0.45
34	Hydrocephalus	6	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	8	6.13	0.40
35	Hepatitis	1	...	...	...	...	...	...	...	2	1	1	1	...	1	1	...	...	8	6.13	0.40
36	Erysipelas	4	1	...	...	1	...	...	...	...	1	...	...	1	...	...	...	...	8	6.13	0.40
37	Jaundice, Gallstone, &c.	4	...	...	...	...	...	...	...	...	...	...	...	1	1	...	1	...	7	5.36	0.35
38	Alcoholism	...	...	...	...	...	...	1	...	1	1	2	1	...	...	1	...	...	7	5.36	0.35
39	Thrush	6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6	4.60	0.30
40	Hydatid	1	...	...	...	...	1	...	...	1	...	...	2	1	...	...	...	...	6	4.60	0.30
	Total	578	40	24	50	59	71	46	40	63	48	76	75	119	114	147	295	...	1,358	1,423.31	93.57

RETURN of Deaths from the forty most prevalent causes in the COLONY OF TASMANIA during the year 1885. Arranged in the order of fatality, showing the number of deaths from each cause occurring in each quinquennial period of life, the death-rate per 100,000 of the mean population from each cause, and the percentage of deaths from each cause to the deaths from all causes.

Order of Fatality.	Cause of Death.	Under 6 years.	From 6 to 10 years.	From 10 to 15 years.	From 15 to 20 years.	From 20 to 25 years.	From 25 to 30 years.	From 30 to 35 years.	From 35 to 40 years.	From 40 to 45 years.	From 45 to 50 years.	From 50 to 55 years.	From 55 to 60 years.	From 60 to 65 years.	From 65 to 70 years.	From 70 to 75 years.	From 75 years upwards.	Ages not specified.	Whole Colony.			
																			Total Deaths.	Rate per 100,000.	Percentage to Deaths from all causes.	
1	Old Age													10	33	63	209			315	235.44	15.47
2	Phthisis	11		4	11	18	23	20	4	8	9	13	5	3	5	3	3			145	108.38	7.12
3	Diseases of Circulatory System	5		5	4	5	3	3	3	3	3	7	10	21	19	10	23			145	108.38	7.12
4	Convulsions	141	1		1		1					1								145	108.38	7.12
5	Atrophy and Debility	107			1	1		1					3	2						124	92.68	6.09
6	Diarrhoea and Dysentery	94	1		1					2			1	1	2	2	4			110	82.22	5.40
7	Bronchitis	48	4	1		1						1	1	1	4	7	11	4	12	95	71.00	4.67
8	Accidents	21	6	0		6	3	5	4	1		2	2	4	4	6	5	3		85	63.53	4.17
9	Pneumonia	16			2	5	3	1	1	1		2	6	11	5	1	3			62	46.34	3.94
10	Cancer				1	1	1	1	3			2	3	7	6	8	8			60	44.85	2.95
11	Apoplexy	1				1			1			3	4	3	4	14	9	5	9	54	40.36	2.65
12	Paralysis				2		1					3	3	6	7	10	9	12		53	39.61	2.60
13	Croup and Diphtheria	23	18		3										1					50	37.37	2.45
14	Brain Disease, &c.	15	3		1	2	1	3	1			2	1	4	5	6	3			49	36.62	2.41
15	Congestion of the Lungs	23	2	1		2	1					1	1	3	1		1			29	21.15	1.91
16	Teething	35																		35	26.16	1.71
17	Cephalitis	16	3	1	6	3	3	1				1	1		2					34	25.41	1.67
18	Typhoid Fever, &c.	3	2	5	4	5	5	2												30	22.42	1.47
19	Dropsy	3					1	1	1			1	2	1	2	4	4	8		29	21.67	1.42
20	Privation	15			1	1		2	1	1	1					1		2		25	18.69	1.23
21	Premature Birth	25																		25	18.69	1.23
22	Measles	15	1		3			1												20	14.95	0.98
23	Enteritis	11				1			1			1		2	1		1			19	14.18	0.93
24	Liver Disease, &c.						3					2	1	2	1	4	3	1		19	14.18	0.93
25	Whooping Cough	16																		16	11.96	0.78
26	Childbirth and Metris				1	6	4	1	1	1		2								16	11.96	0.78
27	Kidney Disease, &c.				1		1	1				2	1				3			11	8.23	0.54
28	Hydrocephalus	9													1					11	8.23	0.54
29	Hepatitis	1					1	1					1		4	1				10	7.47	0.49
30	Asthma	3								1				2	2	1	1			10	7.47	0.49
31	Gastritis and Stomach Disease	1				1						1	2		1	2	2			10	7.47	0.49
32	Lung Disease, &c.	1				1		1		1	1		1	2		1				9	6.73	0.44
33	Nephritis				2	1					1			2		1				9	6.73	0.44
34	Cystitis											1				4		4		9	6.73	0.44
35	Jaundice, Gallstones, &c.	5															1	1		9	6.73	0.44
36	Thrush	9																		9	6.73	0.44
37	Pyæmia	3				1	1	1							1			1		9	6.73	0.44
38	Influenza, &c.	3												1		1		3		8	5.98	0.39
39	Peritonitis	1					2		1		1				1		1			7	5.23	0.34
40	Pleurisy	1	1						1		1					2				6	4.48	0.29
	Total	686	42	26	49	59	66	46	20	33	56	55	66	120	150	136	316			1,926	1,439.56	94.60

RETURN of Deaths from the forty most prevalent causes in the COLONY of TASMANIA during the year 1886. Arranged in the order of fatality, showing the number of deaths from each cause occurring in each quinquennial period of life, the death-rate per 100,000 of the mean population from each cause, and the percentage of deaths from each cause to the deaths from all causes.

Order of Fatality.	Cause of Death.	Under 5 years.	From 5 to 10 years.	From 10 to 15 years.	From 15 to 20 years.	From 20 to 25 years.	From 25 to 30 years.	From 30 to 35 years.	From 35 to 40 years.	From 40 to 45 years.	From 45 to 50 years.	From 50 to 55 years.	From 55 to 60 years.	From 60 to 65 years.	From 65 to 70 years.	From 70 to 75 years.	From 75 years upwards.	Ages not specified.	Whole Colony.			
																			Total Deaths.	Rate per 100,000.	Percentage to Deaths from all causes.	
1	Old Age	11	22	59	105	...	287	211.81	14.52
2	Diseases of Circulatory System	6	3	3	3	7	4	5	6	4	4	13	13	17	27	22	10	1	148	100.22	7.49	
3	Phthisis	4	2	...	15	21	23	23	11	5	8	5	...	3	4	2	4	...	146	107.45	7.39	
4	Convulsions	121	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	123	90.77	6.22
5	Atrophy and Debility	106	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	115	84.87	5.81
6	Bronchitis	41	3	...	2	...	1	...	1	...	1	4	...	2	...	...	...	...	115	84.87	5.81
7	Diarrhœa and Dysentery	82	1	1	1	1	1	1	1	...	2	...	...	6	16	12	14	...	103	76.01	5.21
8	Accidents	17	5	0	11	7	1	8	1	...	5	...	...	6	3	3	3	...	103	76.01	5.21
9	Pneumonia	28	5	...	2	...	2	1	1	...	3	...	...	4	3	3	3	...	89	65.68	4.50
10	Cancer	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	75	55.35	3.79
11	Apoplexy	...	1	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	57	42.07	2.88
12	Typhoid Fever	...	2	2	3	11	11	3	3	2	3	10	3	3	12	10	11	...	55	40.59	2.78	
13	Brain Disease	14	1	1	1	4	1	1	4	...	1	...	...	...	1	...	...	...	47	34.69	2.33
14	Congestion of Lungs	10	2	...	1	3	2	...	1	...	...	...	...	...	...	...	...	...	46	33.91	2.33
15	Premature Birth	37	...	...	...	...	...	...	...	...	...	...	3	3	1	1	6	...	43	31.73	2.18
16	Paralysis	1	...	...	...	1	...	...	1	1	...	...	...	5	3	...	...	...	37	27.31	1.87
17	Croup and Diphtheria	20	11	...	3	1	...	...	...	...	...	...	...	...	...	...	...	...	36	26.57	1.82
18	Dropsy	2	1	...	1	1	...	...	...	...	3	...	...	...	...	...	...	...	31	25.69	1.72
19	Liver Disease	...	...	1	...	...	1	2	...	...	...	...	...	...	1	3	2	...	27	19.93	1.37
20	Whooping Cough	26	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	27	19.93	1.37
21	Privation	8	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	21	15.50	1.00
22	Enteritis	10	...	...	...	1	1	...	1	...	...	...	...	...	...	...	...	...	17	12.55	0.80
23	Teething	16	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	16	11.81	0.81
24	Nephria	...	...	...	...	2	1	1	2	...	...	...	...	...	...	...	...	...	16	11.81	0.81
25	Asthma	1	...	...	1	...	...	1	2	1	1	...	...	2	1	2	...	...	14	10.33	0.71
26	Childbirth and Metria	...	...	...	1	3	1	1	...	1	4	...	...	...	...	...	...	...	12	8.86	0.61
27	Gastritis and Stomach Disease	5	...	...	1	1	2	...	...	...	...	...	...	...	...	...	...	...	11	8.12	0.56
28	Tumor	...	...	...	...	1	1	1	...	1	...	...	...	...	...	...	...	...	10	7.33	0.51
29	Lung Disease	1	1	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	9	6.64	0.45
30	Peritonitis	1	...	...	2	...	3	...	...	1	...	...	...	...	...	...	...	...	9	6.64	0.45
31	Ileus	4	...	...	1	...	...	1	...	...	...	...	...	...	...	...	...	...	9	6.64	0.45
32	Hernia	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	8	5.90	0.40
33	Want of Breast Milk	7	...	...	...	...	...	...	...	...	...	...	...	...	...	2	1	...	7	5.17	0.35
34	Erysipelas	1	...	...	...	...	1	...	...	...	...	...	1	...	...	...	...	...	6	4.43	0.30
35	Thrush	6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6	4.43	0.30
36	Mortification	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	6	4.43	0.30
37	Epilepsy	...	...	...	2	1	1	...	1	...	...	...	...	...	...	1	1	...	6	4.43	0.30
38	Pleurisy	2	...	...	...	2	...	...	1	...	...	...	...	...	...	...	...	...	6	4.43	0.30
39	Nephritis	...	...	...	...	1	...	...	...	1	...	...	...	...	1	...	...	...	6	4.43	0.30
40	Rheumatism	1	...	1	1	...	1	6	4.43	0.30	
	Total	598	30	15	56	82	63	57	44	31	61	68	72	86	133	153	283	2	1,830	1,350.54	92.61	

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RETURN of Deaths from the forty most prevalent causes in the COLONY OF WESTERN AUSTRALIA, during the year 1886. Arranged in the order of fatality, showing the death-rate per 100,000 of the mean population from each cause, and the percentage of deaths from each cause to the deaths from all causes.

Order of Fatality.	Cause of Death.	Whole Colony.		
		Total Deaths.	Rate per 100,000.	Percentage to Deaths from all causes.
1	Accidents.....	67	169.26	8.31
2	Whooping-cough.....	61	154.10	7.67
3	Diseases of the Circulatory System.....	59	149.05	7.32
4	Old Age.....	56	141.47	6.94
5	Diarrhoea and Dysentery.....	53	133.89	6.67
6	Convulsions.....	48	121.26	5.95
7	Atrophy and Debility.....	47	118.73	5.83
8	Bronchitis.....	29	73.26	3.60
9	Pneumonia.....	29	73.26	3.60
10	Phthisis.....	27	68.21	3.35
11	Enteritis.....	19	47.99	2.36
12	Paralysis.....	17	42.95	2.11
13	Dropsy.....	16	40.42	1.98
14	Cancer.....	15	37.89	1.86
15	Premature Birth.....	14	35.37	1.74
16	Typhoid Fever.....	13	32.84	1.61
17	Influenza, &c.....	13	32.84	1.61
18	Apoplexy.....	12	30.31	1.49
19	Liver Disease.....	12	30.31	1.49
20	Want of Breast Milk.....	9	22.74	1.12
21	Teething.....	9	22.74	1.12
22	Congestion of the Lungs.....	9	22.74	1.12
23	Diphtheria and Croup.....	9	22.74	1.12
24	Tabes Mesenterica.....	8	20.21	.99
25	Hydrocephalus.....	8	20.21	.99
26	Epilepsy.....	8	20.21	.99
27	Childbirth.....	7	17.18	.87
28	Brain Disease, &c.....	6	15.16	.74
29	Remittent Fever.....	5	12.63	.62
30	Hepatitis.....	5	12.63	.62
31	Nephra.....	5	12.63	.62
32	Erysipelas.....	4	10.10	.50
33	Cephalitis.....	4	10.10	.50
34	Asthma.....	4	10.10	.50
35	Nephritis.....	4	10.10	.50
36	Kidney Disease.....	4	10.10	.50
37	Cyanosis.....	4	10.10	.50
38	Alcoholism.....	3	7.58	.37
39	Gastritis.....	3	7.58	.37
40	Laryngitis.....	3	7.58	.37
	Total.....	728	183.91	90.22

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

EUREKA PATENT SANITARY BURNING WORKS, NEWCASTLE.

(REPORT OF THE DEPUTY MEDICAL ADVISER ON.)

Ordered by the Legislative Assembly to be printed, 15 August, 1889.

The Medical Adviser to the Government to The Principal Under Secretary.

Board of Health Office, 127 Macquarie-street,

Sydney, 14 August, 1889.

Sir,

In forwarding herewith a report by the Deputy Medical Adviser to the Government on the Eureka Patent Sanitary Burning Works, Newcastle, I beg to append a resolution of the Board of Health, to whom this report has been submitted, and to inform you that having visited these works without previous notice, and when they were in full operation, I concur thoroughly in all that Dr. Thompson has stated with regard to them.

I have, &c.,

F. NORTON MANNING.

Board of Health Office, 127 Macquarie-street, Sydney, 14 August, 1889.

The attached report by the Deputy Medical Adviser (Dr. J. Ashburton Thompson) on the Eureka Patent Sanitary Burning Works, Newcastle, was submitted by the Medical Adviser to the Government to the Board of Health at a meeting held this day, when the following resolution was passed:—

“The Board consider the report of great public interest, as the process appears to have practically met the difficulties which have been experienced in the disposal of night-soil at Newcastle, and recommend its publication for general information.”

EDMUND SAGER,

Secretary.

Report by Dr. J. Ashburton Thompson.

The Eureka Patent Sanitary Burning Works, Newcastle.

29 July, 1889.

Two minutes attached to the two collections of papers which are returned herewith direct the inspection upon which report is now made. The first is dated May 21st, and the second June 12th. At those dates respectively the works were either not erected, or not in operation. They were formerly opened on July 1st, and on that day some soil was treated; but for nine days thereafter the furnaces were kept alight, but no soil was treated. The regular operations and the daily treatment of soil began on the 10th of July, and have been since continued.

Two collections of documents are returned with this report. The larger affords a description of the difficulties hitherto experienced by the borough of Newcastle in disposing of its refuse. A report made by me touching this matter in 1886, and forwarded to the Colonial Secretary by the Medical Adviser on August 31st of that year, shows that the night-soil of the borough was, until about 1882, buried in a paddock attached to the general hospital, and in the heart of the city; that thereafter arrangements were made for burying it on the race-course; that, at the date of report, the proprietors of the race-course had given the Council notice to cease making deposit there, because the medical practitioners of Newcastle had drawn attention to the excessive prevalence of typhoid fever in the houses bordering upon it; and, lastly, that in 1886 the Council had again begun to use the paddock attached to the hospital which has already been mentioned. In the face of public opinion, they did not long continue this plan; but, as the advice persistently given them during several years to adopt a crematory apparatus did not meet with their approval, they had to find some other spot in which this refuse could still be tipped in its crude state. They fixed upon an old shaft in the public park, and they used that for some months; but, application being made to the Supreme Court by residents who felt themselves aggrieved by this action, they were directed to cease

using the shaft after a day fixed by the Court. Attempts to lease a wharf at which the soil might be put in barges and carried out to sea being strenuously opposed, the Council were thus brought to the end of their resources. About this stage two gentlemen who had designed and patented an apparatus for converting the soil into poudrette came forward and laid their plans before the Council; they were M. Monleau de Montemas, formerly an officer of engineers in the French Army, and Mr. Rooke, a merchant, both of them residents of Newcastle. The scheme appearing feasible to them, the Council called a conference of the Mayors of the several adjacent municipalities who in their official capacity were experiencing similar difficulties. The outcome of this meeting was a request made in the attached letter, dated March 11th, 1889, and signed by the Mayors of Newcastle, Waratah, Wickham, Lambton, Carrington, Adamstown, and Merewether, that they should have permission from the Government to erect the necessary works upon some piece of Crown land, so that the opposition of property-holders might be avoided, and the experiment have fair trial. It appears, however, that the gentlemen named leased a piece of land in the municipality of Hamilton, on the borders of Wickham. They put up their apparatus there, and having entered into contracts with the borough of Newcastle and with the district of Hamilton formally opened them on July 1st, but did not begin work until July 10th. On April 20th, however, a petition (herewith) had been presented to the Honorable the Colonial Secretary from very many residents of the districts of Hamilton, Wickham, and Waratah, showing "that they have grievous cause of complaint against certain persons now promoting and erecting works for the purpose of carrying on a noxious trade, viz., a night-soil depôt, and the subjecting of night-soil to a burning process"; because "this cannot be other than a public nuisance, alike detrimental to the health and comfort of the inhabitants of the locality," the works being "in close proximity to residents' homestead dwellings, and within a few chains of a blind creek, which is dry for several months during every year. The works are, furthermore, situated amid the centre of a large and increasing population." Upon receipt of this petition the Medical Adviser to the Government was desired to make inquiry and report.

I paid a first visit without notice. I went to Newcastle by the evening mail of 17th July, and drove out to the factory early on the morning of the 18th. I found only one or two workmen about, and the charge of the previous night already withdrawn. The furnaces were still alight, and the ovens had not been cleansed. I then visited M. Monleau, and arranged with him to pay a second visit, at which the apparatus was to be prepared, and work begun immediately after my arrival. This was done on 23rd July, when I watched the process from beginning to end. The following remarks are the result of observations made on those two occasions, on the latter of which the Mayor of Hamilton (Alderman Arkins) and the Inspector of Nuisances (Mr. Brain) were present.

The site chosen is in the municipality of Hamilton, on the borders of the municipality of Wickham, and about 2 miles distant from Newcastle Railway Station. It stands on an extensive plain, which is probably but little above sea-level. On this plain, which at present is flooded, but below whose surface the ground-water is always met with at a very shallow depth, there are several scattered buildings. Some of these are the cottages of residents, and (besides two which belong to the manufacturers) there is one other which is nearly opposite the works. The others, being few in number, stand at distances which vary from one or two to several hundred yards. Within a radius from the works of (as I was informed) decidedly less than 500 yards stand, and have stood for years, two slaughter-houses, a large copper smelting-works, a bone mill, a tannery, and a glue factory. The last-named place is within 100 yards of the boundary fence of the poudrette factory. In company with the Mayor I visited it. I found it a mere shed in a paddock, and, together with the adjacent land, in a filthy state. It was entirely without apparatus for preventing the nuisance which this process always gives rise to, and which is greater than that caused by a boiling-down factory. It should be mentioned here that M. Monleau, fearing that the far-reaching and offensive smell emanating from this place would in future be laid at his door, bought the proprietor out, but that the agreement made was evaded, the proprietor continuing to work, but as the agent for the owner of the land. All of the factories mentioned are not in the municipality of Hamilton, near as they are; and not much farther away is a part of the Styx Creek, upon the offensive state of which I made report on 19th January, 1889, the inspection being directed at instigation of the Mayor of Wickham.

The factory consists of a small plot of land which is entirely enclosed by an iron fence, 12 feet high. Against the fence and within it are stables, stores, &c. In the middle is an iron shed. Within the shed and sunk to the ground level is a battery of two cells, built of fire-brick, each of the cells containing a reverberatory oven and a fire-place. At the ground-level is a small tank, against which the carts back up; and this tank is in communication with a shoot which conducts the soil into the oven. The fumes which arise are led first of all to a large closed chamber or smoke-box, where they are cooled, condensed, and washed by a spray of steam and water. The water falls to the bottom of the chamber and passes through a charcoal filter; it is drawn off thence to a well or tank near by. The partly purified fumes leave the smoke-box and enter a flue of 18-inch glazed piping, which pursues a serpentine course, 185 feet in length, beneath the surface to the foot of the smoke stack. This flue is supplied with about 6 inches of water which is kept always circulating from the smoke-box to the foot of the stack and thence back again to the well or tank already mentioned. The fumes, thus still farther cooled and purified, enter a chamber at the base of the stack through which another spray of water is always descending. On leaving this chamber they ascend the stack and without further treatment issue at the summit at a height of 75 feet above the ground. Other apparatus used are a small upright steam boiler to circulate the water and distribute it and to move a mortar mill in which some part of the poudrette and the charcoal from the filters are ground up and mixed together.

The method of operation is as follows:—The proprietors have entered into contracts with several of the municipalities mentioned, but as yet are at work only in the districts of Newcastle and Hamilton. A condition of their contracts on the part of the Municipal Councils (and by their own wish) is that all soil shall be deodorised before removal; and they, on their part, wisely insist that the collection of it and the deodorisation be entirely under their control. Another stipulation made by the proprietors, most important to the public health, is the abolition of cesspits and the substitution of pail-closets for them, the contents of the former being too watery for economical treatment in this or any similar apparatus. The method of operation, therefore, is carried out by the proprietors' own staff, who deodorise and then collect the soil and deliver it at the works. It is discharged from the carts in which it arrives into the tank, and, the fires having been lighted earlier, it is thence admitted in suitable quantities to the oven. After a time, which necessarily differs according as there is more or less moisture in the soil, but which is comparatively

comparatively short, the charge, reduced to four-tenths or three-tenths of its natural bulk, is withdrawn, passed through a sieve, and in such part as is necessary, through the mill; it then forms a dark-brown powder which is nearly dry. This powder is quite inoffensive; it has only a very slight smell of ammonia, and this would rapidly diminish with lapse of time.

As to the production of nuisance by these works while in operation, the following is the case as I found it. First of all, however, I repeat that I paid two visits—the first without any notice, the second with notice, and that my remarks apply equally to both visits. I saw a tank cart full of night-soil waiting for treatment. Near the cart there was absolutely no odour whatever. On opening it, or on letting the contents flow into the tank, a very slight sweetish smell was perceptible at a distance of not more than 9 feet; beyond that distance it was imperceptible; within that distance it could not be properly described as an offensive smell. When the fresh soil was admitted to the oven all draught was inwards; no smell at all was perceptible within the building enclosing the battery. I therefore went to the foot of the smoke stack, where an iron door gives admission to the chamber through which water is falling, and where the vapours receive their final purification. I put my head far enough into this chamber to surround it with the smoke and vapour, about half-an-hour after I had seen the charge admitted to the oven, and while it was rapidly drying. The chief smell was that of coal smoke; it was possible to observe that there was something else present besides; the latter odour was very slight, and although not in itself agreeable, it was so slight that in the presence of the coal smoke it might probably be overlooked by a careless observer, or by one not specially on his guard. When this door was left open, wreaths of smoke were blown out; at a distance of 2 or 3 yards—that is to say, when these puffs were diluted with air—no smell but that of coal smoke was perceptible.

Complaints of nuisance have been made by the residents in the neighbourhood first mentioned. When the works were first opened on 1st July, a load of soil was treated in order to demonstrate the process to the company assembled; but for nine days thereafter the proprietors kept the furnaces going, although they neither received nor treated any soil. During these days many complaints of the nuisance caused by the works were made. On leaving the works on occasion of my second visit I was accosted by Mr. Curley, who occupies the cottage mentioned as being nearly opposite to them. Mr. Curley spoke at great length. What he said, however, amounted to an assertion that the smoke issuing from the stack was offensive to him, and to others in the neighbourhood at a greater distance away; and he instanced occasions on which, several days before the 23rd, there had been greater nuisance than (as he alleged) is usual. While we were speaking together, at a distance of about 50 yards from the foot of the stack and outside the premises, the Mayor and the inspector being present, he twice attempted to point out an offensive smell, which he alleged issued from the stack. On neither of these occasions could the officials mentioned, or I, perceive any smell at all. On both occasions I invited Mr. Curley to go with me and examine the vapours in the chamber at the foot of the stack, pointing out to him that if they smelt where we were standing they must smell a thousand times stronger within the chamber, and before dilution with the atmosphere; but he declined to set foot on the premises, alleging that he was concerned only with any nuisance he might observe outside them. I then informed him that I had just before carefully examined the vapours within the stack, and had found them quite inoffensive. I mention these circumstances at length, because I gathered that Mr. Curley appeared on behalf of other persons as well as for himself, and because I have not the slightest doubt that his complaint is now, at all events, without foundation in fact. I saw the work carried out, not merely without nuisance, but without causing any offensive smell.

The result of my inquiry is, therefore, to show that at Newcastle the conversion of excreta into poudrette is actually effected by M. Monlean without causing any offensive smell, and still more, without causing any nuisance to persons residing in the neighbourhood of the factory; and, surprising as this may seem to persons unacquainted with the subject, I desire to observe here that the prevention of nuisance from this and other offensive trades is in reality without difficulty, and, in fact, merely a question of expense. This being the case, and the present experiment being successful, it may be well to point out the advantages which flow from it. The proprietors know very well that if by carelessness they should allow offence to arise at any stage of their proceedings, they will certainly be called upon to shut their factory. Hence, in the first place, they deodorise the soil before carting it; secondly they work with their own staff, over whom they have thorough control; thirdly, being aware that the greatest surer for decency, cleanliness, and safety of property is the doing of this work by day, they propose to take such measures as will allow them to adopt that mode of working. In the next place, for a reason already given, a part of their scheme is the abolition of cess-pits, and the substitution of pan-closets. This step, in a recent report upon an outbreak of fever at Newtown and Macdonaldtown which I made in conjunction with Mr. Stayton, I recommended for general adoption as being among those which are essential to the prevention of typhoid fever; but its bearing on the public health may be illustrated by the following extract from my report on the sanitary state of the city of Newcastle already alluded to. It is there pointed out that the inhabitants of that city alone estimated in 1835, at the moderate number of 10,000 individuals, produced a quantity of solid and fluid excreta which weighed considerably more than 4,000 tons; but that the books of the Inspector of Nuisances liberally considered, could not be shown to account for more than 1,700 tons removed and disposed of. The remaining 2,300 tons, then, having certainly been produced and not having been removed, remained in the neighbourhood of dwellings, together with an unestimated quantity which was the similarly unremoved proportion of former years: and had every receptacle after this statement appeared, been thoroughly emptied, it is known by experience that a very small part of the 2,300 tons would have been realised, the unreckoned surplus of former years in addition notwithstanding. In other words the accumulated surplus has spread from the cess-pits to the surrounding soil, whence it cannot be reclaimed, but where it must remain until the slow destruction which is naturally brought about has been effected. But in the meantime that surplus has been (and still is) befouling air and water, and in a hundred ways, both direct and indirect, causing disease and death; so that if the present process effected no more than the abolition of cess-pits, it would render an inestimable benefit to the population. Thus indirectly the plan followed by these gentlemen is likely to effect very great improvements in the direction both of decency and health. Essentially, however, or regarded as a business, it involves the rendering inodorous, comparatively harmless, and portable, the immense quantity of refuse mentioned. Now, the difficulties which hitherto Municipal Councils have encountered in the way of disposal (which is a different matter to the collection already spoken of) have been entailed upon them entirely by their unwillingness to accept the advice so often given them to adopt one or other of the several

several well-known plans for reducing the bulk of this refuse, and for rendering it portable, and by their obstinate adherence to the primitive, offensive, dangerous, and inconvenient plan of burying it in gross. Obviously the way to make it possible to handle a ton of stinking, semi-fluid, poisonous matter, is to so treat it that it is converted into 6 cwt. or less of inodorous, dry, harmless powder. This the present process (as well as several others very well known) effects; and then all difficulty in the way of disposal disappears at once, since a body having the last-mentioned qualities can be stored in sacks and carried about in open carts by day. Besides rendering ultimate disposal thus easy, however, that need no longer be merely a source of expenditure; for the dry powder is a valuable fertilizer, and, where a market for it can be got, is a source of revenue which goes far towards paying current expenses. Lastly, this factory is strictly an industry. It will ultimately afford work to a large number of men; and it will do this without materially diminishing the staff of scavengers already employed by the several Councils. These will be still wanted for other work, being already (if I may judge by apparent results) far below what is necessary.

In conclusion, therefore, I have to state that, while my inspection reveals nothing whatever in corroboration of the statements contained in the petition upon receipt of which inquiry was ordered, I am of opinion that the adoption of the process described constitutes a very important improvement in the detail of Municipal Government.

The Medical Adviser.

J. ASHBURTON THOMPSON, M.D., D.P.H.,
Deputy Medical Adviser.

For the Board.—F.N.M., 30/9/89.

1889.

NEW SOUTH WALES.

CORPORATION OF THE CITY OF SYDNEY.
(STATEMENT OF RECEIPTS AND EXPENDITURE FOR THE YEAR 1888)

Presented to Parliament, pursuant to Act 43 Vic. No. 3, sec. 220.

STATEMENT of the RECEIPTS and EXPENDITURE of the CORPORATION OF THE CITY
OF SYDNEY, for the year ending 31st December, 1888.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL OF SYDNEY, on account of the CITY FUND, for the Year ending 31st December, 1888.
Incorporated by Act of Colonial Legislature, 43 Vic. No. 3.

RECEIPTS.				DISBURSEMENTS.							
	REVENUE.		TOTAL AMOUNT.			SALARIES.		CONTINGENCIES.		TOTAL AMOUNT.	
	£	s. d.	£	s. d.		£	s. d.	£	s. d.	£	s. d.
City Rate, raised by assessment under the authority of the Act of Council 43 Vic. No. 3	150,072	14 3			Office of Mayor	1,000	0 0				
Fees and Fines—Building Fees	1,910	15 8			Town Clerk and Department	1,044	3 4				
By-laws	1,088	0 0			City Engineer and Surveyor and Department	2,425	4 7				
Hoarding Licences, &c.	198	15 0			City Treasurer and Department	1,121	0 2				
Rent and Dues from Markets—George-street	8,281	2 3			Inspector of Nuisances and Department	1,818	18 4				
Belmore	5,128	7 7			City Architect and Department	1,370	3 0				
Eastern Fish	2,694	7 0			Health Officer	489	7 1				
Rent of City Wharves	2,375	0 0			Clerk of Markets	204	3 4				
Public Baths	706	14 4			City Solicitor	381	5 0				
Exhibition Building	205	0 0			Office-keeper	0	5 0				
Town Hall Offices	400	0 0			City Auditors	180	0 0				0,500 13 10
Randwick Toll-gate	3,461	17 8			City Improvements—Wages—			42,205	1 10		
Cleansing earth-closets	399	15 0			Inspector of Nuisances and Department				19 11		
Paving rate	1,853	8 8			Street watering			4,296	7 3		
Land lease	450	16 0			General Establishment and sundries			27,637	11 0		
City endowment	26,000	0 0			General Works						80,658 0 9
Sale-yard dues	1,317	0 3			City Improvements—Metal—						
Repayment of works and sale of stores	853	17 9			Pendant Hills			2,217	14 4		
Sale of street sweepings and manure	169	5 7			Klamn			8,904	0 0		
Removal of rubbish	90	8 0			City Improvements—Street Works—						
Agricultural Society—Rent	20	0 0			Kerb, guttering, flagging, &c., under contract			12,466	13 4		
Repayments from Water Fund	2,657	5 7			Tar paving, under contract			2,698	6 0		
Sewerage Fund	180	0 0			Forming, ballasting, metalling under contract			7,577	0 0		
Town Hall Loan Fund	200	0 0			Cubc set paving, under contract			971	14 8		
Auctioneers' licenses	4,868	10 6			Sundries for General Works			16,862	14 10		
Special Building Fees	144	18 0			Expenses of City Markets			3,832	5 10		
Halliffs' costs	288	12 0			Street watering material			1,129	12 2		
Porters' licenses	11	5 0			Bumperong Road Trust			171	14 6		
Sydney Bathing Company	72	0 0			Randwick Borough Council			1,048	11 2		
Rent and sundries	462	1 9			Fire Brigades Board			1,164	11 2		
Interest Account	8,375	0 0	218,033	3 3	Lighting expenses			12,589	19 0		
					Printing, stationery, advertising, stamps, cab-hire, &c.			3,261	16 7		
					Government transactions and insurance			1,297	13 2		
					Rents, repairs, assessment, special audit, and sundries			1,810	8 5		
					Illuminations and decorations			458	0 0		
					Law expenses			797	11 4		
					Compensation			408	3 1		
					Gratuities			25	0 0		
					Purchase of land			3,060	0 0		
					Interest expenses			1,190	0 8		
					Interest on Town Hall Loan Debentures { Sydney—£4,000 } London—£8,000 }			12,000	0 0		
					Interest on Streets Loan Debentures—London			14,000	0 0		
					Town Hall Loan Sinking Fund			2,250	0 0		
					Streets Loan Sinking Fund			6,000	0 0		
					Town Hall Loan Sinking Fund, Colonial Treasury Account			1,400	0 0		
					Streets Loan do do do			700	0 0		
					Balance due to Union Bank, 31st December, 1887			31,827	13 9		
					Balance due to Union Bank, 31st December, 1888			19,824	13 10		
											75,429 16
											2,102 19 11
											£ 218,033 1 3

Sydney, 31st January, 1889.

JAMES CARROLL, }
 JAMES ROBERTSON, } City Auditors.

C. H. LINES,
 City Treasurer.

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2

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY,
on account of the CATTLE SALE-YARDS, for the Year ending 31st December, 1888.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL AMOUNT.		CONTINGENCIES.	TOTAL AMOUNT.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Revenue by dues	8,590 14 1	9,089 2 3	General works	1,397 0 0	8,438 8 5
Interest Account	273 2 2		Salaries of officers	759 9 4	
Miscellaneous receipts.....	225 6 0		Interest expenses	3,600 0 0	
		Incidental expenses	182 19 1		
			Sinking Fund.....	2,500 0 0	
			Balance due by Union Bank, 31st December, 1888.....	3,098 8 0	650 13 10
			Balance due by Union Bank, 31st December, 1887.....	2,437 14 2	
		£ 9,089 2 3		£	9,089 2 3

City Treasury,
31st January, 1889.

JAMES CARROLL,
JAMES ROBERTSON, } City Auditors.

C. H. LINES,
City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY,
on account of the TOWN HALL LOAN FUND, for the Year ending 31st December, 1888.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL AMOUNT.		CONTINGENCIES.	TOTAL AMOUNT.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
City Fund.....	12,500 0 0	17,451 11 8	General works	26,161 0 0	44,205 6 8
Interest Account	4,751 11 8		Interest expenses	12,500 0 0	
Colonial Government—Refund	200 0 0		Incidental expenses	209 4 1	
Balance due by Union Bank, 31st December, 1887.....	151,327 3 9	Salaries of officers	431 19 2		
Balance due by Union Bank, 31st December, 1888.....	24,573 8 9	Clerk of Works	359 2 1		
		Law expenses.....	236 4 6		
		Gratuity	200 0 0		
		Town Hall organ	4,107 16 10		
			Fixed deposit.....	100,000 0 0	
		£ 144,205 6 8		£ 144,205 6 8	

City Treasury,
31st January, 1889.

JAMES CARROLL,
JAMES ROBERTSON, } City Auditors.

C. H. LINES,
City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY,
on account of the STREETS LOAN FUND, for the Year ending 31st December, 1888.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL AMOUNT.		CONTINGENCIES.	TOTAL AMOUNT.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
City Fund.....	14,000 0 0	18,247 18 6	Interest expenses	14,000 0 0	49,341 17 2
Interest Account	3,583 4 5		Commissioner for Works	10,000 0 0	
Colonial Government— Refund	100 0 0		Incidental expenses	194 9 0	
Payment for blocks	214 5 5	General works—			
Water Fund—Repayment	350 8 7	Wages	1,306 10 3		
Balance due by Union Bank, 31st December, 1887.....	93,779 9 7	Cubes	5,587 5 7		
Balance due by Union Bank, 31st December, 1888.....	62,685 10 10	Cement, &c.	6,788 19 4		
		Streets	11,464 13 0		
		31,093 18 9			
		£ 49,341 17 2		£		49,341 17 2

City Treasury,
31st January, 1889.

JAMES CARROLL,
JAMES ROBERTSON, } City Auditors.

C. H. LINES,
City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY,
on account of the SYDNEY COMMON, for the Year ending 31st December, 1888.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL AMOUNT.		CONTINGENCIES.	TOTAL AMOUNT.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Interest Account	150 0 0		Interest expenses	642 15 0	
Rent and agistments	146 10 3		General works	3,359 11 10	
Miscellaneous receipts	150 7 6		Compensation	25 0 0	
		447 3 9			4,027 6 10
Fixed deposit matured		3,000 0 0			
Balance due by Union Bank, 31st December, 1887	194 17 7				
Balance due to Union Bank, 31st December, 1888	385 5 6				
		580 3 1			
		£ 4,027 6 10			£ 4,027 6 10

City Treasury,
31st January, 1889.

JAMES ROBERTSON, }
JAMES CARROLL, } City Auditors.

O. H. LINES,
City Treasurer.

1889.

LEGISLATIVE ASSEMBLY,
NEW SOUTH WALES.

CITY OF SYDNEY IMPROVEMENT BOARD.
(TENTH ANNUAL REPORT.)

Ordered by the Legislative Assembly to be printed, 30 September, 1889.

City of Sydney Improvement Board,
Offices, 13, Castlereagh-street, Sydney, 31 August, 1889.

To the Honorable the Colonial Secretary,—

Sir,

Your attention is earnestly invited to our former nine Annual Reports, which will be found to deal very fully with many of the difficulties the Board have had to contend against, and the pressing necessity for legislative amendment of the Act under which they operate.

During the Board year now closed only thirteen meetings have been held; five references were brought under notice, and orders made thereon; one rehearing of a reference was considered; and two appeals were determined—dealing, in all, with thirteen buildings or structures. The reasons for the meagreness of the quantity of business submitted for the decision of the Board, and leading to the partial inactivity disclosed, are similar to those already so frequently pointed out. Amongst others are the inability of the Board to deal with such matters, unless set in motion either by the City Building Surveyor or by some person complaining or appealing; in the latter case—*i.e.* with regard to complaints or appeals—it is due, in a large measure, it is believed, to the great doubt and difficulty existing, both with the public and in the minds of the members of the Board themselves, and those from whom they have received legal advice, as to the precise scope of the powers which are legally vested in the Board, and as to how far they may proceed in any attempt to enforce such powers, and further, to the want of a duly authorized executive officer *under the undivided control of the Board*, as well as to the disinclination (shown in a very marked manner) of the City Council to allow the proper officer appointed, as provided by the Improvement Act, expressly to give due effect to its provisions, and for the very purpose of laying such reports or informations before the Board, and thus setting them in motion, to perform that which is clearly set forth in the 21st, 27th, 29th, and other sections of the City Improvement Act as his duty. This officer, the City Building Surveyor, is, apparently through a strange anomaly in the Act, appointed and paid by the City Council, and therefore is practically under their sole control.

Another reason is to be found in the clashing of the provisions of the City of Sydney Improvement Act with those of the Sydney Corporation Act of 1879. As an illustration, it may be mentioned that recently the City Council have been endeavouring to exercise powers thought to rest in them and in the City Surveyor (a different officer to the City Building Surveyor), under the 78th, 79th, and 81st sections of the Sydney Corporation Act, somewhat resembling those vested in the Improvement Board under the 29th section of the City Improvement Act, and in so doing, the City Council, the Board believe, are acting contrary to law, besides trying to give effect to a supposed provision which, in any event, is unwieldy and unsuitable for the purpose, especially in view of the powers provided under the City of Sydney Improvement Act, which could be made more effective *if the Council would but co-operate with the Board in a reasonable manner.*

G46—

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In

In connection with various points of law which have arisen as to the exact legal significance of several sections in both the Acts named, the Board have sought and obtained the advice of the Honorable the Attorney-General and other eminent Counsel.

Mr. Attorney-General Simpson recognizes the difficulties arising from the clashing of these Acts, and in the enforcement of the orders made by the Board, and expresses himself that the Board cannot do much in the matter.

Mr. C. B. Stephen, Barrister-at-Law, in an opinion recently given by him, refers to the City of Sydney Improvement Act as containing many puzzles, says that the clashing of jurisdiction and authority ought to be altered, and adds, "The consideration which I have given to this Act clearly shows that the duties and authorities of the Board and the Corporation under the Act are not kept sufficiently separate from each other. They obviously conflict in many cases, and also with some of the provisions of the Sydney Corporation Act. It also seems incongruous and likely to lead to embarrassment that the Board's Chief Officer is an officer of the Corporation, and appointed and paid by the latter. The power of making By-laws under the Improvement Act is given to the Corporation, but the Board may, in its discretion, dispense with their observance in any case. In all these matters, and in a want of clearness in defining the functions of the Board, particularly as to its powers to review and alter decisions of the Corporation or its officers, it would be highly desirable to obtain amendment of the law, if possible."

The following question and answer on this subject are extracted from the Votes and Proceedings of the Legislative Assembly of Wednesday, 5th December, 1888:—

(12) The City of Sydney Improvement Board:—Mr. McMillan asked the Colonial Secretary,—Is it the intention of the Government to bring in a Bill to alter the present constitution of the City Improvement Board?

Sir Henry Parkes answered,—I am well aware that this Act requires amendment, but I do not think I can undertake to introduce any Bill for its amendment during the present Session.

It will be seen upon reference to the First Annual Report that so far back as 28th November, 1879, the faulty construction of the Act was pointed out by this Board, and a Bill was prepared by the Board and presented, to remedy its most prominent defects; but the Bill was not passed into law. Year after year the Board have renewed their efforts to obtain the necessary amendment, but without success; several Bills have been drafted and handed by them to successive Governments for the purpose sought. During the past year the Board have several times written to and waited upon you with regard to the proposed measure, and they are unable to say why a matter of so much importance should be so unnecessarily and unreasonably delayed—*nearly ten years have elapsed since the date mentioned*. In their opinion it should be dealt with at the earliest possible moment, and they are still prepared to do all in their power to give effect to this opinion.

The Fire Brigades Board have sought the co-operation of this Board with regard to the prevention of the danger proceeding from open lifts in warehouses, and have suggested a clause for insertion in the proposed Bill to amend the Improvement Act with this object in view. The members of the Improvement Board see the force of, and sympathise with the representations which have been made. Many preventable deaths have occurred in connection with lifts and lift-openings which probably might have been avoided were the Improvement Board in a position to regulate the construction or use of lifts, or to exercise a proper supervision over such matters, but they regret that the Act is defective in this respect; also as to providing for enforcing the construction of all buildings in the city, more particularly of the warehouse class, in such a manner as may be found most effective to prevent, as far as possible, the further danger of the spread of fire when a conflagration takes place; and they realize that nothing can be done towards carrying out such improvements until the Act is amended. *These representations, involving, as they do, questions concerning the safety or loss of human life, are serious and urgent, and should not be unnecessarily postponed or lost sight of.*

It would likewise tend to the greater safety, well-being, and health of the inhabitants of the city were it enacted in any proposed legislative amendment of the City Improvement Act that a stricter and more comprehensive control, both constructively and sanitarily, should be maintained by this Board, or some similar body, over all buildings in course of construction.

Mr. Benjamin Backhouse has been again unanimously re-elected Chairman of the Board for the year.

It may be remarked that although the Act does not provide for the services of the Chairman and members of the Board being honorary, their emolument ever since the creation of the Board has been merely nominal, and it should be here explained that they are not remunerated from the public revenue, the fees they are paid coming, in an objectionably inconvenient manner, direct from appellants or owners of buildings dealt with or condemned. The Act provides that the Board "shall consist of five members,
of

of whom one at least shall be a professional architect, one a practical builder, and one a medical practitioner," but the Chairman of the Board or the professional members do not receive anything more than the other members, the fees being equally divided; the average amount received by each of the five members of the Board during the past year was £10 14s. 2½d.; in the preceding year it was £11 19s. 4½d.

It has been observed by the Board that several of the suburban and other municipalities are desirous of having the provisions of the City of Sydney Improvement Act extended to them. This may be done, being expressly provided for in the fourth section of the Act. The present opportunity is taken, however, of reminding you that the latest amending Bill prepared by the Board contains what may be termed an elastic clause, to enable this to be carried into effect, and at the same time to ingraft any suitable modifications which may be deemed applicable to the requirements of any municipal district applying for such extension, and affording such district an opportunity of making known any special modifications particularly desired. This would, the Members of the Board are confident, confer a *great boon upon the suburban or country municipal districts*, and would remove any difficulty felt as to the advisability of the extension of the Act as it now stands.

We have the honor to be,

Sir,

Your obedient servants,

BENJAMIN BACKHOUSE, CHAIRMAN.

WM. BAILEY, J.P.

CRAIG DIXSON, M.D., F.R.C.S., E. } MEMBERS

GEORGE EVANS. } OF

FRANK SENIOR, J.P. } BOARD.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF THE GLEBE—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 30th January, 1889.

THE GLEBE MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of The Glebe, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

GEORGE R. DIBBS.

BOROUGH OF THE GLEBE.

AMENDED BY-LAWS made under the "Municipalities Act of 1867."

Sewerage and Drainage.

1. The owner or occupier of any dwelling-house or other building within 50 feet of any underground drain or sewer, or the enclosures or fences whereof are within such distance, shall, within seven (7) days after notice requiring him so to do, drain such dwelling-house or other building into such underground drain or sewer.
2. Every such dwelling-house or other building shall have a separate sink drain and connection into such underground drain or sewer, except where the Council shall deem it impracticable or unnecessary: Provided that not more than two (2) houses or other buildings shall be connected into any underground drain or sewer by a single drain.
3. No person, except licensed by the Council for that purpose, shall drain or connect any water-closet, dwelling-house, building, or premises with any underground drain or sewer.
4. Every such drain and connection shall be made in accordance with the directions and under the supervision of the Council.
5. Any person committing a breach of any of these By-laws shall forfeit and pay any sum not exceeding twenty pounds nor less than one pound, and a further sum of two pounds for each and every day during which he continues to offend: Provided that no such accumulated penalties shall exceed the sum of fifty pounds.

Driving in Lanes.

Every person driving a horse or horses attached to a vehicle in any lane not exceeding 17 feet in width shall drive at a pace not faster than a walk, and (provided such lane has an outlet) shall continue the course of such lane without turning round.

Every person committing a breach of this By-law shall forfeit and pay any sum not exceeding five pounds nor less than ten shillings.

Made and passed by the Council of the Borough of The Glebe, this (fifth) 6th day of November, in the year of our Lord one thousand eight hundred and eighty-eight.

(L.S.) P. C. LUCAS, Mayor.

The Seal of the Borough Council of The Glebe was affixed this 24th day of December, 1888.

P. C. LUCAS, Mayor.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF BALMAIN—BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 30th January, 1889.

BALMAIN MUNICIPALITY.—BY-LAW.

THE following By-law, made by the Council of the Borough of Balmain, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

GEORGE R. DIBBS.

BOROUGH OF BALMAIN.

By-law of the Borough Council of Balmain made under the "Municipalities Act of 1867."

No person shall use, drive, or conduct any vehicle along any street or roadway within the said Borough between sunset and sunrise, without carrying a light upon some conspicuous part of such vehicle, in such a manner as that the same shall be distinctly visible to persons either meeting or following such vehicle. Any person committing a breach of this By-law will be liable to a penalty not exceeding ten pounds nor less than ten shillings.

Made and passed by the Borough Council of Balmain, the 10th July, 1888.

Town Hall, Balmain, 30th November, 1888.

(L.S.) EDWARD H. BUCHANAN,
Mayor.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPALITY OF ALBURY—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 1st February, 1889.

ALBURY MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Albury, under the "Municipalities Act of 1867" and the "Albury Cattle Sale Yards Act of 1887," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

GEORGE R. DIBBS.

BOROUGH OF ALBURY.

BY-LAW made and passed by the Council of the Borough of Albury, on the twenty-first day of November, 1888, under the powers contained in section 153 of the "Municipalities Act of 1867":—

For preventing obstruction in any street or on any footways within the Borough.

1. Any person congregating with other persons in any street or on any footway within the Borough of Albury so as to obstruct the free passage and traffic through, along, or upon the same respectively, who shall refuse or neglect to move on, so as to cease from and discontinue such obstruction upon being requested so to do by any Inspector of Nuisances or other officer of the said Borough or any police constable or officer, such person so offending shall forfeit and pay a penalty of not less than five shillings and not exceeding forty shillings.

Passed by the Council of the Borough of Albury, the twenty-first day of November, 1888.

(L.S.) THOMAS H. MATE,
Mayor.

JNO. H. PAINE, Council Clerk.

BOROUGH OF ALBURY.

ADDITIONAL By-laws made by the Council of the Borough of Albury, and passed by the said Council, on the twenty-first day of November, 1888, under the powers contained in section 153 of the "Municipalities Act of 1867," relating to public vehicles:—

25. No person suffering from any infectious disease shall ride in or upon any licensed vehicle, and no driver or conductor of such licensed vehicle shall knowingly carry or permit to be carried any such person, or (except to some police-office or watch-house) any corpse, or any person in a state of intoxication, or who is so noisily or violently conducting himself or otherwise so misbehaving as to occasion any annoyance or to disturb the public peace; and no passenger shall carry on any licensed passenger-carrying vehicle any animal or any

substance of any offensive character, or that might soil or damage the vehicle or the apparel of other passengers, and no driver or conductor shall sleep in or upon any licensed vehicle or use the same for eating his meals therein.

26. The driver of any hackney-carriage or cab carrying passengers shall (except when turning street-corners or going over crossings) proceed with such hackney-carriage or cab at a speed of not less than six miles an hour, unless when attending funerals, or when otherwise ordered by the hirer.

27. The driver of any licensed vehicle shall not stand or loiter at any place in any public street within the said Borough excepting he be *bona fide* waiting for a passenger.

28. The places specified in Schedule G, hereto annexed, are heretoby respectively appointed public stands for licensed vehicles. The Council may, by resolution, from time to time as they may see fit, alter the position of such stands or increase their number.

29. The fares payable by persons hiring licensed vehicles shall be those provided for in Schedule E hereto annexed.

30. The fees payable by persons hiring van or dray shall be those provided for in Schedule F hereto annexed.

31. Copies of Schedule E shall be placed in each licensed vehicle by the proprietors thereof in such a position as to be easily seen by passengers.

32. For every offence against the provisions of this part of these By-laws to which no specific penalty has been attached herein the offender shall pay a penalty not exceeding ten pounds nor less than five shillings.

33. Whenever the word "vehicle" shall be used in this part of these By-laws the same shall be understood to apply to either an omnibus, car, hackney-carriage or cab; and an omnibus shall be meant to be a vehicle upon four wheels drawn by one or more horses; and a car is a vehicle upon two wheels drawn by one horse, and for which omnibus licenses have been taken out; and a hackney-carriage shall mean a vehicle upon four wheels drawn by two or more horses; and a cab, a vehicle upon two wheels for which hackney-carriage licenses have been taken out.

SCHEDULE E.

	s.	d.
For a cab for any time not exceeding one quarter of an hour, to carry one or two passengers if required by hirer	1	0
For every subsequent quarter of an hour, or part thereof	1	0
But if engaged for more than one hour then to be paid at the rate of ninepence for every additional quarter of an hour or part thereof.		
For a hackney-carriage for any time not exceeding one half-hour, to carry five persons if required by hirer	2	6
For every subsequent quarter of an hour or part thereof	1	3
But if engaged for more than one hour then the fare to be paid at the rate one shilling and threepence for every additional quarter of an hour or part thereof.		
Every passenger by omnibus shall pay one shilling for the first quarter of an hour, and one shilling for every additional quarter of an hour or part thereof.		
Each passenger travelling by a cab, carriage, or omnibus is allowed 50 lb. of luggage; every 50 lb. or part of 50 lb. additional to be charged one shilling.		

SCHEDULE F.

Any van or dray used for the removal of household furniture shall be paid as follows:—

	s.	d.
For the first hour, or part thereof	2	6
For every additional half-hour, or part thereof.....	1	3

SCHEDULE G.

The following places are appointed stands for licensed vehicles:—

- No. 1 Stand.—On the north side of Dean-street, between Kiewa and Olive street, commencing at a point forty yards from the former street.
- No. 2 Stand.—On the east side of Townsend-street, commencing at a point forty yards from its junction with Dean-street.

Passed by the Council of the Borough of Albury, this twenty-first day of November, 1888.

(L.S.) THOMAS H. MATE,
Mayor.

JNO. H. PAINE, Council Clerk.

BOROUGH OF ALBURY.

BY-LAWS made and passed by the Council of the Borough of Albury on the twenty-first day of November, 1888, for regulating the management of public baths and the charges for use of same.

1. That the baths shall be known and styled "The Albury Municipal Baths."
2. That the said baths shall be open for the use of the public during the following hours, in the months of October, November, December, January, February, and March, on week days from 5 o'clock a.m. to 8 o'clock p.m., and for the remaining months of the year the baths shall be open daily from 7 o'clock a.m., and close at 5 o'clock p.m., excepting on Sundays, throughout the year, when the baths shall be open from 5 o'clock a.m. to 10 o'clock a.m., and from 3 o'clock p.m. to half-past 5 o'clock p.m.
3. That the baths and dressing-rooms shall be open for the use of gentlemen from the hour of opening till 8 o'clock a.m., and from 4 o'clock p.m. till 8 o'clock p.m., and none but gentlemen shall be admitted during those hours.
4. That the baths and dressing-rooms shall be open for the use of ladies from half-past 8 o'clock a.m. till 4 o'clock p.m., and none but ladies shall be admitted during those hours.
5. That no person under the influence of intoxicating liquors, nor any person of known disreputable character, shall be permitted to use the baths, and the caretaker shall refuse admittance to such persons.
6. That no person shall create or place filth or commit a nuisance of any kind within the precincts of the baths, nor deface the walls of the dressing-rooms or woodwork of the baths, by writing or drawing thereon or otherwise.
7. That no person shall smoke within the baths.
8. That every person who may visit the baths shall, whilst within the premises, conduct himself or herself in a decent, orderly, and proper manner.
9. That any person wilfully damaging the bath premises and appurtenances thereto shall be liable to prosecution, and will be charged with the cost of repairs.
10. That no person shall use the swimming-bath more than an hour at any one time.
11. That no person shall bring any dog, or suffer same to stray, within the precincts of the baths, and any dog found within such precincts shall be removed, and the owner thereof summoned for a breach of this By-law.]

12. That the Council shall have power from time to time to regulate the fees to be paid for the various classes of baths, and to give such instruction as it may consider necessary for the proper management of the baths, and may set apart a portion or the whole of the baths for the use of ladies or gentlemen on special days or occasions.

13. That any person offending against any of the provisions of these By-laws shall be liable, on conviction, to forfeit and pay a penalty for every such offence a sum not exceeding five pounds nor less than five shillings.

Schedule of prices for Corporation Baths.

	s.	d.
For use of public swimming-bath and shower.....	0	2
For each person of 14 years and upwards, with towel....	0	3

Monthly Tickets.

	s.	d.
For public swimming and shower bath.....		
Single monthly tickets, with towel, for girls and youths (not transferable)	3	0
Single monthly tickets, with towel, for ladies and gentlemen (not transferable).....	6	0

Passed by the Council of the Borough of Albury, the twenty-first day of November, 1888.

(L.S.) THOMAS H. MATE,
Mayor.

JNO. R. PAINE, Council Clerk.

BOROUGH OF ALBURY.

BY-LAWS made and passed by the Council of the Borough of Albury, under and in virtue of the powers contained in and by section 4 of the "Albury Cattle Sale-yards Act of 1887," for the maintenance, regulation, and management of said sale-yards, and collection and payment of fees and charges, and generally for carrying out the purposes of the said Act.

1. The said cattle sale-yards of the Borough shall be open for the reception and delivery of cattle and other live stock on every lawful day from sunrise to sunset.

2. There shall be appointed for such cattle sale-yards an officer, to be called the Inspector thereof, whose duties shall be as follow:—

- (1.) To see that the By-laws or regulations be duly observed.
- (2.) To demand and receive all fees and charges due under the said By-laws or regulations.
- (3.) To allot the yards for the use of the parties bringing cattle thereto for sale in such manner as in each particular case may seem to such Inspector most convenient, and the order of sales shall be by lot, according to the lanes and pens as marked, to be drawn for the day before the sale.
- (4.) To preserve order and cleanliness within the said cattle sale-yards and the precincts thereof, and to summarily eject therefrom any person creating a riot or disturbance, or cursing or swearing, or using any gross or indecent language, or being guilty of any gross, cruel, or indecent conduct therein.
3. No person or persons shall obstruct the Inspector or his assistants in the performance of his or their duty, or shall release any cattle from the said sale-yards before the fees and charges have been duly paid (the proof of which payment shall rest with the party charged with a breach of this regulation), nor shall remove the same from the said yards, or from one part of them to another, without the authority of the Inspector; and any person committing a breach of this By-law in any respect shall be liable to a penalty not exceeding five pounds.

4. The owner, auctioneer, or any person in charge of any cattle which shall break or injure the said yards, or any part thereof, or any erection connected therewith, shall forthwith repair and make good such damage or injury, or in default of his so doing shall be liable to forfeit and pay a sum of money not exceeding twice the cost of repairing and making good such damage or injury.

5. Any person or persons who may be found drunk or disorderly within the said sale-yards or the precincts thereof, or cursing or swearing, or using gross, profane or abusive language therein, or who shall cruelly beat or ill-treat any animal therein, shall forfeit and pay for every such offence any sum not less than one pound or more than five pounds.

6. The party or parties placing cattle in the said cattle sale yards, or any other sale-yard within the said Borough, for sale, and also the auctioneer or agent to whom the same shall be brought for such sale, and the person or persons bringing any cattle to any premises in the said Borough for slaughter and also the occupier of such premises, shall be liable for the payment of all fees and charges accruing thereon.

7. Any person or persons who may place cattle in the cattle sale-yards of the Borough for sale, and shall neglect for twenty-four hours to supply such cattle with sufficient food and water, shall, for every such offence, forfeit and pay any sum not exceeding five pounds; and in case of such neglect for such space of twenty-four hours at any time, the Inspector shall cause such cattle to be supplied with sufficient food and water, and the person so neglecting as above shall be liable to repay the cost of the same, including a reasonable charge for labour and attendance.

8. The following fees and charges shall be paid and taken for all cattle brought to the cattle sale-yards, or yarded in or brought to any other sale-yards or premises within the Borough of Albury for sale, and also for all cattle brought to any premises within the said Borough for the purpose of being slaughtered, that is to say:—For every horse, mare, gelding, foal, ass, or mule, the sum of one shilling; for every bull, cow, ox, heifer, steer, or calf, the sum of sixpence; for every sheep, lamb, or goat, halfpenny each; for every pig, threepence.

9. The said fees and charges shall be payable by the several persons hereinbefore rendered liable to pay the same so soon as the cattle in respect of which they are chargeable, shall be brought to the said cattle sale-yards of the Borough, or yarded or brought to any other sale-yard or premises in the said Borough for sale or for slaughter, and the same shall be paid accordingly into the hands of the Inspector of the said cattle sale-yards or his assistants: Provided that such Inspector may, with the consent of the Mayor for the time being, arrange with the owner or occupier of any sale-yards other than those of the Borough, or of any premises for the slaughter of cattle, or with any auctioneer conducting sales in the Borough sale-yards, for making weekly returns or statements of all cattle brought to their yards or premises respectively for sale or slaughter, or

of all cattle sold by such auctioneer since the time up to which the next preceding return shall have been made, and for payment upon such weekly returns. And if any person shall fail to make payment as herein first above provided, or shall, after arranging as aforesaid, make any false or incorrect return or statement therein, or shall omit from the same any of the required particulars of cattle, or shall fail to make faithful weekly payments in accordance with such arrangement, he shall be liable to a penalty not exceeding five pounds nor less than one pound for any such offence.

10. The said Inspector or the Council shall, upon demand (and if he or they shall so require in writing) refund the fees and charges paid in respect of cattle intended for sale, but not afterwards sold within the said Borough, and if any person shall obtain any such refund by wilfully making any false or incorrect statement, he shall, without reference to any other liability, forfeit and pay a penalty not exceeding five pounds.

11. Any person who shall neglect to comply with these By-laws, or be guilty of any breach thereof, shall, in cases where no special penalty is provided, be liable to a penalty not exceeding five pounds.

12. In construing these and any future By-laws or Regulations made under the said Cattle Sale-yards Act, the word "cattle" shall have the same meaning as expressed in "The Albury Cattle Sale-yards Act of 1887."

Made and passed by the Council of the Borough of Albury, on the twenty-first day of November, 1886, under the powers conferred by section 4 of the Albury Cattle Sale-yards Act of 1887.

(L.S.) THOMAS H. MATE,
Mayor.

JNO. H. PAINE,
Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF ALBURY—ADDITIONAL BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 26th June, 1889.

MUNICIPALITY OF ALBURY.—ADDITIONAL BY-LAW.

THE following additional By-law, made by the Council of the Borough of Albury under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the provisions of the above-cited Act.

HENRY PARKES.

MUNICIPALITY OF ALBURY.

By a resolution passed by the Borough Council of Albury, at a meeting held on the tenth day of April, 1889, the following Schedule B of the By-laws made under the "Municipalities Act of 1867," relating to the driving of cattle, is hereby repealed.

SCHEDULE B.

Macauley-street, from North-street to Guinea-street; Guinea-street, from the Sydney Road to Kiewa-street; Kiewa-street, from Guinea-street to Wyse's-lane, Wodonga Place.

JNO. H. PAINE,
Council Clerk.

(L.S.) G. ARTHUR THOMPSON,
Mayor.

ADDITIONAL BY-LAW made by the Borough Council of Albury under the "Municipalities Act of 1867."

SCHEDULE B.

Commencing on the Old Road to Howlong; and thence northerly between suburban allotments numbers 61 and 62 to the north side of said allotment number 61; thence in a north-easterly direction across the quarantine ground to North-street, across the Railway Line to Keene-street; thence along that street to Sydney-street; thence along that street to East-street and Wodonga Place.

Passed by the Borough Council of Albury, the tenth day of April, 1889.

JNO. H. PAINE,
Council Clerk.

(L.S.) G. ARTHUR THOMPSON,
Mayor.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPALITY OF MEREWETHER—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 6th February, 1889.

MEREWETHER MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Merewether under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

GEORGE R. DIBBS.

BY-LAWS—MUNICIPALITY OF MEREWETHER.

BY-LAWS made by the Municipality of Merewether, for regulating the proceedings of the Council and the duties of the officers and servants of such Council; for preserving order at meetings of said Council, for determining the times and modes of collecting and enforcing payment of rates; for preventing and extinguishing fires; for suppressing nuisances; for preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling or skittle alleys, and other places of amusement; compelling residents to keep their premises free from offensive or unwholesome matters; opening new public roads, streets, ways, and reserves; for protection of public fountains and water-courses; aligning and cleansing roads and streets; the slaughtering of cattle; for the collection of rates and special rates; for regulating as to the blasting of any rock or rocks; preventing trees from overhanging public pathways and preserving trees, shrubs, and other public property; for preventing or regulating the bathing or washing the person in any public water near a public thoroughfare; for preserving public decency; for providing for the health of the Municipality, and against the spreading of contagious or infectious diseases; for restraining noisome and offensive trades, and generally for maintaining the good rule and government of the said Municipality.

Meetings of Council.

Ordinary Meetings.

1. The Council shall meet for the dispatch of business at the hour of 7 p.m., every alternate Tuesday, unless such day shall happen to be a public holiday. In the latter case, the meeting shall be held on such other day as the Mayor may appoint.

Election of Chairman in absence of Mayor—Adjournment for want of quorum.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting to give place to the Mayor if he should arrive at any later hour

during meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members shall be taken down, and shall be recorded in the minute book.

Order of Business.

Business of Ordinary Meetings.

3. The following shall be the order of business at all meetings of the Council, other than special meetings:—

- 1st. The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
- 2nd. Correspondence to be read, and, if necessary, dealt with.
- 3rd. Petitions (if any) to be presented and dealt with.
- 4th. Reports from Committee and minutes from the Mayor (if any) to be presented and dealt with.
- 5th. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to; and statements as to any facts, matters, or circumstances requiring attention by the Council, or any of its Committees or officers to be made.
- 6th. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.
- 7th. Orders of the day to be disposed of as they stand on the business paper.

Business may be dealt with out of regular order.

4. Provided it shall be competent to the Council at any time by resolution without notice, to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section; also, and in like manner, to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at Special Meetings.

5. At Special Meetings of the Council the business, after the minutes shall have been read and verified, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor, or the Alderman or whose instance such special meeting shall have been called, may have directed.

Business Paper for Ordinary Meeting—how prepared

6. The business paper for every meeting of the Council, other than a special meeting, shall be made up by the Town Clerk or other person acting as his substitute, not less than 48 hours before the day appointed for such meeting. He shall enter on such business paper a copy or the substance of every notice of motion, and of every requisition or order as to business proposed to be transacted at such meeting which he shall have received, or shall have been required or directed so to enter in due course of law, and as hereinafter provided. Every such entry shall be made subject to the provisions of section 4 of this "Part" of these By-laws in the same order as such notice, requisition, or direction shall have been received.

Business Paper for Special Meeting.

7. The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Aldermen calling such meeting.

Summons to Members.

8. The summons to members of the Council of every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How Business Paper is to be disposed of.

9. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper so noted shall be a record of the Council.

After Business Paper made up all notices, &c., to be the property of the Council.

10. After the business paper shall have been made up as aforesaid, all the said notices of motions, requisitions, and directions as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

Motions and Amendments.**Motions how to be moved.**

11. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from such business paper, and be considered to have lapsed.

Absence of proposed mover.

12. No motion of which notice shall have been entered on the business paper, shall, as hereinafter provided, be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motions to be seconded.

13. No motion in Council shall be discussed unless and until it be seconded.

Amendments may be moved.

14. When a motion in Council should have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

15. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

16. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended Question—Further amendment may be moved thereon.

17. If an amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be put.

18. If any amendment, either upon an original question or upon any amended question shall be negatived, a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on; provided that not more than one question and one proposed amendment thereof, shall be before the Council at any one time.

Motions for adjournment.

19. On receipt of a petition form, and sealed with the corporate seals and signed by at least two-thirds of the members of the several Councils of any two or more adjoining Municipalities in each of which an assessment shall have been made as hereinafter provided, of, from, and signed by at least two-thirds of the ratepayers of each such Municipality, praying that the said Municipalities may be united and form one Municipality, the Governor may—after a like publication of such petition as aforesaid—declare by proclamation as aforesaid such Municipalities to be united—and to form one Municipality by a name and according to boundaries in the said same or some subsequent proclamation to be mentioned and described. And any existing division of the said Municipalities, or any of them, into wards shall thereupon be abolished. But if a division into wards shall have been requested in the said petition for union, the Governor may—by the said proclamation of union or by any subsequent proclamation published as aforesaid—declare such united Municipality to be and the same shall be accordingly divided into wards according to the following scale, that is to say, if the respective Councils of the said Municipalities shall, taken together before union, be composed of twelve members and less than fifteen, the united Municipality formed by such union as aforesaid shall comprise three wards; if of fifteen members and less than twenty-four, four wards; if of twenty-four members and less than thirty, five wards; and if of thirty or more, six wards; and thereupon such Municipalities shall become and be one Municipality, within the meaning and for all the purposes of this Act, provided, however, that those members of the Municipal Council, whose term of office shall not at the time of such union have expired, shall remain in office as Aldermen until the ordinary time of retirement as hereinafter provided. And provided also that no such union shall take place within thirty days of the day hereinafter appointed for holding any election of Aldermen.

That is to say, all the Aldermen of both Municipalities remain in office as Aldermen of the united Municipality, until the next annual election, when, according to sec. 41, a sufficient number must retire to reduce them to the number stated in sec. 20, which will allow three for each of the wards constituted under this section.

Signatures to all Petitions to be verified.

20. In all cases of annexation to an adjoining Municipality, union of one (sic) or more Municipalities, or division of any Municipality, the signatures to all petitions and counter-petitions shall be verified in conformity with the eleventh section of this Act.

Orders of the Day.**Of what Orders of the Day shall consist.**

21. The orders of the day shall consist of any matters other than motions on notice which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor or Chairman, or any committee of the Council shall have directed to be entered on the business paper for consideration, and all such matters may be dealt with by the Council as if due notice of motion had been given in respect thereof.

Property rights and liabilities of several Municipalities to vest in united Municipality.

22. All land, property, and moneys, at the time of any such union vested in or belonging to the body corporate or bodies corporate of any of the Municipalities so united as aforesaid, shall on such union be vested in the body corporate of the united Municipality. All rates due, all rights, liabilities, contracts, and engagements existing, and all actions, suits, and prosecutions pending, at the time of such union as aforesaid, by or against the body corporate of any of such several Municipalities, shall on such union be paid to, and levied and recovered by, and attach to, and be carried on and prosecuted by and against, the body corporate of the said united Municipality, and be of the same force and effect to all intents and purposes with regard to the united Municipality, as they would have been severally with regard to each of the said Municipalities before union.

Petitions.**Petitions to be respectfully worded.**

23. It shall be incumbent on every alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the alderman presenting the same.

Petitions how received.

24. All petitions shall be received only as the petitions of the parties signing the same.

How petitions are to be dealt with.

25. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received and referred to one of the permanent Committees hereinafter mentioned, or that it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such alderman shall have been called upon to move such motion, the said motion shall, if otherwise, unobjectionable, be considered in order.

*Correspondence.**Duties of Mayor as to correspondence.*

26. The Mayor shall have the same duty in reference to letters addressed to the Council before directing the same to be read as by section 23 of this "Part" of these By-laws is imposed on aldermen presenting petitions. The Mayor shall direct as to the order in which all correspondence shall be read, and no letters addressed to the Council shall be presented or read by any alderman. If the Mayor be absent and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding alderman.

Letters sent not to be discussed, but every letter may be subject of motion.

27. No discussion shall be permitted in reference to any letters which have been written and sent by the Mayor or Town Clerk, and copies of which may be read to the Council: Provided, however, that any notice of motion consistent with good order may be entertained with reference to any letters, whether read or not or with reference to any letters addressed to the Council which the Mayor or presiding alderman may not have ordered to be read as aforesaid.

*Reports from Committees, and Minutes from the Mayor.**Form of report.*

28. All reports from committees shall be written on foolscap paper with a margin of at least one-fourth of the width of such paper, and shall be signed by the chairman of such committee, or, in his absence, by some other member of the same.

Mayor's minute.

29. The Mayor shall have the right of directing the attention of this Council to any matter or subject within its jurisdiction or official cognizance by a minute in writing. Every such minute shall be written on paper of the same kind, and with same margin as a report from a committee, and shall be signed by such Mayor.

How reports, &c., are to be dealt with; duties of Chairman, &c., in certain cases.

30. No motion shall (unless as hereinafter provided) be permissible on the presentation of a report from a committee, or a minute from the Mayor, except that the same be received, or that it be received and that its consideration stand an order of the day for some future meeting; Provided, however, that if any alderman shall have given due notice in reference to any such report or minute, or if any order for the consideration of such report or minute shall have been entered among the orders of the day, such motion or order may, if otherwise unobjectionable, be moved or considered in due course; and whenever any such report or minute embodies any recommendation which cannot legally be carried out without due notice, and it is nevertheless desirable that such report or minute shall be definitely ordered upon during the meeting of the Council at which such report or minute is presented, it shall be the duty of the chairman or member of such committee signing such report, or of such Mayor, as the case may be, to give or transmit to the Town Clerk such a notice of motion, requisition, or direction as aforesaid as will enable such Town Clerk to make the necessary entry on the business paper, and to give such due notice.

*Questions and Statements.**Limitations as to questions and statements.*

31. No question or statement shall be allowed to be put or made which is inconsistent with good order or is not in strict accordance with the requirements of section 4 of this "Part" of these By-laws.

Notice to be given.

32. Twenty-four hours' notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and, if necessary, for a reference to other persons or to documents.

Answer not compulsory.

33. It shall not be compulsory upon any person questioned as aforesaid to answer the question so put to him.

Question to be put without argument, &c.

34. Every such question must be put categorically, without any argument or statement of fact.

Similar provision as to statements.

35. Every such statement must be made without argument.

No discussion on question, &c.—Rights of objection, and of subsequent motion reserved.

36. No discussion shall be permitted as to any such question or as to any reply or refusal to reply thereto, or as to any such statement, at the time when such question is put, or such reply or refusal to reply is given, or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion after due notice, as hereinafter provided, of any matters properly arising out of or relating to any such question, or reply or refusal to reply, or any such statement as aforesaid.

*Order of Debate.**Mode of addressing the Council.*

37. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way or for any other purpose address observations to the Council, shall while so doing stand up in his customary place (unless he shall be prevented from so doing by reason of some bodily infirmity), and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may, by permission of such Mayor or Chairman, be put directly to the Alderman or officer to be questioned, and may be replied to in a like manner; but in every such case the question so put, and the answer thereto, shall be subject to every legal objection, on the ground of disorder or irrelevancy. And all members of the Council shall, on all occasions when in such Council, address and speak of each other by their official designations—as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted if in order.

38. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Limitation as to number of speeches, &c.

39. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion, and to any amendments moved thereon as well as a right to speak upon every such amendment. Every Alderman, other than the mover of such original motion, shall have a right to speak once upon such motion, and on every amendment thereon. No Alderman shall speak longer than fifteen minutes nor oftener than once upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain, without adding any further observations than may be necessary for the purposes of such explanation.

Mover and seconder.

40. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Speaker not to digress, &c.

41. No Alderman shall digress from the subject under discussion, or shall make any personal reflections on, nor impute improper motives to any other Alderman.

Adjournment of debate.

42. A debate may be adjourned to a later hour of the day, or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-audience on the resumption of the same.

Mayor to decide as to pre-audience.

43. If two or more Aldermen rise to speak at the same time, the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

*Committee of the whole Council.**Business in Committee.*

44. The Council may at any time resolve itself into a Committee of the whole for the consideration of any matter affecting the Borough, and the business of such Committee of the whole Council shall be conducted in accordance with the rules hereinbefore provided as near as the same shall apply, except that it shall not be necessary that any motion or amendment in Committee shall be seconded.

*Calls of the Council.**How call of Council to be made.*

45. A call of the Council may be ordered by any resolution which may be moved, without previous notice, for the consideration of any motion or matter of business before the Council.

Such call to be compulsory in certain cases.

46. No motion, the effect of which if carried would be to rescind any resolution, order, or decision of the Council, shall be entered on the business paper unless a call of the Council has been duly made and granted for such purpose.

Mode of proceeding.

47. The call shall be made immediately before the motion or business for which such call has been ordered shall be moved or considered, and all absent members shall be liable to a penalty of five shillings for such absence, recoverable in a summary manner, provided that the said Council may excuse such absence for any reasonable cause.

*Standing and Special Committees.**Standing Committees.*

48. There shall be three Standing Committees, namely, a By-law, an Improvement, and a Finance; but the Council shall have power to appoint such further or other Committees as may from time to time be considered necessary. These Committees shall be reappointed every year at the first meeting of the Council which shall be held after the election of Mayor.

Mode of reappointing Standing Committees.

49. The reappointment of such Committees shall be made by ballot. A list or lists of the members shall be handed to each then present, who shall mark against the name of each such member the title of the Committee to which, in his opinion, such member ought to belong; and the Mayor or Chairman shall thereupon examine such lists so marked, and shall declare the result; and if there shall be an equal number of votes for the appointment of any two or more members to any one of such Committees, such Mayor or Chairman shall decide which of such members shall be appointed.

Substitutes for Returning or Presiding Officers.

50. In case the Returning Officer, or any other Presiding Officer, shall be prevented from attending to any of his duties by illness or other sufficient cause, he may, or in case of his refusal or inability, the Council Clerk shall, by writing under his hand, appoint a substitute to act for such Returning or other Presiding Officer, and such substitute shall thereupon, for the time being, have all the power and authority of the officer, for whom he has been so substituted.

Improvement Committee.

51. The Improvement Committee shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, public reserves, and other public places under the care and management of the Council; they shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

52. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect or to be likely to affect the finances of the Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Records of transactions in Committee.

53. The Chairman of each Standing Committee shall make, or cause to be made, in a book kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such chairman, hand over to his successor.

Expenditure.—Except in emergent matters, cost of all work to be estimated before undertaken.

54. With the exception of emergent matters, hereinafter specially provided for, no work affecting the funds of the Municipality shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Emergent matters and necessary current expenses.—Expenses authorized to be reported.—Outlay to be in accordance with the Orders of the Council.

55. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

(1.) By order of the Improvement Committee, or of the Mayor, and one member of such Committee, for repairs or emergent works, to the extent of five pounds.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting, such report to be signed by the Chairman of the Improvement Committee or the Mayor.

All claims to be examined and reported upon by Finance Committee.

56. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with each claim.—Salaries and wages to be payable on Mayor's Order.—Certificates to be attached to Report.

57. No payment shall be so ordered unless there shall be a certificate or memorandum from the Committee or Mayor showing that the demand is a legitimate one, and has been duly authorized or inquired into. It shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled, or to report specially as to the reasons for its non-fulfilment before recommending payment; and provided further, that in regard to salaries and wages of labour for officers,

servants, and labourers employed at fixed rates of payment by order of the Council, the certificate of the Mayor of the amount due to such officer, errand, or labourer, and the order of such Mayor for payment of such amount, shall be a sufficient authorization for such payment.

Common seal and records of the Council.—Common seal and press, how secured.—Care of same.

58. The common seal and the press to which the same is attached shall be secured by a cover or box, which, except when such seal and press are in use, shall be kept locked. There shall be duplicate keys to the lock of cover or box, of which keys one shall be kept by the Mayor and the other by the Town Clerk. Such common seal and press shall be in the custody and the care of the Town Clerk.

When and how common seal to be used.

59. The common seal shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or in case of the absence or illness of such Mayor, by two Aldermen, and countersigned by the Town Clerk. Provided that the Mayor may attach such common seal to any document for the purpose of authentication, with his certificate to that effect, and the Mayor shall keep a record of all such occasions.

How books of account, &c., be kept.

60. All books, deeds, memorial, letters, documents, and other records of the Council, except as hereinafter mentioned, shall be kept at the Council Chambers in the custody and care of the Town Clerk, who shall be responsible for the safe custody of the same, but the Mayor or Town Clerk may for any special purpose authorize their removal.

Books, &c., not to be shown or exposed to view without leave.

61. No member or officer of the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person not a member of the Council, without the written permission of the Mayor. Any member or officer who shall commit a breach of this section shall be liable on conviction to a penalty of not less than ten shillings nor more than two pounds.

Records not to be removed.

62. Any person removing any such book, paper, or record from the Council Chambers, without leave from the Mayor or Town Clerk in writing first had and obtained, shall be subject to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have received such book, paper, or record, and shall not have returned the same, to prosecution for stealing such book, paper, or record, or to an action at law for detention of the same, as the circumstances of the case may warrant.

Receipt for documents.

63. Every person removing any document or record with such consent as aforesaid shall give a receipt under his hand for every such document, which receipt shall be carefully preserved among the records until the document or other record to which it refers shall have been returned, when such receipt shall be destroyed.

Penalty for destroying or defacing records.

64. Any person destroying or defacing, or wilfully or improperly altering any books, papers, or records, shall for every such offence be liable to a penalty of not less than five pounds nor more than twenty pounds.

65. A detailed account of all moneys received and of all sums disbursed on behalf of the Council, up to the end of each month, and also the cash-book and bank pass-book, balanced, shall be laid before the Council by the Town Clerk, at each fortnightly meeting.

66. Every contractor shall be required to find approved securities for the due performance of his contract.

67. In no case shall the Council accept as surety, for the due and faithful performance of any duty or contract, any member of the Council, nor any person holding office or employment under the Council.

*Officers and Servants.**Notice to candidates.*

68. No appointment to any permanent office at the disposal of the Council shall take place until notice shall have been given as hereinafter provided, inviting application from qualified candidates for the same. The salary or allowance attached to the office shall in every case be fixed before such advertisement is published, and shall be stated in such advertisement.

Mode of appointment.

69. Every such appointment shall be made by ballot, in such mode as may at the time be determined upon, whenever there is more than one candidate for such permanent office.

Exceptional cases.

70. Nothing herein contained shall be held to prevent the employment, as may be from time to time found necessary, and as may be ordered by the Council, of any workman or labourers on the public works of the Municipality.

Bonds for good conduct.

71. All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited with the attorney or bankers of the Corporation, as the Council may order; and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of Town Clerk.

72. The Town Clerk, in addition to the duties which by the "Municipalities Act of 1867" and the "Municipalities Act of 1867 Amendment Act of 1874" or by the present or any other By-laws thereunder he may be required to perform, shall be the Clerk of all Revision Courts held in the Municipality under the provisions of the said Municipalities Acts; he shall also conduct all correspondence which may be necessary on the part of the Council; he shall likewise have charge of all the records of such Council, except such books or documents as may be entrusted to any other officer, and shall be responsible for the safe keeping of such records; he shall generally assist the Mayor in carrying out the orders of the Council, and the duties of the Mayor, and shall make a half-yearly return of the revenue and expenditure.

Duties of other Officers and Servants.

73. The duties of all officers and servants of the Corporation, in addition to the duties which by the present or any other By-laws thereunder he may be required to perform, shall be defined by such Regulations as may from time to time and in accordance with law be made.

Special powers of Mayor.

74. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation, or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such return or statement, explanation, or information, already given and on record, or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanations or information may be either rendered *vice voce*, or put into writing as the Mayor may direct.

Complaints against Officers.

75. All complaints against officers or servants of the Corporation must be in writing, addressed to the Mayor, and must in every case be signed by the person or persons complaining; and no notice whatever shall be taken of any complaint which is not in writing, or which is anonymous. And such complaint as aforesaid shall be laid by the Mayor before the Council at the next meeting thereof, which shall be holden after the Mayor shall have received the same, and shall be duly recorded.

Miscellaneous.

Leave of absence.

76. No leave of absence shall be granted to the Mayor, or to any Alderman, otherwise than by a resolution of Council, adopted after due notice.

Mode of calling for Tenders.

77. Whenever it is decided that any work shall be executed, or any material supplied by contract, tenders for the execution of such work, or the supply of such material, shall be called for by public notice, as hereinafter provided.

Draft of intended By-laws.

78. A draft of every intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by the Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same; and public notice shall be given, as hereinafter provided, that such draft is so lying for inspection.

Motions for rescission of previous orders, &c.

79. Whenever a motion for the rescission of any order, resolution, or vote of the Council, shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been remitted to the Governor for confirmation, and may have been remitted to the Council, with suggested amendments of the same, or the passage, after due notice as hereinbefore provided, and in due course of law, of any By-law for the repeal or amendment of any other By-law.

Lapsed business

80. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration shall in such case be resumed at the next meeting, at the point where it was so interrupted.

How notices are to be published.

81. In all cases where public notice is or shall be required to be given by any By-law, such notice shall be given and published by advertising the same in some newspaper circulating in the Municipality.

Mode of proceeding in cases not provided for.

82. In all cases not herein provided for, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceeding of the Council.

Special Meetings.

83. The Mayor may call a special meeting of such Council as often as he shall think proper, and if he shall refuse or delay to call any such meeting after receiving a requisition for that purpose, signed by at least two Aldermen, such Aldermen may call a meeting of the Council by giving such notice as is hereinafter directed to the other members thereof.

PART II.

Collection and Enforcement of Rates.

Rates when due and payable.

1. All rates levied and imposed by the Council shall be held to be due and payable on and after such day or days as the Council shall by resolution, without any notice of motion, from time to time appoint.

Time and place of payment.

2. All such rates shall be paid at the Council Chambers, during the hours appointed by the Council for that purpose.

Defaulters.

3. Every person not paying his or her rates as aforesaid within thirty days after the day so appointed for payment thereof shall be deemed a defaulter, and it shall be the duty of the Town Clerk to furnish the Mayor from time to time with a list of the names of all persons so in default.

Mayor to enforce payment.

4. It shall be the duty of the Mayor to take proceedings to enforce the payment of all rates in default, either by action at law or by issuing warrants of distress upon the goods and chattels of the defaulter.

Bailiff, how appointed.

5. The Bailiff of the Municipality shall be appointed by the Council, and may from time to time be removed by them.

Bailiff to find sureties.

6. The Bailiff shall find two sureties to the satisfaction of the Mayor to the extent of (£25) twenty-five pounds each, for the faithful performance of his duty.

Duties of Bailiff.

7. It shall be the duty of the Bailiff to make levies by distraint for the recovery of rates in manner hereinafter provided.

Warrant of distress.

8. All levies and distresses shall be made under warrant in the form of Schedule A hereto under the hand of the Mayor, or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

9. It shall be lawful for the Bailiff or his deputy, and such assistants as he may take with him, to enter into any part of the land, building, tenement, or other property, in respect of which such rate or rates shall have been made as aforesaid, and to distraint the goods therein or thereon and to remain in such building, tenement, or other property in charge thereof. And if the sum for which any such distress shall have been made or taken, together with the costs of such distraint, shall not have been paid on or before the expiration of three clear days, the Bailiff or his deputy may, between the hours of eleven in the morning and two in the afternoon, on the next day thereafter, cause the goods so distrained, or a sufficient portion thereof, to be sold by public auction, either on the premises or at such other place within the Municipality, as the Bailiff may think proper to remove them for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for, and the costs of such distraint, to the owner of such goods so sold, on demand by such owner; and any person interfering with the said Bailiff in the execution of any of the duties devolving upon him under these By-laws, or hindering or preventing him from delivering to the purchaser thereof any property so sold by the said Bailiff, shall be liable to a penalty of (£5) five pounds.

Inventory.

10. At the time of making a distress the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the Bailiff shall give a copy of the inventory to the Town Clerk.

Goods may be impounded.

11. The Bailiff on making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of three days as hereinbefore mentioned, to come and go to and from such place or part of the land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy and in order to carry off and remove the same on account of the purchaser thereof.

Owner to direct order of sale.

12. The owner of the goods or chattels so distrained upon, may at his or her option, direct and specify the order in which they shall be successively sold; and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

13. The Bailiff shall hand over to the Town Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Deputy.

14. The Bailiff may, with the sanction in writing of the Mayor, or in his absence with the sanction of any two Aldermen of the Municipality, authorize by writing under his hand any person to act temporarily as his deputy; and the person so authorized shall have and exercise all the powers of the Bailiff himself, but the Bailiff and his sureties shall in every case be responsible for the acts of such deputy.

Costs.

15. There shall be payable to the Bailiff for the use of the Council for every levy and distress made under this By-law the costs and charges in the Schedule hereunto annexed marked C.

SCHEDULE A.

Warrant of Distress.

To _____ and his assistants
 WHEREAS _____ the premises comprised in the Schedule hereunder written have been rated by the Borough Council of Newcastle in the sum of £ _____ as for general and gas rates.

And whereas the said sum was due and payable on account of such rates by the said _____ on the _____ day of _____ and whereas default has been made in payment of the same, and the same is still due and owing; and whereas due notice demanding payment of the said sum of £ _____ has been duly served.

These are therefore to authorize you forthwith to make distress of the goods and chattels of the said _____ and if within _____ days after the making of such distress the sum of £ _____ and also all costs thereon, payable according to the Schedule of costs hereunder written, shall not be paid, that then you do sell the goods and chattels of the said _____ so by you distrained, and out of the money arising by such sale you retain the said sum of £ _____ rendering to the said _____ the surplus, if any, after deducting the costs as aforesaid, and that you certify to me on or before the _____ what you shall have done by virtue of this warrant.

SCHEDULE.

Name of Occupier.	Description of Property.	Situation of Property.	Rates Municipal Year ending.	Costs.	Total.

Given under my hand and the common seal of the Borough Council of Merewether this _____ day of _____ 18 _____ Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Municipality of Merewether, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____ situate at _____ within the said Municipality for _____ being the amount or rates due to the said Municipality for the Municipal year ending _____ day of _____ day of _____ 18 _____

Dated this _____ day of _____ 18 _____ Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	6
For every levy	2	6
For man in possession, each day or part of a day	6	0
Inventory, sale, commission, and delivery of the goods, 5 per cent. on the net proceeds of the sale.		

PART III.

Preventing and Extinguishing Fires.

Fire, or combustible materials, &c.

1. Every person who shall place or knowingly permit to be placed in any house, yard, workshop, outhouses, out-offices, or other premises, fire, gunpowder, or combustible or inflammable material of any kind, in such a manner as to endanger contiguous buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than £5; and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials; and every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for twenty-four hours after any such conviction shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

2. Every person who shall erect any fence or brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering of any such stack, any inflammable material, so as to endanger contiguous buildings or properties or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit on conviction for every such offence a penalty of not more than £5, and also shall remove such fence, stack, or covering within a reasonable time after such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Setting fire to matter without notice.

3. Any person who shall wilfully set fire to any inflammable matter whatever in the open air, within five yards of any dwelling-house or other building or boundary or dividing fence within the said Municipality, without having given notice in writing to the occupiers of the land adjoining the land upon which such matter shall be, of his intention so to do, or between the hours of six in the afternoon of any day and six in the morning of the following day, shall for every such offence forfeit a sum not exceeding five pounds.

Fireworks.

4. Every person who shall light any bonfire, tar barrel; or firework, upon or within ten yards of any public or private street, or any public place, or shall discharge any firearms without lawful cause within one thousand yards of any dwelling within the boundaries, shall forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

5. Every person who wilfully sets or causes to be set on fire any chimney-flue, smoke-vent, or stove-pipe, herein called in common a "chimney," shall forfeit a sum not exceeding five pounds. Provided always that nothing herein contained shall exempt the persons so setting or causing to be set on fire any chimney from liability to be informed against or prosecuted before any Criminal Court for such act as for an indictable offence.

Burning shavings, &c., in the streets.

6. Any person who shall burn any shavings, rubbish, or any other matter or thing, in any road, street, lane, or public place within the said Municipality, or who shall within ten yards of any dwelling-house burn rags, bones, corks, or other offensive substance, shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

Placards not to be affixed on walls without consent.

7. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, house, fence, or other erection, nor deface any such wall, house, fence, or erection with chalk, paint, or other matter, unless with the consent of the owner thereof; and every person who shall be guilty of any such offence shall pay a sum not exceeding twenty shillings nor less than five shillings.

Compensation for attendance at fires.—Rewards.

8. There shall be paid out of the municipal funds to the owner of every water-cart who shall have attended with any water at the place of any fire as herein provided, and delivered the same as required for extinguishing such fire, such reasonable compensation as the Council shall by resolution have appointed in that behalf, and also to such owners of such carts as shall have first and second in order attended with loads of water, such further sums by way of reward as the Council may by similar resolution have fixed.

PART IV.

Streets and Public Places.—Public Health and Decency, &c., Streets, &c.

New roads to be reported on.

1. No new public road, street, way, reserve, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, way, or reserve shall have been examined by the Improvement Committee, and reported upon to the Council by such Committee.

Plans of proposed new road, &c., to be deposited

2. Whenever any proprietor or proprietors of land within the said Municipality shall open any road, street, or way, or lay out any park or other place for public use or recreation, through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, reserve, or other place, he or they shall furnish the Council with a plan or plans, signed by himself or themselves, showing clearly the position and extent of such road, street, way, reserve, or other place as aforesaid.

Dedication of new roads, &c.

3. If the Council determine to take charge of any such road, way, or other place as aforesaid, the plan or plans, so signed as aforesaid, shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument dedicating such road, way, reserve, or other place to public use or recreation as aforesaid, as may be considered necessary by the Improvement Committee, and such further instrument of dedication shall also be preserved as a record of the Council.

Improvement Committee to fix street-levels, &c.

4. The Improvement Committee, or any officer or person acting under the supervision of such Committee, shall, subject to such orders as shall from time to time be made by the Council in that behalf, fix and lay out the levels of all public roads, streets, and ways within the Municipality, and the carriage and footways thereof; and it shall be the duty of such Committee, officer, or person to place posts at the corners or intersections of any such public roads and streets, wherever the same may be considered necessary or desirable by the Council. Provided that there shall be no change of level in any such public road, street, or way, until the same shall have been submitted to and adopted by the Council as hereinafter directed.

Change of street-levels.

5. Whenever it may be deemed necessary to alter the level of any such public road, street, or way, as aforesaid, the Improvement Committee shall cause a plan and section showing the proposed cuttings to be exhibited at the Council Chamber for fourteen days, for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Municipality that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Town Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

No turf, gravel, &c., to be removed from streets without permission.

6. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material, or any road scrapings or sweepings, in or from any part of the carriage or footway of any street or any other public place within the said Municipality, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage any such carriage or footway, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Holes to be enclosed.

7. Any person or persons who shall dig or make, or cause to be dug or made, any hole, or leave or cause to be left any hole adjoining or near to any street or public place within the said Municipality, for the purpose of making any vault or vaults, or the foundation or foundations to any house or building, or for any other purposes whatsoever, or shall erect or pull down any building and shall not forthwith enclose the same, and keep the same enclosed in a good and sufficient manner, to the satisfaction of the Improvement Committee of the said Municipality, or shall keep up or cause to be kept up and continued any such enclosure for any time which shall be no longer than shall be absolutely necessary in the opinion of the said Committee, and shall not place lights upon each side of the said enclosure and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than forty shillings nor exceeding five pounds.

Open space and steps adjoining footways to be enclosed under penalty.

8. Every owner or occupier of any house, building, or premises, or land within the said Municipality, having any entrance area, garden, or other open space, or any vacant building lot, waterhole, or excavated space, adjoining the footway of any street or public place in such Municipality, shall protect and guard the same by good and sufficient rails, fences, or other enclosures, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land having any steps adjoining the footway of any such street or public place, shall in like manner protect and guard the same by fences, rails, or other enclosures, so to prevent the like danger to persons passing and repassing; and on failure thereof of every such owner or occupier shall as often as he shall be convicted of such offence forfeit and pay a sum not being less than forty shillings nor more than five pounds. And every such owner or occupier as aforesaid who shall fail to erect such fences or other enclosures as aforesaid shall be deemed guilty of a further offence against this By-law.

Wells to be covered over—Penalty.

9. Every person who shall have a well situated between his or her dwelling-house, or the appurtenances thereto, and any road, street, or footway, within the limits of the said Municipality, or at the side of or in any yard or place opened or exposed to such road, street, or footway within the limits of the said Municipality, or at the side of or in any yard or place open or exposed to such road, street, or footway, shall cause such well to be securely and permanently covered over; and if any person having such well as aforesaid shall fail to cover over and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall on conviction forfeit and pay a sum of ten shillings, and for every day after such notice that such well shall remain open or uncovered contrary to the provisions thereof, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs.

10. The Improvement Committee, or any officer or person acting under the authority of such Committee, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law, either by travelling on street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber.

11. Any person who shall haul or draw, or cause to be hauled or drawn, upon any part of any street or public place within the said Municipality any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or trail upon any part of such street or public place to the injury thereof, or to hang over any part of such vehicle or barrow, so as to occupy or obstruct the street beyond the breadth of the said vehicle or barrow, shall upon conviction forfeit and pay for each such offence a sum not more than forty shillings nor less than five shillings over and above the damage occasioned thereby.

Driving carriages, &c., on footways, and throwing filth &c.

12. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing in or upon the carriage way or footway of any street or other public place in the said Municipality, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal, in or near to any such street or other public place as that any

blood or filth shall run or flow upon or over or be on any or either of any such carriage or foot way, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said footways of any such street or public place any waggon, cart, dray, sledge, or other carriage, or any wheelbarrow, handbarrow, or truck, or any hogshead, cask, or barrel, or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast upon any such footway, or do, or cause to be done, any damage to the kerbing, streets, pathways, roads, lanes, or gutters of the Municipality, shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound for each such offence.

Rain not to be carried on to footpaths.

13. It shall not be lawful for any person whomsoever to allow to fall upon, or to carry by means of pipes, gutters, or other contrivances, any rain-water from the roof of his or her premises or house upon any of the footways of any street or public place within the said Municipality, or any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances, when required to do so by any officer of the Council, shall on conviction forfeit and pay any sum not exceeding ten shillings, and a like sum for every day or part of a day that the same shall not be remedied or removed: Provided that the owner or occupier of any such house or premises may convey any such rain-water by means of pipes laid under the surface of such footways into the gutters adjoining the same: and provided also that all such pipes shall be laid down to the satisfaction and under the superintendence of the officer appointed by the Council.

Placing carriages, goods, &c., on footways, &c.—Not removing when required.—Replacing the same when after removal.—Not to prevent awning being erected in front of shops.

14. Any person who shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, show-board (on hinges or otherwise), basket, wares, merchandise, casks, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon, or over any carriage or footway in any street or public place within the said Municipality, or shall set out, lay or place, or shall cause or procure, permit, or suffer to be set out, laid or placed, any coach, cart, wain, waggon, dray, sledge, truck, or other carriage, upon any such carriage-way, except for the necessary time of loading and unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage, or if any person shall set or place, or cause to be set, or placed, in or upon or over any such carriage or footway, any timber, stones, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as herein directed), or any other matters or things whatsoever, or shall hang out or expose, or shall cause, or permit to be hung out or exposed any meat or offal, or other thing or matter whatsoever, from any house or other building or premises, or any other matter or thing from and on the outside of the front or any other part of any house or other building or premises, over or next unto any such street or public place, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances or other proper officer of the Council, or if any person who having in pursuance of any such requisition as aforesaid, removed, or caused to be removed any such stall-board, show-board, chopping-block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon dray, wheelbarrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matters or things, shall at any time thereafter again set, lay or place, expose or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-board, show-board, chopping-block, basket, wares, merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheelbarrow, handbarrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid), in, upon, or over any such carriage or footway, or over next unto any such street, or public place as aforesaid, shall, upon conviction for every such offence, forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound: Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house, in such manner as that such awning shall be at least ten feet above the height of the footway, and that the posts be placed close to the curb-stone or outer edge of such footway, and a plan must be submitted to the Council prior to its erection.

Riding on drays, careless driving, &c.

15. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse and driver or guided with reins only excepted), or if the driver of any carriage whatsoever shall wilfully be at such a distance from such carriage, or in such a situation, whilst it shall be passing upon such street, that he cannot have the direction and government of the horse or horses, or cattle, drawing the same, or if the driver of any waggon, cart, dray, or coach, or other carriage, whatsoever meeting any other carriage shall not keep his waggon, cart, dray, or coach, or other carriage, on the left or near side of the road, street, or thoroughfare, or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care upon such street, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings.

Riding or driving furiously, &c.

16. Any person who shall ride or drive through or upon any street or public place within the said Municipality so negligently, carelessly, or furiously that the safety of any other person shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Swine, &c., not to wander about the streets.

17. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure, situate and being in or within fifty feet of any street or public place or dwelling within the Municipality, or shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of the like nature belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, or public place, within the said Municipality, shall forfeit and pay for every such offence a sum not exceeding forty shillings.

18. Every person driving any vehicle within the Borough between sunset and sunrise shall carry a light on such vehicle in a conspicuous place. Any one offending against this By-law shall be liable to a penalty not exceeding one pound.

19. No person shall be allowed to remove loam, sand, gravel, or other material from any reserve or other lands of the Municipality without authority in writing of the Council or their duly authorised officer, under a penalty not exceeding two pounds. Any person offending against this By-law shall be liable to a penalty not less than one pound nor more than forty shillings. The driver of any vehicle shall, for the purpose of the By-law, be held and taken to be the owner thereof until the contrary be shown.

Blasting Rock.

No rock to be blasted without notice to the Town Clerk.

20. Any person who shall be desirous of blasting any rock within one hundred yards of any street or public place or dwelling-house in the said Municipality, shall give notice in writing, twenty-four hours previously, to the Town Clerk, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person shall blast or cause to be blasted any rock within the limits aforesaid without giving such notice, or shall not conform to the directions given to him by the said Town Clerk, he or she shall on conviction forfeit and pay for every such offence any sum not less than five pounds nor more than twenty pounds.

Public Property.

Injuring or extinguishing lamps.

21. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall over and above the necessary expense of repairing the injury committed forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

As to damaging buildings.

22. Any person who shall damage any public building, toll-gate, toll-bar, toll-board, wall, parapet, fence, sluice, bridge, culvert, sewer, watercourse, or other public property, within the said Municipality, shall pay the costs of repairing the same, and if such damage be wilfully done, shall forfeit and pay a sum not exceeding twenty pounds nor less than five pounds.

Damaging trees.

23. Any person who shall wilfully, and without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, growing in or upon any street or place under the management of the Council, shall forfeit any sum not exceeding ten pounds nor less than one pound.

Obstructing public pathways

24. That the owner or occupier of any land situate on the side of any street or road in this Municipality who shall permit any tree, shrub, or plant kept for ornament or otherwise, to overhang any footpath or footway on the side of any such street or road, so as to obstruct the passage thereof, and who, on demand made by the Council, or their overseer or inspector, shall not cut or cause to be cut, lopped, or cause to be lopped, all such trees, shrubs, or plants, to the height of eight feet at the least, the said Council and their servants, labourers, and workmen may cut, or cause to be cut or lopped, all such overhanging trees, plants, and shrubs, and to remove or burn any portion of such trees, plants, or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council or their servants, labourers, or workmen, in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall, on conviction for every such offence, forfeit and pay any sum not exceeding ten pounds.

Injuring public fountains, &c.

25. Any person who shall injure any public fountain, pump, cock, waterpipe, or any other thing connected with the preservation or supply of water to the Municipality, or to any portion thereof, shall forfeit and pay the amount of such damage, and any further sum not exceeding twenty pounds nor less than one pound; and any person who shall bathe and wash himself, or shall wash any clothes or other article at or in any reservoir, channel, fountain, or basin provided for public use, or who shall in any other way foul the water preserved or used for the purpose aforesaid, shall forfeit and pay any sum not exceeding one pound nor less than five shillings.

Dead animals, &c., not to be thrown into any public places, reserves, watercourses.

26. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning, into any public watercourse, sewer, waterhole, river, creek, or canal, or who shall suffer slops, suds, or filth of any kind to flow from his or her premises over any of the footways or streets of the Municipality, or shall permit or cause, by means of pipes, shoots, channels, or other contrivances, filth of any kind whatever to flow into any public watercourse, waterhole, river, creek, or canal, or shall obstruct or divert from its channel any sewer or watercourse, river, creek, or canal, shall forfeit any sum not exceeding five pounds.

Suppression of nuisances, &c.

27. In case any privy, hogsty, or any other matter or thing whatsoever which shall at any time be or become a nuisance by causing unwholesome smells to arise within any part of this Municipality, it shall be lawful for any two Justices, upon complaint thereof by any person, to investigate such complaint, and to order that such privy, hogsty, boiling-down establishment, or other matter or thing, being a nuisance as aforesaid, to be cleansed, removed, or discontinued, as the case may be, within seven days after such order has been made, and notice given to the owner or occupier of the premises whereon such nuisance shall exist; and every such owner or occupier neglecting to remedy or remove such nuisance, pursuant to such notice or order, and to the satisfaction of such Justices, shall forfeit and pay a sum of ten pounds for every such neglect or disobedience.

Cattle, &c., not allowed to go about the streets, &c.

28. It shall not be lawful for any person whomsoever to suffer any kind of cattle, horse, ass, mule, sheep, swine, or goats belonging to him, or under his or her charge, to depasture, stray, or go about, or to be tethered or depastured in any street, road, or public place within the said Municipality; and any person who shall so offend shall forfeit and pay in respect to every such offence any sum not exceeding two pounds nor less than five shillings.

As to private avenues, &c.

29. Any owner or occupier of any house or place within the said Municipality who shall neglect to keep clean any private avenues, passages, yards, and ways within the said premises, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall on conviction forfeit and pay a sum not exceeding forty shilling nor less than ten shilling for every such offence.

Cleansing butchers' shambles, slaughter-houses, &c.

30. For preserving the cleanliness of the said Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council from time to time, and when and as often as he or either of them shall see occasion, to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, and fellmongering establishments

in the said Municipality, and to give such directions concerning the cleansing the said shambles, slaughter-houses, tanneries, and establishments, both within and without, as to him shall seem needful; and any butcher, or the owner or occupier of any such shamble, slaughter-house, tannery, or establishment, who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds nor less than ten shillings.

Inspection of premises.

31. Upon the reasonable complaint in writing, of any householder that the house, premises, yards, closets, or drain of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of; and the officer of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose.

Various obstructions and annoyances.

32. Every person who in any street or other public place or passage within the said Municipality, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences, shall on conviction for any and every such offence forfeit and pay a penalty of not more than two pounds—

Every person who shall hoist or cause to be hoisted, or lower or caused to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcass, or any part of the carcass, of any newly-slaughtered animal without a sufficient or proper cloth covering the same from the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.

Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person.

Every person who shall place any flower-pot in any upper window near to any street or public place without sufficiently guarding the same from being thrown down.

Every person who shall throw or cast from the roof, or any part of the house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or building is being erected, pulled down, or repaired).

Every blacksmith, whitesmith, anchormsmith, nailmaker, metal founder, limeburner, brickmaker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window, and closing such aperture, and placing a screen before the same every evening, within one hour after sunset, so as effectually to prevent the light from showing through the doorway, window, or aperture next or upon such street, lane, or passage.

Every person who shall be the keeper of or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right-of-way or use of any private yard, alley, street, or any other place within the said Municipality.

Premises in State to endanger Public Health.

Houses to be purified on certificate of two medical practitioners.

33. If upon the certificate of any two duly qualified medical practitioners, it appears to the Council that any house or part thereof, or the premises occupied in connection therewith, within the limits of the said Municipality, is in a filthy or unwholesome condition, that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, or purifying of any house or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, or purify the same as the case may require; and if the person to whom such notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

Offences against Public Decency.

Bathing prohibited within certain limits.

34. Any person who shall bathe near or within view of any inhabited house, or of any public wharf, quay, bridge, street, road, or other place of public resort within the limits of the said Municipality, between the hours of seven in the morning and seven in the evening, shall on conviction forfeit and pay a sum not exceeding one pound for every such offence, except in proper attire.

Penalty on indecent exposure of person.

35. Any individual who shall offend against decency, by exposure of his or her person in any street or public place within the said Municipality, or in the view thereof, shall on conviction forfeit and pay for every such offence a sum not exceeding ten pounds nor less than five pounds.

PART V.

Noisome and Offensive Trades.

No noisome or offensive trades to be carried on to the injury of any inhabitants.

1. No person shall carry on any noisome or offensive trade within the said Municipality so as to injure or be a nuisance as hereinafter stated to the inhabitants thereof.

Definition of "Noisome and Offensive Trades."

2. Any manufacture, trade, calling, or operation, in the conducting, following, or carrying on of which, or in consequence of, or in connection therewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, or effluvia, or any large quantities of smoke shall be evolved or discharged, which gas, vapour, effluvia, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Municipality, shall be considered a "noisome and offensive trade" within the meaning of these By-laws.

Complaint—Inquiry and report—Order of Council thereon—Notice to discontinue, &c.—Penalty.

3. Upon the complaint in writing of any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder, and to his or her family, the Inspector of such Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on as aforesaid, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint and shall report thereon to the said Council; and if the said Council shall on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a "noisome or offensive trade" within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade, to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome or offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality; and if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid, within the time named in such notice as aforesaid, any person conducting, following, or carrying on any such trade as aforesaid, shall for the first offence forfeit and pay a sum not less than forty shillings nor more than five pounds; for a second offence a sum not less than five pounds nor more than twenty-five pounds; and for a third and every subsequent offence, a sum not less than ten pounds nor more than fifty pounds.

Mode of proceeding when "Noisome or Offensive Trade" is about to be commenced—Penalty.

4. The like proceeding shall be taken as aforesaid whenever there shall be a complaint as aforesaid that any manufacture, trade, calling, or operation, is about to be commenced or entered upon which is likely to prove "noisome and offensive" within the meaning of these By-laws, save and except that the notice to be given as aforesaid shall be given to the person or persons about to enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, or take such measures as shall effectually prevent the same from becoming "noisome and offensive" within the meaning of these By-laws to any resident within the Municipality. And any person who shall in such case commence, enter upon, or continue any such

manufacture, trade, calling, or operation, so that the same shall in any way be "noisome and offensive" within the meaning of these By-laws, shall for every such offence forfeit and pay a sum not less than ten pounds nor more than fifty pounds.

Services of notices—Liabilities.

5. Services of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation, within the meaning and for all the purposes of these By-laws.

PART VI.

Miscellaneous.

Exhibitions, &c., to be licensed.

1. No exhibition other than exhibitions licensed by the Colonial Secretary under the provisions of the Act 14 Victoria No. 23, or exhibitions of a temporary character specially provided for, shall be held or kept for hire or profit within the said Municipality; nor shall any bowling alley, skittle alley, or other place of public amusement other than a place licensed as aforesaid, or a place for temporary amusement, be used as such for hire or profit within the said Municipality, unless and until permission in writing be granted by the Mayor.

No exhibition, &c., on Sundays, &c.

2. No such exhibition or place of public amusement as aforesaid shall be held or kept open, or used for the purpose of such public amusement, on Sunday, Christmas Day, or Good Friday; and every person offending against this By-law in this behalf shall on conviction forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

Wilful trespass.

3. Every person who shall wilfully let in or knowingly suffer to enter upon the reserves of public recreation ground any animals, without due authority, shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding twenty pounds nor less than two pounds.

Penalty for destroying boundary marks.

4. Any person pulling down, destroying, defacing, or injuring any marks, or any fence or other erection thereon, without the authority of the Council, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Erection of houses, &c.

5. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place in the Municipality, without first serving notice, in writing, on the Mayor or Town Clerk, on any lawful day between the hours of 9 a.m. and 4 o'clock p.m., stating such intention, and describing the proposed situation of the building or erection, and without having received an authority from the Mayor or Town Clerk, who will give the required level and alignment, if in a proclaimed street, on a payment of a fee of five shillings. No person shall be at liberty to encroach beyond the building-line in any street or lane, by the erection of houses, verandahs, door-steps, fences, or any other obstruction whatever.

Houses, &c., to be spouted.

6. All proprietors of houses within the Municipality having a frontage to any main thoroughfare shall be bound to have the same sufficiently spouted with down pipe, to be carried under the surface of the footpath into the gutter, under a penalty of ten shillings on conviction; and if not remedied at the expiration of seven days after such conviction, the offender shall be again liable to a like conviction and penalty also for every succeeding seven days.

Using bark for building in the main thoroughfares.

7. All persons are prohibited from erecting buildings any portion of which shall be constructed of bark, palings, or other dangerously inflammable material; and any person or persons erecting such buildings shall forfeit, on conviction of every such offence, a penalty of not more than twenty pounds.

8. Any person who shall convey or carry, or caused to be conveyed or carried, along any street or thoroughfare within the Municipality, the carcass, or any portion thereof, of a slaughtered animal, or of an animal which has apparently been slaughtered, without a sufficient cloth or other covering to conceal the same from public view, shall be liable, upon conviction, to a penalty not exceeding two pounds for every such offence.

9. No person shall obstruct any road, street, pathway, or public thoroughfare, by building material, drays, carts, or anything calculated to prevent a free passage to persons using the said passages, nor leave waterholes, excavations, or cellars, or dangerous openings of any kind whatever, whereby the public safety shall or may be endangered, without sufficient fencing or other means of security against risk to individuals, nor allow any obstruction necessarily created to remain without providing lights thereat, to prevent accidents, between sunset and sunrise, under a penalty not exceeding five pounds.

10. Any person or persons riding or driving into or out of any yard or alley abutting on any street or road within the Municipality shall do so at a walking pace, and anyone

offending against this By-law shall, on conviction, be liable to a penalty of not less than five shillings nor more than two pounds.

11. Any person wantonly or maliciously breaking or injuring any lamp-post, or street name-plate, or extinguishing any light set up for public convenience, or damaging any corporation property whatsoever, shall be liable to a penalty of not less than twenty shillings nor more than five pounds, to be recovered in a summary way before two Justices in Petty Sessions.

Made and passed by the Municipal Council of Merewether, this seventh day of November, in the year of our Lord one thousand eight hundred and eighty-eight.

(L.S.) ANDREW CURRY,
Mayor.

The seal of the Municipal Council of Merewether was affixed this seventh day of November, 1888.

ANDREW CURRY,
Mayor.

ROBERT SIMPSON, Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPALITY OF SCONE—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 6th February, 1888.

SCONE MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Scone, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Act.

GEORGE R. DIBBS.

BY-LAWS made and passed by the Council of the Municipal District of Scone for regulating the proceedings of the said Council, the duties of their officers and servants, for compelling residents to keep their residences clean, and generally for the proper government of the Municipality, in accordance with the requirements of the "Municipalities Act of 1867."

Preamble.

WHEREAS it is expedient that provision should be made for regulating the proceedings of the Municipal District of Scone; and in accordance with a resolution adopted by the said Council on the 8th day of October, 1888, and in virtue of the power and authority vested in them in that behalf, that the following By-laws do now take effect, they are hereby established for the purposes aforesaid.

*By-Laws.**Standing Orders.*

1. The meetings of the Council shall be held fortnightly, on Wednesday, at the hour of 7.30 p.m., except as provided under clause 103 of the "Municipalities Act of 1867."
2. The Chairman shall preserve order, and his decision on disputed points of order shall be final.
3. When the Chairman is called upon to decide a point of order or practice, he is to state the rule, custom, or precedent applicable to the case without argument.
4. The Mayor, or Chairman, may take part in all the proceedings of the Council.
5. All questions duly proposed shall be put by the Mayor or Chairman, and the sense of the Council thereon shall be declared by him.
6. Every question shall be put in the affirmative, and then in the negative, and this may be done as often as the Mayor or Chairman shall deem necessary for enabling him to determine which side has the majority.
7. No member, having taken his seat, shall be allowed to withdraw without asking the permission of the Chairman.
8. If two members or more rise to speak at the same time, the Mayor or Chairman shall decide which of them is entitled to pre-audience.

9. The Mayor or Chairman may, without waiting for the interposition of any Member of the Council, call to order any Member proceeding to speak a second time on the same question, except in explanation.

Order of Business.

10. The business of each ordinary meeting of the Council shall be transacted in the following order:--
 - (a) The reading and confirmation of the minutes of the previous meeting.
 - (b) The reading of official correspondence.
 - (c) The presentation of petitions.
 - (d) Reports brought up from Committees.
 - (e) Miscellaneous business.
 - (f) Motions, of which notice has been given.
 - (g) Notices of motion.
 - (h) Consideration of tenders.
 - (i) Orders of the day.

Provided it shall be competent to the Council at any time by resolution, without notice, to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section; also, and in like manner to direct that any particular motion or matter of business shall have precedence at a future meeting.

11. The question for confirming the minutes of the previous meeting shall be proposed by the Mayor or Chairman immediately upon their being read, and shall be to the effect that the minutes now read are a correct record of the proceedings, and no discussion shall be allowed thereon except on the point of accuracy.

Business at Special Meetings.

12. At special meetings of the Council the business, after the minutes shall have been read and confirmed, which shall have been done in the same manner as at any ordinary meeting, shall be taken in such order as the Mayor, or Alderman at whose instance the special meeting shall be called, may have directed; and no other than the special business for which the meeting has been convened shall be entertained.

Rules of Debate.

13. Every member shall stand when speaking, and shall address the Chair.

14. Except in Committee no member shall speak more than once on the same question, unless in explanation, when misrepresented or misunderstood, provided however that the mover of the question shall be allowed the liberty of reply; and provided further that every member shall be at liberty to speak once on any amendment as well as on the original motion, but the right of reply shall not extend to the mover of an amendment.

15. No member shall speak on any motion or amendment for a longer time than fifteen minutes, unless by permission of the Council.

16. No member shall digress from the matter under discussion nor make personal reflections on members, nor impute motives.

17. When any member shall use any expression which the Mayor or Chairman or any Alderman shall think capable of being offensively applied to any other member, the member so offending shall be required by the Mayor or Chairman to withdraw the expression and to make a satisfactory apology to the Council. Any Alderman declining so to apologise and to withdraw the offensive expressions, or to retract the imputation of motive, shall be liable, on conviction, to a fine or penalty of not less than one pound nor more than five pounds for the first offence, and on a second conviction for a like offence he shall be liable to a fine or penalty of not less than two pounds. Any Alderman may move, without notice, that the offensive words be taken down, and when this has been done it shall be *prima facie* evidence of such words having been used.

18. No Alderman, when discussing any matter, shall be interrupted, unless by a call to order, when he shall sit down. The Alderman calling to order shall then be heard, and the question of order decided before the debate or any other business is resumed.

19. Any member may require the question under discussion to be read for his information at any time during a debate, but not so as to interrupt any other member when speaking.

20. A debate may be adjourned to a later hour of the evening, or to another evening specified, and the member on whose motion a debate is adjourned, shall be entitled to pre-attendance on resumption of the debate.

Divisions.

21. It shall be competent for any member to divide the Council upon any question put from the Chair, either in full Council or in Committee of the Council, and upon such division those who are on the affirmative shall place themselves on the Mayor's or Chairman's right hand, and those who are on the negative shall place themselves on his left hand; and no member shall leave his place until the names of all the members present have been taken down by the Council Clerk, or person officiating for him.

22. All divisions of the Council shall be entered on the minutes of the proceedings.

Motions.

23. Motions shall take precedence of the orders of the day, and be moved or postponed in the order in which they stand on the notice paper, or lapse.

24. No motion or amendment shall be discussed or put unless and until it be seconded.

25. No motion or amendment shall be discussed until it shall have been reduced into writing.

26. When a motion has been proposed and seconded it shall be the property of the Council, and shall not be withdrawn without the consent of the Council.

27. Any number of amendments may be proposed on a motion before the Council, but no second or subsequent amendment shall be proposed or taken into consideration until the previous amendment or amendments shall have been disposed of.

28. Any motion for adjournment, if seconded, shall be put immediately, without discussion, but if such motion be negatived it shall not be competent for any member to make a similar motion until at least half-an-hour shall have elapsed from the period of moving the one that has been negatived.

29. No motion, the effect of which, if carried, would be to rescind, or be repugnant to any resolution which has been passed by the Council, shall be entertained within three months, unless a call of the whole Council has been duly made for that purpose; and no such motion, if negatived by the Council, shall be again entertained during a period of three months.

30. Matters of extreme urgency may, with the consent of the Council, be brought under consideration without notice being previously given.

31. A book to be called a "Motion Book" shall be provided by the Council for the purpose of immediate reference, in which the Council Clerk shall enter all motions duly made, and amendments thereon, if any, specifying the manner in which such motions or amendments have been dealt with.

Petitions.

32. It shall be incumbent on any member presenting a petition to acquaint himself with the contents thereof, and to report to the Council that it does not contain any disrespectful language.

33. On the presentation of a petition no debate shall take place, and the only question that can be entertained by the Council shall be that the petition be received, or that it be referred to a committee; provided, however, that any petition that has been received by the Council may be taken into consideration upon notice of motion being given in the usual way.

34. Every petition received by the Council shall be received only as the petition of the party or parties whose signature or signatures it bears; and no petition shall be received unless at least one signature be upon the sheet containing the petition.

Committees.

35. In a Committee of the whole Council the general rules of the Council shall be observed, except the rule limiting the number of times of speaking.

36. Every report of a Committee shall be signed by the Chairman thereof.

37. When the report of a Committee is brought up and presented to the Council, the question as to its reception may be moved and put at once; but it shall not be adopted or taken into consideration without notice in the usual way.

38. There shall be three Standing Committees—the Finance, Improvement or Works, and By-law Committees; and each such Committee shall consist of three Aldermen, and may be called together at any time by direction of any one Member of such Committee. These Committees shall be re-appointed every year, at the first meeting of the Council which shall be held after the election of the Mayor. And any vacancies occurring therein during the year shall be filled up by the Council.

39. All reports of Committees shall be fairly written on foolscap paper for the convenience of filing or binding.

Finance Committees.

40. No matters of account shall be disposed of by the Council until they have been examined and reported upon by the Committee of Finance.

41. The Chairman may, however, with the assent of two members of Committee, under signature, authorize the expenditure of any sum not exceeding ten pounds during any recess; and such expenditure shall be reported to the Council at its next meeting, and the usual draft obtained for payment thereof.

42. All drafts upon the funds shall be signed by the Mayor of the Municipality and one member of the Finance Committee, and be countersigned by the Council Clerk.

43. The Mayor of the Municipality shall in all cases give the necessary information to the bankers, whose signatures are necessary to constitute a genuine draft.

44. No accounts of any kind whatsoever, except those otherwise specially provided for, shall be paid except at the usual meetings of the Council, or until such accounts shall have been first passed by the Finance Committee, and be then allowed by the Council.

45. No contract shall be paid for until such contract shall have been fully completed to the satisfaction of the Committee under whose authority the contract was entered into, nor by it, unless in the form prescribed for other payments.

Committee of Works.

46. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, and bridges under the care and management of the Council, with the exception of any reserves set apart or dedicated by the Government and Executive Council for recreation or other public purposes. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

By-law Committee.

47. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the Municipality. They shall also watch over the administration of the By-laws, and of any statute of which the operation has been, or may be, extended to the Municipality, and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or statutes, and for the preservation of public health, order, and decency.

Making By-laws.

48. Before any proposed By-law is discussed in Council, a copy thereof shall be open for public inspection in the office of the Council, not less than seven days.

49. No By-law shall be passed until it has been reported upon by a Committee of the whole Council, nor until it has been twice read in Council on different days.

50. All By-laws, when confirmed and published as the "Municipalities Act of 1867" directs, shall, at all reasonable times, be open to public inspection.

Miscellaneous.

51. Works undertaken by the Council, and estimated to cost over £10 (ten pounds), shall be let by tender, and no tender shall be entertained unless it be accompanied by an agreement, signed by one or more respectable parties, as sureties for the due performance of the contract.

52. Any member may record his protest against any decision of the Council, provided that the protest be handed to the Council Clerk not later than the next Council meeting; and provided also that notice of his intention to protest be given immediately on the passing of the resolution to which the protest refers.

53. The common seal shall not be affixed to any document without the express authority of the Council; and every impression thereof so authorized shall be verified by the signatures of the Mayor and Council Clerk; or in case of illness or absence of the Mayor, by two Aldermen, and countersigned by the Council Clerk.

54. No officer of the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person other than an Alderman, without leave from the Council, except as otherwise provided for by section 108 of the "Municipalities Act of 1867." Any member or officer who shall commit a breach of this section shall be liable, on conviction, to a penalty of not less than ten shillings nor more than two pounds.

55. In cases where security is required by clause 151 of the "Municipalities Act of 1867," no sureties shall be accepted otherwise than by a vote of the Council; and it shall not be competent for the Council to accept as sureties any of its own members, nor any person holding office in the Corporation.

56. Any one or more of the Standing Orders may be suspended *pro tempore* in a case of emergency, if a majority of the Council then present shall deem such suspension necessary.

57. All books, deeds, memorials, letters, documents, and other records of the Council, except as hereinafter mentioned, shall be kept at the Council Chambers, in the custody and care of the Council Clerk, who shall be responsible for the safe custody of the same; but the Mayor may for any special purpose authorize their removal.

Duties of the Council Clerk.

58. The Council Clerk shall attend at the office of the Council, for the purpose of transacting the ordinary business of the Council, on every Tuesday, from 2 to 4 p.m., and on every Friday from 10 to 12 a.m.

59. The Council Clerk, in compliance with the "Municipalities Act of 1867," or by the present or any other By-laws made thereunto, shall perform the following duties, namely:—

1. Attend all Council meetings.
2. Attend all Committee meetings.
3. Attend all Courts of Revision and Appeal.
4. Summon the Members of the Council to all Council or Committee meetings.
5. Takes notes of all meetings, and prepare reports of all Committees.
6. Conduct all correspondence ordered by the Council, under the direction of the Mayor, and give all other officers instructions as directed by the Minutes.
7. To see that the accounts are audited, and the balance sheet duly submitted twice a year, within the times specified by law.
8. To see to the gazetting of all By-laws and necessary advertisements.
9. To see that the Assessment books and the Municipal lists and rolls are duly prepared, examine proofs of latter, and arrange for distribution of copies on payment, to electors, prior to the elections.
10. Make all necessary arrangements for the elections, preparing all papers, &c., for Presiding Officers and Poll Clerks.
11. Prepare all bonds of officers, see that the guarantees are given, and arrangements duly signed, &c., and reports sent to the Council.
12. Advise with the officers from time to time as to their duties, and the mode of carrying them out.
13. See that all levels and names of streets have been duly advertised as provided for by law, and authenticated by the Mayor's signatures.
14. To bring under the notice of the Mayor any matter or thing requiring his prompt attention.
15. He shall likewise have charge of all the records of the Council, except such books or documents as may be entrusted to any other officer of the Council, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council.
16. He shall enter into a bond for not less than £50 (fifty pounds) for the faithful performance of his duties.

The Bailiff and his duties.

60. All rates levied or imposed by the Council under the provisions of the "Municipalities Act of 1867," and for the purposes mentioned in the said Act, shall be collected half-yearly, and each rate shall be held to be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rate.

61. All rates made and authorized by the Council shall be paid at the Council Chambers of the Municipality, or at any other place appointed by the Council, at such hours, and on such days as the Council shall from time to time appoint.

62. The Council Clerk shall prepare at such times as he may be ordered by the Council, by resolution, a list of the names of all persons whose rates are unpaid at the expiration of the time fixed for the payment of the same, and the Mayor shall take immediate proceedings, either by summons or by the issue of distress warrants against defaulters.

63. The bailiff shall be appointed by a resolution of the Council, and may be at any time removed in a similar way, and shall find two sureties of (£10) ten pounds each for the faithful discharge of the duties of his office.

64. The bailiff shall make all levies and distresses for the recovery of rates, under warrant in the form of the Schedule hereto annexed, and marked with the letter A, under the hand of the Mayor, or any person who may for the time being be duly authorized to perform the duties of that office.

65. At the time of making a distress the bailiff shall forthwith make out a written inventory, in the form or to the effect of the Schedule annexed hereto, and marked with the letter B, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf, resident at the place where the distress has been made; and in case there shall be no person at such place, with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress has been made, and the bailiff shall give a copy of the inventory to the ratepayer, on demand, at any time within one month after the making of such distress.

66. The bailiff in making a distress as aforesaid may impound or otherwise secure the distress so made, of what nature or kind soever it may be in such places or in such part of the land or premises chargeable with the rate, as shall be most fit and convenient for this purpose; and it shall be lawful for any person whatsoever, after the expiration of the five days hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where any distress shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

67. The owner of any goods so distrained upon may, at his or her option, direct and specify the order in which they shall be successively sold; and the goods and chattels shall in such case be put up for sale according to such direction.

68. The bailiff shall hand over to the Council Clerk all proceeds of such distresses within forty-eight hours after having received the same.

69. The bailiff, with the sanction of the Mayor of the Municipality, may authorize any person to act temporarily as his deputy; and the person thus authorized shall have and exercise, for the time being, all the powers of the bailiff himself; but the bailiff and his sureties shall in every case be held responsible for the acts of such deputy.

70. The bailiff shall be paid for every levy made under these By-laws, according to the Schedule hereunto annexed, marked C.

71. The bailiff, and such assistants as he may take with him, shall enter into any part of the land, building, or tenement in respect of which a warrant has been issued for the recovery of any rate or rates as aforesaid, and to distrain the goods therein or thereon, and to remain in such building, tenement, or other property in charge thereof; and if the sum for which such distress shall have been made or taken, shall not be paid on or before the expiration of two days, it shall be lawful for the bailiff to sell the goods so distrained, or a sufficient portion thereof; and if the party so distrained upon shall so require, by public auction, either in the premises or at such other place within the Municipality as the bailiff may think proper to remove thereto, such party consenting in writing to pay the charges of the auctioneer, if so sold; and the surplus, if any remain after deducting the amount distrained for, together with the expense attendant upon such distress and sale, shall be paid over to the owner of the goods so sold: Provided that nothing herein contained shall apply to the sale of any produce whatever which may be growing upon the land at the time of making the distress: Provided always that no distress shall be made on the goods of any casual visitor or on the goods of any lodger in any house or apartment ordinarily let or used as a lodging-house or apartment.

SCHEDULE A.

Warrant of Distress.

I, the Mayor of the Municipal District of Scone, do hereby authorise you, hailiff of the said Municipal District, to distrain the goods and chattels in the dwelling house, or in and upon the land and premises of situate at for the sum of being the amount of Municipal rates due to the Municipal District to the day of for the said dwelling-house, land, or premises (as the case may be), and to proceed thereon for the recovery of the said rates according to law.

Dated this day of 18 .

Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of a warrant, under the name of the Mayor of the Municipal District of Scone, dated , distrained the following goods and chattels in the dwelling-house, or in and upon the land and premises of situate at , within the Municipal District of Scone, for the sum of , being the amount of rates due to the said Municipal District, to the day of 18 .

Dated this day of 18 .

Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant.....	2	0
For making and furnishing copy of inventory	5	0
For man in possession each day, or part of day	5	0
For sale, in commission, and delivery of goods per pound on proceeds of the sale	1	0

Prevention and extinguishing of fires.

72. It shall not be lawful for any persons to burn any shavings, or other matters or things in any street, road, or public place within the Municipality.

73. No householder shall place, or knowingly permit to be placed, in any house, yard, workshop, outhouses, or other premises, fire, powder, or combustible materials of any kind, in such a manner as to endanger contiguous buildings.

74. The Mayor, upon the representation of any two householders, that fire is being used, to the danger of contiguous buildings, shall cause three days' notice in writing (unless the urgency of the case requires that it should be removed at once) to be given to such householder, to show cause why the same should not be removed or remedied, and an opportunity thereupon given to show such cause.

75. For every offence against the provisions of these By-laws, the offender shall be liable to a penalty not exceeding ten pounds.

76. Any person who shall suffer the chimney of any house or building within the limits of the Municipality to take fire, from the occupier of any such house or building, having omitted to cause such chimney to be regularly and efficiently swept and cleaned, or from any other neglect of such occupier, or of his or her servant or servants, such occupier shall, on conviction, forfeit and pay for every such offence any sum not exceeding forty shillings.

77. Every owner and driver of a licensed water-cart shall keep such cart loaded with water during all times after sunset and before sunrise, and shall, if any building, premises, or property, shall be on fire within the Municipality, attend at the place of such fire with such cart loaded with water, and shall continue to cart water by full loads to such place, and shall deliver such water in such manner as may be required by the Mayor, or by any Alderman or person duly authorised by the Council in that behalf and then present, for extinguishing such fire; and every such owner or driver who shall, without reasonable excuse, fail to comply with the provisions of this section, shall forfeit a sum not exceeding ten pounds, nor less than two pounds.

78. There shall be paid out of the Municipal funds to the owner of every licensed water-cart who shall have attended with any water at the place of any fire, as herein provided, and deliver the same as required for extinguishing such fire, such reasonable compensation as the Council shall by resolution have appointed on that behalf, and also to such owners of such carts as shall have first and second in order attended with loads of water, such further sums by way of reward as the Council may by similar resolution have fixed.

Care and management of the public roads and streets and public thoroughfares of the municipality.

79. The surveyor of the Municipality duly appointed by the Council thereof, or any person acting for him, shall be the proper person for marking out, when necessary, any roads, streets, or thoroughfares, in actual public use as such within the Municipality; in marking out such roads, streets, or thoroughfares recourse shall be had, when practicable, to the

plans under which lands, with frontage to the road, street, or thoroughfare in question, shall have been sold; and it shall be the duty of the surveyor, or any person acting for him, to place posts at the corners or intersections of any roads, streets, lanes, or thoroughfares, wherever the same may be considered necessary or desirable by the Municipal Council, so as to give a width of 42 feet, at least, for the carriageway, and 12 feet at least for the footway on each side, when the streets shall be 66 feet wide; and in proportion, and in the discretion of the said surveyor, or person acting for him, in any public roads, streets, lanes, or thoroughfares of other width than 66 feet.

80. Whenever any road, street, or lane has been marked out in the manner herein provided, no house, shop, fence, or other structure shall be erected or allowed to encroach on any part thereof.

81. Whenever any footways shall have been marked out, the surveyor, or person acting for him, may with the sanction of the Council, cause the same to be levelled and made, as nearly as practicable, of equal height and breadth, and with an equal slope and inclination, and for this purpose may remove any flagging, steps, or other matter or thing that may injure or obstruct the said footway, or render unequal or inconvenient, and which now is, or may hereafter be, erected or placed on the space marked out for any of the said footways.

Obstructions and encroachments.

82. The Council may at any time, and upon due notice of ten days, direct the removal of any fence, building, or other obstruction or encroachment which shall be made in and upon any road, street, lane, or thoroughfare, under the charge of the Council; notice shall in this case be served, either personally, or at the usual or last known place of abode of the person to whom such obstructive or encroaching structure belongs, or who has erected the same, or caused it to be erected, or who may be in charge of the same.

83. In any case where after the service of notice for the removal of any obstruction or encroachment as aforesaid the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same, under the superintendance of its own proper officer, and at the cost of the owner or of the person thus offending, or of the person who may be in charge thereof: Provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds, to be recovered summarily in manner provided for the recovery of penalties under these By-laws.

84. In case where the obstruction or encroachment cannot be removed, unless at a greater cost than ten pounds, it shall be open for the Council to direct such removal, and to pay all costs thereof, above ten pounds, from the municipal funds, or to proceed by action of trespass against the person causing such obstruction or encroachment, or who may be in charge thereof.

85. The foregoing provisions shall be equally applicable to all obstructions by digging, or excavation.

86. The Council may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law, either by travelling on or removing or destroying any obstruction that may be placed thereon, for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

87. No person shall be allowed to obstruct any pathway, road, street, or public thoroughfare within the Municipality, by building materials, drays, carts, goods, merchandise, or anything whatsoever calculated to obstruct or hinder free passage, without the sanction of the Mayor in writing; and no person shall be allowed to leave waterholes or excavations for cellars or other purposes unenclosed, or in such a manner as to be dangerous to passers-by; and at all places where buildings are being carried on, or where any obstruction to the danger of passers-by exists, the person causing such obstruction shall be required to provide lights on either side, and keep the same lighted from sunset to sunrise. Any person so offending shall forfeit and pay for the first offence a sum not exceeding two pounds; for the second offence a sum not exceeding five pounds; and for the third offence a sum not exceeding ten pounds.

Trespasses and removal of nuisances.

88. Any person who shall cast any filth, rubbish, or any dead animal, or any animal, with intent of drowning, into any public watercourse, sewer, waterhole, river, creek or canal, or who shall suffer slops, suds, or filth of any kind to flow from his or her premises into any such watercourse, sewer, waterhole, river, creek, or canal, or who shall permit or suffer any such slops, suds or filth to flow from his or her premises over any of the footways or streets of the Municipality, or shall permit or cause, by means of pipes, shoots, channels, or other contrivances, filth of any kind whatsoever to flow into any public watercourse, sewer, waterhole, river, creek, or canal, or shall obstruct, or divert from its channel any such sewer or watercourse, shall forfeit any sum not exceeding five pounds nor less than ten shillings, and ten shillings for every

day of continuation after the lapse of seven days from the date of notice to remedy such nuisance, such penalty to be recovered summarily in the manner provided for the recovery of penalties under these By-laws.

89. No person shall form, dig, or open any drain or sewer in any public road or street, lane or thoroughfare, or shall cut up the surface of any such road, street, lane, or thoroughfare, upon any pretence whatever, without leave, in writing, from the Mayor.

90. No person shall be allowed to throw rubbish, sweepings, or deposits of any kind whatsoever, on the streets, pathways, or gutters of the Municipality.

91. Any driver, carter, or other person who shall wilfully or negligently do, or suffer or cause to be done, any damage or injury to the kerbstones, gutters, or pathways of any street or roadway, or who shall drive a wheeled vehicle of any kind, or ride or drive, lead or stand, or permit to stand, any animal (other than dogs) on the pathway within the Municipality, shall, upon conviction, forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

92. Any person who shall damage any public building, wall, parapet, bridge, road, street, sewer, watercourse, sluice, pump, fountain, cock, water-pipe, shoot, embankment, or other public property in the possession of the Council, shall pay the costs of repairing the same, and if such damage be wilfully done, shall forfeit and pay a sum of not less than five shillings and not exceeding ten pounds.

93. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the same or injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

94. Any person who shall be the keeper of or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right of way, or use of any private yard, alley, street, or other place within this Municipality, shall, on conviction, for any and every such offence forfeit and pay as penalty any sum not exceeding forty shillings.

Throwing filth on carriage or footways.—Driving barrows and carriages on footways.

95. If any person shall, in any street or road, throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animals, blood, or any other filth or annoyance, or any matter or thing, in or upon the carriageway or footway of any such street or road, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other cattle, in or so near to any of the said streets or roads as that any blood or filth shall run or flow upon or over, or to be on any such carriageway or footway, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the footways of any street or road any waggon, cart, dray, sledge, or other carriage, or any wheelbarrow, or any truck or cask, or shall wilfully lead, or stand, or drive, or ride any horse or other beast upon any of the footways aforesaid, every person so offending, upon conviction, shall forfeit and pay a sum not exceeding forty shillings nor less than five shillings for every such offence.

96. Nothing in these By-laws contained shall be deemed to prevent any person from placing an awning in front of his or her house or shop; provided, however, that such awning be not less than seven feet above the height of the footway in front of such house or shop, and that the posts be placed close up to the kerbstone or outer edge of such footway.

Suppression of Nuisances.

97. No householder or resident shall be permitted, under a penalty of any sum not exceeding ten pounds, to allow his or her premises, yards, closets, or drains, to be offensive or a nuisance to the neighbouring householders or residents.

98. No noisome or offensive trade shall be permitted, under a penalty of any sum not exceeding ten pounds, to be carried on in any premises, to the inconvenience or annoyance of the residents of neighbouring or adjoining houses or premises.

99. Upon representation by any respectable householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of, and the officer of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose, and if any such premises be found to be a nuisance, notice in writing shall be given to the proprietor or resident of such premises, that if, within seven days after the service of such notice, the nuisance shall not be removed, the proprietor, tenant, or occupant of the aforesaid premises, shall, upon conviction, be liable to any penalty not exceeding twenty pounds.

100. For preserving the cleanliness of the said Municipality, and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or other person appointed by the Council, from time to time, and when as often as he or the Council shall see occasion to visit and inspect the butcher's shambles and slaughter-houses, and to give such directions concerning the cleansing of such shambles and slaughter-houses, both within and without, as to him or the said Council shall seem needful; and any butcher, and the owner or occupier of any such shambles or slaughter-houses, who shall obstruct or molest any such officer in the inspection thereof, or who shall refuse or neglect to comply with such directions within a reasonable time, shall, on conviction, on the complaint of any such officer, forfeit and pay any sum not exceeding forty shillings nor less than five shillings.

Swine, horses, goats, &c. not suffered to wander about the streets.

101. It shall not be lawful for any person whatsoever to suffer any kind of swine, or any horse, ass, mule, sheep, or goat, or other cattle belonging to him or her, or under his or her charge, to stray, or go about, or to be tethered or depastured in any road, street, or public place; and any person who shall so offend shall forfeit and pay, in respect of every such animal, a sum not exceeding forty shillings.

Hog-styes and nuisances not removed on complaint.

102. In case any privy, hog-stye, boiling-down, or any other matter or thing (which shall, at any time or times hereafter be in any place within the said Municipality) shall be or become a nuisance, it shall be lawful for the said Council upon any complaint thereof to them made by any of the inhabitants, and after due investigation of such complaint, by notice in writing, to order that such privy, hog-stye, boiling-down, or other matter or thing, being a nuisance, shall be remedied and removed within seven days after such notice shall have been given to the owner or occupant of the said premises wherein such nuisance shall exist, or shall have been left for such owner or occupier at his or her last or usual place of abode, or on the said premises; and every such owner or occupier neglecting to remedy or remove such nuisance, pursuant to such notice, and to the satisfaction of the Council shall, on conviction, forfeit and pay any sum not exceeding ten pounds for every such neglect or disobedience, and such person or persons being found guilty thereof such nuisance or nuisances shall be removed, taken down, and abated, according to the law with regard to public or common nuisances.

Swine not to be kept.

103. It shall not be lawful for any person whosoever to breed, feed, or keep any kind of swine, in any house, building, yard, garden, or other hereditaments, situate and being in or within forty yards of any street or public place in the Municipality; and any person who shall so offend, shall, on conviction, forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Drawing or trailing timber.

104. If any person shall haul or draw, or cause to be hauled or drawn, upon any part of the streets, roads, or public places, any timber, stone, or other thing, otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon wheeled carriages, to drag or trail upon any part of such streets or public places, to the injury thereof, every such person so offending shall, upon conviction, forfeit and pay for every such offence a sum not exceeding five pounds.

Wells to be covered over.

105. Every person who shall have a well situated between his or her dwelling-house or the appurtenances thereof, and any road, street, or footway within the limits of the said Municipality, or at the side thereof, or in any yard or place open or exposed to such road, street, or footway, shall cause such well to be securely and permanently covered over; and if any person having such well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall, on conviction, forfeit and pay the sum of two shillings and sixpence for every day that such well shall remain open or uncovered contrary to the provisions hereof.

Enclosures and scaffolding.

106. If any person shall dig or make, or cause to be dug or made, any hole, or leave or cause to be left, any hole in or adjoining to any street, road, or public place, for the purpose of making any vault or vaults, or the foundation or foundations to any house or other buildings, or for any other purposes whatsoever, and shall not forthwith enclose the same in a good and sufficient manner, and shall keep up, or cause to be kept up and continued, any such enclosure for any time which shall be longer than shall be reasonably required, or shall not, when thereunto required by the said Council or its officer, well and sufficiently fence or enclose any such hole

within twenty-four hours after he shall be required to do so by the said Council or officer, and in the manner and with such materials as they or he shall direct, and to their and his satisfaction, and shall not place a light upon the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, or shall fail to place or erect a fence, rail, or boarding around any scaffolding or ladder that may be required during the repairs or erection of any building (such fence, rail, or boarding not to extend beyond the footway of the street), or fail to keep, during the existence of such fence, rail, or boarding, a light burning from sunset to sunrise at each corner of the same; then and in every case the person so offending shall, on conviction, forfeit and pay for every such offence, and for every such refusal or neglect, any sum not exceeding five pounds or less than forty shillings.

Erections, &c., in front of public streets, roads, &c.

107. No person shall build, erect, put up, or remove, or cause to be built, erected, put up, or removed, any building, house, shop, warehouse, wall, or fence, fronting any public street, road, or thoroughfare, unless he shall have previously given seven days' notice of his intention to commence such works to the Mayor or the Council Clerk of the Municipality; and any person so offending shall, upon conviction, pay for every such offence any sum not less than ten shillings nor more than forty shillings.

Interrupting free passage, &c.—Driving on wrong side of road, &c.

108. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse, and driven or guided with reins only, excepted), or if the driver of any carriage whatsoever shall wilfully be at such distance from such carriage, or in such a situation whilst it shall be passing upon such street that he cannot have the direction and government of the horse or horses, or cattle drawing the same; or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever, meeting any other carriage, shall not keep his waggon, cart, dray or coach, or other carriage on the left or near side of the road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care, upon such street, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every such driver or person so offending shall, upon conviction, forfeit and pay any sum not exceeding forty shillings nor less than ten shillings.

Furious or careless driving, &c.

109. Any person who shall ride or drive through or upon any road, street, or public place, negligently, carelessly, or furiously, so as to endanger the life or limb of any person, or to the common danger of the passengers, shall, on conviction, forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Affixing placards on walls, and chalking thereon.

110. It shall not be lawful for any person to paste or otherwise affix any placard or any paper upon any wall, house, or building, by chalk or paint, or in any other manner, unless with the consent of the owner thereof, and any person who shall be guilty of any such offence shall, on conviction, forfeit and pay a sum not exceeding ten shillings nor less than two shillings and sixpence.

Carrying carcasses of newly-slaughtered meat.

111. Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcase or any part of the carcase of any newly-slaughtered animal, without a proper and sufficient cloth covering the same from the concealment from public view, shall be liable, on conviction, to a penalty of any sum not exceeding forty shillings for every such offence.

Rain not to be carried on footways.

112. It shall not be lawful for any person whomsoever to carry by means of pipes, gutters, or other contrivances, any rain-water from the roof of his or her premises or house, nor permit nor suffer any rain-water to drop from the roof of his or her premises or houses upon any part of the footways of any street or public place within the Municipality; and any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances when required to do so by any Municipal officer, shall, on conviction, forfeit and pay any sum not exceeding ten shillings, and a like sum for every day or part of a day that the same shall not be remedied or removed; provided that the owner or occupier of any such house or premises may convey any such rain-water by means of pipes laid under the surface of any such footways into the gutter adjoining the same; and provided also, that all such pipes shall be laid down to the satisfaction of, and under the superintendence of the Town Surveyor, or any other person appointed by the Council.

Breaking horses, &c.

113. It shall not be lawful for any person or persons in any street or public place within the Municipality to drive any carriage or carriages for the purpose of breaking, exercising, or trying horses, or to ride, drive, or lead any horse, mare, or gelding, for the purposes of airing, exercising, trying, breaking, showing, or exposing for sale, any such horse, mare, or gelding, otherwise than by passing quietly through such streets or public places. Provided further, that no person or persons shall be allowed within the said Municipality to furiously or carelessly drive any horse, mare, or gelding, to or from any public watering-place, creek, or river; and the person or persons in charge thereof, and who shall be *prima facie* presumed to be the owner of the said animal or animals, and shall be liable accordingly; and every person so offending, upon conviction, shall forfeit and pay for every such offence any sum not exceeding forty shillings, nor less than five shillings.

Lights to be placed on vehicles.

114. Every person driving any vehicle within the Municipality between sunset and sunrise shall carry a light on such vehicle in a conspicuous place. Any one offending against this By-law shall be liable to a penalty not exceeding forty shillings, nor less than five shillings.

Names of owners on drays, &c.

115. The owner of every wain, waggon, van, cart, or dray, plying for hire within, into, through, or from the Municipal District of Scone, shall have his name and place of abode painted in full length on the off-side legibly, at least two inches high and proportionately broad, in white letters on black ground. Anyone offending against the provisions of this By-law shall be liable to a penalty not exceeding ten shillings, nor less than two shillings and sixpence for each offence.

Hours and route for driving cattle, sheep, &c.

116. No drafts of stock, horses, cattle, or sheep shall be permitted to travel through this Municipality, except by the following route, viz.:—Via Susan-street, Main-street, Kingdon-street, Aberdeen-street, and Liverpool-street west of its intersection with Aberdeen-street, or any of the streets lying west of Aberdeen-street; provided that this By-law shall not apply to any horses, cattle, sheep, or swine being driven the nearest route to the public pound, for the purpose of being impounded therein, or to the nearest public watering-place.

Driving and riding round street corners.

117. Any person who shall ride or drive round the corners of any street within the Municipality at a pace faster than a walk shall, on conviction, forfeit and pay any sum not more than ten shillings, nor less than two shillings and sixpence.

Extirpation of noxious weeds.

118. Any owner or occupier of land within the said Municipality, who shall permit or suffer to grow, or remain on the said lands, the weeds known as the Bathurst burr and Scotch thistle, or other noisome weeds; and who shall fail to extirpate, remove, or destroy the same within a reasonable time after the receipt of a notice in writing by post or otherwise from the Council to do so, shall for every such offence forfeit and pay a sum not exceeding five pounds, nor less than twenty shillings.

Bathing prohibited within certain limits.

119. Any person who shall bathe near to or within view from any inhabited house, or from any public bridge, street, road, or other place of public resort, within the limits of the said Municipal District between the hours of six o'clock in the morning and eight o'clock in the evening, shall, on conviction, forfeit and pay for every such offence a sum not exceeding twenty shillings, unless in proper bathing costume.

Licensing public vehicles.

120. All water-carters, fire-wood carters, and owners of vehicles plying or carrying passengers, goods, or other materials for hire, shall be licensed by the Council, and the owners shall have their names painted in legible letters with the word "Licensed" on some conspicuous part of such vehicles respectively. The license fee shall be at the rate mentioned in Schedule D hereto annexed, and all such licenses shall be issued for a period of twelve months terminable on the thirty-first day of December in each year, and every owner who shall omit, or fail to comply with the provisions of this By-law, shall forfeit and pay a sum not exceeding twenty shillings, nor less than five shillings.

SCHEDULE D.

Passenger carrying vehicles, 5s. per annum each for licensed carrying number.

Carters plying for hire—water-carts, drays, carts, or vans, 10s. per annum, or a proportionate rate in cases where one or more quarters of the year have elapsed.

A license shall be issued upon payment of the rate at Council Chambers.

Planting trees, &c.

121. The Council shall have power to plant trees on the public streets and ways of the Municipality, and shall reserve the power to grant permission to any person so to do. Any person who shall wilfully and without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, or pull down, destroy, deface, or injure any marks, or any fence, or other erections under the management of the Council, shall forfeit and pay a sum not exceeding five pounds, nor less than one pound.

Bicycles or tricycles on foot-paths.

122. It shall not be lawful for any person or persons to ride upon or propel any bicycle, tricycle, or other machine of like character upon or along any of the foot-paths in any street or part of the Municipality, and any person so offending shall, upon conviction before any two Justices, forfeit and pay for every such offence any sum not exceeding forty shillings, nor less than five shillings.

Discharging firearms, &c.

123. Any person who shall discharge any firearms without lawful cause, or let off any fireworks or other explosive matter within forty yards of any road, street, or public place, shall forfeit and pay a sum not exceeding five pounds.

Interpretation of "Mayor" and "Municipality."

Whenever in any of these By-laws the word "Mayor" is made use of, unless the context shall indicate a contrary intention, it shall be construed also to signify and include any Alderman lawfully acting for the time being in the place or stead of the Mayor; and whenever the words "Municipal District" or "Municipality" are made use of in the said By-laws it shall be understood to signify the "Municipal District of Seone."

Made and passed by the Council of the Municipal District of Seone, this 8th day of October, 1888.

(L.S.) F. C. STEVENSON,
Mayor.

ROBERT J. C. FERGUSON,
Council Clerk.

Revised by the Council of the Municipal District of Seone, this 17th day of November, 1888.

F. C. STEVENSON,
Mayor.

ROBERT J. C. FERGUSON,
Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF WICKHAM—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 20th February, 1889.

WICKHAM MUNICIPALITY.—BY-LAWS.

The following By-laws, made by the Council of the Municipal District of Wickham, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Act.

GEORGE R. DIBBS.

AMENDED By-laws for regulating and Licensing Vehicles plying for hire within the Municipal District of Wickham, and for the regulation and control of all private vehicles standing or passing over any roads, streets, or public thoroughfares within the said Municipal Districts. All existing By-laws relating to vehicles are hereby rescinded. The Council of the Municipal District of Wickham do, by virtue of the authority vested in them by the "Municipalities Act of 1867," hereby make and establish the following By-laws for the regulation of Public and Private Vehicles within the boundaries of the Municipal District of Wickham, and generally for carrying into effect the purposes and provisions of the said Act; and declare that the same shall stand in the place and instead of all By-laws relating to vehicles heretofore in force, which said By-laws heretofore made are hereby repealed.

Interpretation.

1. The word vehicle in these By-laws shall include and apply to every omnibus, car, hackney carriage, cab, buggy, waggonette, or dray; and an "omnibus" shall mean a vehicle upon four wheels, drawn by one or more horses, and a "car" shall mean a vehicle upon two wheels for which an omnibus license has been taken out, and a "hackney carriage" shall mean a vehicle upon four wheels, drawn by two or more horses, and a "cab" shall mean a vehicle upon two wheels, drawn by one horse, and a "buggy" shall mean a vehicle upon four wheels, drawn by one or more horses, a "waggonette" shall mean a vehicle upon four wheels, drawn by two horses, and a "dray" shall mean any vehicle used exclusively for the carriage of goods and plying for hire within the Municipal District of Wickham.

"Owner"—Every person who alone or in partnership with any other person shall keep any vehicle for which a license shall or may be obtained by, or transferred to him under these By-laws.

"Driver"—Every person engaged or employed in driving any vehicle.

"Conductor"—Every person other than the driver engaged or employed in attending upon passengers in or upon any omnibus.

"Passenger"—Every person carried in or upon any vehicle other than the driver or conductor.

"Horse"—Horse, mare, gelding.

And in the construction of these By-laws any word importing the singular number shall be understood to include several persons or things as well as one person or thing, and any word importing the plural number shall be applied to one person or thing, and every word importing the masculine gender shall extend and be applied to a female as well as a male.

Public Vehicles generally.

No Vehicle to Ply or Person to Drive or Conduct without a License.

2. No vehicle shall ply for hire, nor shall any person act as the driver or conductor of any such vehicle within the Municipal District of Wickham unless licensed in the manner hereinafter mentioned, nor during the suspension or after cancellation of such license, as hereinafter provided. The owner of any such vehicle shall not permit the same so to ply for hire until he shall have taken out the license therefor, and paid the fee provided in the Schedule hereunto annexed, marked C, applicable to the description of vehicle intended to be licensed. Provided that the Council may, upon sufficient reasons being adduced, reduce such license fee.

Character, &c, &c.

3. Before granting any license to any owner, driver, or conductor of any vehicle about to ply for hire, the Mayor or Council Clerk may demand a certificate of good character and ability, and the applicant must also be of suitable age, and must also pay the fees as provided for in Schedule C hereunto annexed.

No license to be granted for Vehicle in bad condition.

4. No license for any vehicle shall be granted or renewed, unless the vehicle, horse, or horses, and harness shall have been examined by the Inspector or other person appointed by the Council, and found by him to be in a fit state to be licensed; and no license shall be granted in respect of any vehicle which, in the opinion of the Inspector, shall be unsafe, in bad repair, or otherwise unfit for the accommodation and conveyance of passengers, or for the conveyance of goods or merchandise.

Form of License.

5. Licenses for owners, drivers, or conductors shall be in form provided in Schedule B, for each such license respectively, or to the like effect, and shall be made out, numbered, and registered by the Council Clerk and signed by the Mayor, and shall be in force until the 31st day of December next ensuing the date thereof, and no such license shall include more than one vehicle, but shall extend to any vehicle used as a substitute bearing the same number of any licensed vehicle withdrawn for repairs and certified as such by the Inspector of Vehicles.

Renewal of Licenses.

6. Licenses may be renewed at the end of every year by endorsement under the hand of the Council Clerk. Provided that the applicant for such renewal shall have been reported by the Inspector as having conducted his business creditably and satisfactorily.

Driver, Conductor.

7. Every proprietor of a licensed omnibus or omnibus-car shall provide a driver for the same, and shall be held responsible for the good conduct of the driver, and also for the conductor, if a conductor be employed by him, and shall also be liable for all penalties which such driver or conductor may incur under these By-laws.

Not to part with License.

8. No proprietor shall be at liberty to part with or lend his license, nor sell or dispose of his licensed vehicle to any person without the knowledge of the Mayor, and if sold shall cause the name of the purchaser, with the approval of the said Mayor, but not otherwise, to be registered on the book of the said Municipal Council, whereupon the purchaser shall become amenable to these By-laws to the same extent as the original license; and the purchaser of such vehicle who shall allow the same to be used or to ply for hire without such knowledge, approval, and registry, shall be considered as plying such vehicle for hire without a license, and liable under these By-laws accordingly.

Not to lend License.

9. No driver or conductor of any licensed vehicle shall lend his license, nor shall the proprietor of any such vehicle employ any unlicensed person as the driver or conductor thereof.

Who Licensed.

10. Every person driving or conducting any vehicle and every vehicle shall be deemed to be licensed under these By-laws, on the production of the license-book containing a copy of any such license.

License may be Cancelled.

11. The license of the proprietor, driver, or conductor of any vehicle may be cancelled by the Municipal Council of Wickham in case such proprietor, driver, or conductor shall have been convicted of three offences against these By-laws committed within a period of six months next preceding, or for such other cause as to the said Municipal Council may seem sufficient.

Inspector of Vehicles.

12. Such person or persons as may from time to time be in that behalf appointed by the said Municipal Council shall be the Inspector or Inspectors of all licensed vehicles plying for hire within the municipal district, and such Inspector or Inspectors of all licensed vehicles shall, as often as he or they deem necessary, inspect all licensed vehicles, and also the harness and horse or horses or other animals used in drawing the same; and if such vehicles, horse or horses, animal or animals shall, in his or their opinion, be unfit for public use, he shall report the same in writing to the Mayor, who shall have power to suspend the license of such vehicle until such vehicle, harness, horse or horses, or other animal or animals used in drawing the same shall be, in the opinion of the said Mayor, in a fit state for public use; and it shall be the special duty of such Inspector or Inspectors at all times to see that as far as possible these By-laws are duly observed and enforced, and the owner of every such vehicle shall, upon receipt of a notice in writing, forthwith put such vehicle in repair.

Not to hinder Inspector.

13. No owner or driver of any vehicle nor any other person shall hinder or obstruct such Inspector or Inspectors in the execution of his or their duty.

Number to be Painted.

14. Proprietors of every licensed vehicle shall cause to be painted or printed thereon the number of the license granted for every omnibus or car in figures not less than four inches in height, and for every hackney carriage, cab, or buggy, in figures not less than two inches in height, and of proportionate breadth, white upon a ground of black on the panel of the

door or doors of such vehicle, or on a plate or plates affixed thereon, and also upon each lamp used upon such vehicle or as the inspector may direct, any such number shall be kept legible and undefaced during all times such vehicles shall ply or be used for hire; and the rate of fare chargeable under license granted for such inside in figures of not less than two inches in height and of proportionate breadth.

Fares.

15. No proprietor or driver of any licensed vehicle shall demand or take more than the several fares endorsed on the license of such vehicle, and if required by the Council shall exhibit a printed table of fares in some approved part of such licensed vehicle, which said fares must be paid by any passenger taking a seat in any licensed vehicle.

Lamps to be Lighted.

16. Every licensed vehicle shall be provided with a lamp on each side of the same, outside, and the driver of same, when plying for hire, between sunset and sunrise, shall light and keep such lamps lighted, and the conductor of an omnibus shall also, between the hours of sunset and sunrise, light and keep lighted one lamp inside such omnibus. Such lamp must be of an approved pattern and lighting power.

No Vehicle to be withdrawn without Notice.

17. No owner of any licensed vehicle shall withdraw the same from hire, without leave from the Inspector, except in case of accident.

To ply from Stands.

18. The owner or driver of any licensed vehicle shall not permit the same to stand or ply for hire, except at or from an appointed stand.

Stands in Schedule.

19. The places specified in Schedule G hereunto annexed, are hereby respectively appointed public stands for licensed vehicles. And the said Council may, by resolution from time to time as they may see fit, alter the position of such stands.

Mode of Driving on Stands.

20. The driver of every vehicle shall, on its arrival at any public stand, drive the same to the end of the rank of any vehicle that may be on such stand, and be last on the same; and at every public stand all vehicles shall be arranged in single rank only.

Space left at Stands.

21. At every second vehicle on every stand there shall be left a space of at least eight feet, and no more than twelve.

Vehicles to start in rotation.

22. The time of starting shall be according to the table in Schedule K. The first vehicle to start on one day shall be the last on the next, and the others in their order, starting earlier by the interval appointed by any two vehicles on such stand; and each owner shall furnish a vehicle to perform the journeys in every turn that falls to him, so as to keep a continuous rotation daily: Provided that there shall be an interval of 15 minutes between the starting of every two vehicles plying from any stand to the same place, or such other special cases as the Council may see fit to direct.

Starting Vehicles.

23. The driver entitled by turn or rotation to start first from any appointed stand, shall drive his vehicle on to such stand not later than the hour of 8 a.m., and shall also start with his vehicle from such stand at 8-15 a.m., the remaining licensed vehicles and drivers then in their entitled turn or order shall take up their respective positions on the said stand at least ten minutes before their proper starting time, and shall directly time is called by the authorized timekeeper or inspector, leave the terminus or stand and proceed along the appointed road and route without unnecessary delay, and shall also return to the stand or starting point in due rotation from 8 a.m. until 10 p.m.

Not to stand longer than necessary for loading.

24. No driver shall, except whilst standing on an appointed stand, permit his vehicle with or without horse or horses, to stand in any part of the Municipality longer than may be absolutely necessary for loading or unloading, or for taking up or setting down passengers, nor shall he cause any obstruction in any part of the Municipality.

Driver to keep on the near side of the road.

25. Every driver of any vehicle shall keep the same on the left or near side of the road, except in case of actual necessity, and shall permit any other vehicle to pass, having the right so to do, and when about to stop shall raise his whip straight up, so as to warn the driver of any vehicle that may be behind; and in no case shall such driver annoy or frighten passing horses, or horses standing in the street, by any excessive or undue use of his whip.

Driver to turn Vehicle at a walk, &c.

26. The driver of every vehicle shall bring the horse or horses to a walking pace before commencing to turn, and shall also go at the same pace in turning the corner of any street.

Pace for Omnibuses and Carriages, &c.

27. No vehicle except a dray shall be drawn through any part of the Municipality, at a walking pace, except as before provided, or on Sundays, when all shall be so drawn, when passing places of public worship during divine service, nor at pace faster than that of a trot, which shall not be at a less rate than six miles an hour, nor more than seven, at which rate all carriages shall be drawn; and in no case shall any horse be driven at a pace out of that known as trotting, and in the event of any driver allowing his horse or horses to proceed at a pace known as cantering, the said pace will be considered and treated as furious driving.

Condition of Vehicle.

28. The owner of every vehicle shall at all times, when the same is plying for hire, make and keep it clean, strong, and in good order in all respects, and if with windows, they shall be sound and unbroken, with the leathers or lifts suitably attached to the frames. The horse or horses shall be able and sufficient for their work, free from disease, and properly broken in to harness; the harness for each horse shall be perfect, good, and sufficient for the purpose, and every driver or conductor shall be clean in his person, and wear a good hat, and other clean and respectable clothes, and conduct himself in a proper and decorous manner; and no driver shall ill-use any horse in any such vehicle.

Who shall be carried.

29. No person suffering from any infectious or contagious disease shall ride in or upon any licensed vehicle, and no driver or conductor shall knowingly carry, or permit to be carried, any such person, or (except to some police office or watch-house) any corpse, or any person in a state of intoxication, or who is so noisily or violently conducting himself or otherwise so misbehaving as to occasion any annoyance, or to disturb the public peace; and no passenger shall carry inside any vehicle except a dray, any animal or any substance of an offensive character, or that might soil or damage the vehicle, or the apparel of other passengers. And no driver or conductor shall sleep in or upon any licensed vehicle, or use the same for eating his meals therein.

Smoking.

30. No driver or conductor shall smoke tobacco or other thing whilst driving or conducting any licensed vehicle engaged on any fare, nor shall any passenger smoke on any vehicle without the consent of the driver or against the wish of any other passenger, and in no case shall any smoking be allowed inside any omnibus or other vehicle. No conductor shall enter any omnibus nor mount on the top of it whilst performing his journeys, for the purpose of collecting any fares or for any other purpose, or permit any person to stand on the steps or monkey-board whilst he shall be conducting.

Not to carry a greater number than licensed for.

31. No driver or conductor shall admit to the inside, or allow on the outside of any vehicle, at any time a greater number of passengers than the number it shall be licensed to carry inside or outside, as the case may be, and no vehicles shall be licensed for more passengers than the same will accommodate upon fit seats properly cushioned, allowing for each passenger a space of 18 inches, measuring in a straight line lengthwise, on the front of each seat. Provided that no child under five years of age sitting on the lap shall be deemed to be a passenger under these By-laws. No passenger shall carry more than one child without paying its fare. No omnibus shall be taken off the line of road for which it shall be licensed excepting as is herein provided; neither shall any driver turn his vehicle round or break his journey after having left an appointed stand, without first obtaining the consent of the appointed Inspector of Vehicles.

Extraordinary Occasions.

32. The Inspector of licensed vehicles for the time being shall be at liberty to grant permission to the owner or driver of any licensed vehicle to leave the line of road for which such vehicle is licensed, and ply the same from any place, not being an appointed stand, and no owner or driver of any licensed vehicle shall permit or suffer the same to leave the line of road for which such vehicle is licensed without such permission.

No blowing of horns, &c.

33. No driver or conductor of any omnibus, or other vehicle, whilst standing at a public stand or plying for hire in any part of the Municipality, shall endeavour to attract notice by ringing of bells, blowing of horns, or other instruments, nor deceive any person in respect of the route or destination

thereof by word or sign, nor shall the driver or conductor of any vehicle endeavour to attract notice by shouting on Sunday whilst standing at a public stand, or in any part of the Municipality: Provided that the Inspector may in certain cases give the driver permission to sound a horn or blow a whistle.

Passing.

34. The driver of any vehicle shall not permit his vehicle to pass any other in the Municipality proceeding in the same direction from or to the same stand, if the latter be proceeding on its journey at a pace faster than a walk.

Eligible Passengers not to be refused.

35. No owner, driver, or conductor of any vehicle shall demand receive, or take from any passenger a larger fare than shall be shown in large immovable figures in some conspicuous place, both inside and outside the vehicle, as the fare for which such vehicle plies: Provided that no fare shall be increased, except between the hours of 10 o'clock at night and 5 o'clock in the morning. And no driver or conductor of any vehicle shall neglect or refuse to admit or carry any person for whom there is room, and to whom no reasonable objection can be made under these By-laws; nor, except in cases of accident, or other unavoidable cause, shall any driver or conductor stop such vehicle upon any place where foot-passengers usually cross the carriage-way.

The Register of Licenses.

36. Every owner, driver, or conductor, on receiving his license, shall sign a copy purporting to be such, and acknowledging the receipt of the original license, which copy shall be kept by the Council Clerk, and the production of which, on any proceeding for breach of the By-laws, shall be sufficient evidence that the person so signing is in fact the person to whom such original license was issued, without any notice to produce the original.

Waterproof Aprons.

37. Waterproof aprons shall be provided sufficient to cover the legs of all outside passengers, which aprons the driver shall offer for use. And in the case of vehicles without doors an apron of approved quality and pattern must be fixed on a spring roller, capable of being raised or lowered at the will of any passenger or a majority of any passengers inside.

Plying for hire.

38. Any licensed vehicles on leaving any public stand shall be deemed to be plying for hire, or any omnibus, omnibus car, waggonette, hackney carriage, or cab taking up any person or persons, passenger or passengers, within the Municipality, shall be deemed to be plying for hire within the meaning of these By-laws.

Removing Furniture, &c.

39. Any driver of any dray, cart, van or other vehicle loading or removing any furniture, household effects, goods, merchandise, or anything other than his own property, shall be deemed to be plying for hire within the meaning of these By-laws, and, if unlicensed, shall be prosecuted under these By-laws.

*Carriage Regulations.**Carrying Capacity of Hackney Coaches.*

40. The number of the license granted for every hackney carriage or cab, shall be painted in figures not less than two inches in height, and of proportionate breadth, of a colour to contrast with the colour of the ground on which it shall be painted. Outside on the panel of each door on any hackney carriage, and on the sides of the boot of any cab, and upon each lamp on any of the aforesaid vehicles, the same number of the same size shall be painted black, and all the aforesaid numbers shall be kept legible and undefaced during all the time such vehicle shall ply or be used for hire, and the owner of any such hackney carriage or cab shall be liable to the penalties herein provided for a breach of this By-law. The drivers of such vehicles respectively shall be bound to take, if required, exclusive of the driver, four persons inside and one outside, a hackney carriage, or two persons inside a hansom cab. The driver shall not be obliged to take any luggage exceeding fifty pounds in weight, being clean and of such a description as may be placed inside or outside the vehicle without injuring the same, and the driver shall be entitled to claim one shilling for every additional fifty pounds weight, or portion thereof, so carried; but the person hiring such vehicle shall be allowed eighty-four pounds weight of luggage when the number of persons is short of the number aforesaid. Whenever the number of persons carried shall exceed that named for each vehicle respectively, the driver shall be entitled to charge—by time or distance, as the hiring may be—one-third more for each adult or two children over five and under fifteen years of age. Further, the driver shall not allow any person to ride, drive, or be carried in or upon such vehicle without the consent of the hirer.

Number of Carriage and Table of Fares to be affixed inside.

41. The number of the license of every carriage on a card six inches by three, printed in clear legible figures, and the table of fares to be fixed by the Council, shall be affixed at the back of the panel of such carriage, or in such other place as the Council may direct; and such card shall be kept so affixed, legible and undefaced, during all the time the carriage shall ply or be used for hire, and also the following notice, viz:—Driver is required in all cases to give the hirer on entering the vehicle a ticket, and to produce the By-laws and table of fares on demand. The owner of every carriage shall provide, and the driver shall deliver when demanded, to every person hiring a carriage, on entering the same, a printed ticket in the following form, or such other as the Council from time to time direct, and on such ticket the table of fares fixed by the Council:—

“Preserve this ticket and see that number corresponds with that on vehicle. In case of complaint apply at the Inspector's office. Table fares (as in Schedule E). Tolls in all cases to be paid by the hirer. No owner or driver of a licensed hackney carriage or cab shall demand, receive, or take more than the several fares set forth in the Schedule hereunto annexed, marked E.”

Drivers to draw to near side to put down, &c.

42. Every driver of a carriage whilst engaged in taking up or setting down any passengers shall, during such taking up or setting down, place his vehicle as near as conveniently may be to that side of the street, and in a line parallel with the kerbstone at which the taking up or setting down is required: Provided that he shall put down or take up on his near side.

Fares to be paid for Vehicles sent for but not used.

43. Any person calling or sending for a carriage, and not further employing the same shall pay as follows:—For a hackney carriage, one shilling; for a cab, nine pence, or the fare from the stand or place from which the carriage was engaged at the driver's option. And if the person calling the carriage shall detain the same more than five minutes, he shall pay for any time it may be detained, not exceeding a quarter of an hour; if a hackney carriage, nine pence, if a cab, sixpence, and any further time in the same proportion.

Legal Fares to be paid.

44. Any person having hired a licensed carriage shall pay the legal fare when demanded; and any person refusing or neglecting to pay the same shall, on conviction before two Justices of the Peace, forfeit and pay the same with such amount of over damages, costs, and charges, for loss of time, or otherwise, as the said Justices shall think fit.

Dray Regulations.

No Person to ride upon Dray without Reins.

45. No owner, driver, or other person having the care and charge of any dray drawn by one or more horses, or other animals, shall ride thereon, unless he shall be provided with sufficient reins nor in any case if such dray be loaded; and no block dray shall be allowed to proceed out of a walking pace, neither shall there be carried a greater weight than two and a half tons weight upon any two-wheeled dray having tires three inches or less in width, provided that drivers or owners of drays may carry a greater weight than two and a half tons on their drays by using wheels with tires one-half inch wider than the said three inches, for every extra ton weight carried.

Property left on Dray.

46. For every case of goods or merchandise being left on any licensed dray, or with the driver thereof, by any person having hired or used the same, such property shall be delivered up to such person, or shall within eighteen hours be taken, in the state in which it shall have been found, to the Inspector's office, and there deposited with the Inspector.

Not to carry more than one ton on Dray.

47. No owner or driver shall at any one time carry on any licensed dray, having only two wheels and drawn by one horse, a greater weight than one ton.

Detention.

48. Whenever any dray, hired by the load or distance, having taken up a load, shall be detained with the same more than fifteen minutes, the hirer shall pay for every fifteen minutes after the first, sixpence, and so in proportion for any longer period.

How Numbers placed on Dray.

49. The number of the license granted for every dray shall be painted white on a ground of black, or the reverse, on the sides thereof, in a conspicuous place, in figures not less than three inches in height and of proportionate breadth, with the letters “W.M.C.” of the same colour immediately above the figures, and the driver or owner of such dray shall at all times keep the same legible and undefaced,

Not to demand more than Legal Fare.

50. No owner or driver of any dray shall demand, receive, or take more than the several fares or amounts fixed by the Council by these By-laws, and no owner or driver of any dray shall carry for hire any persons as passengers.

Fares for sending for, but not using Dray.

51. Any person calling or sending for any licensed dray and not further employing the same, shall pay the sum of two shillings, or the fare or hire from the stand or place where the dray was engaged, at the driver's option; he shall further pay for any time the dray may be detained, not exceeding a quarter of an hour, the sum of one shilling; and for any time not exceeding a second quarter of an hour, the sum of sixpence, and for any further time at the rate of sixpence for every quarter of an hour.

Distance—how computed.

52. The distance shall be computed from the stand or place where the dray was hired.

To pay Legal Fare.

53. Any person having hired a dray shall pay the legal fare when demanded.

Council appoint Stands.

54. The places enumerated in the Schedule marked G are hereby appointed public stands for drays, vans, and cabs.

Drays not to stand across Street.

55. No driver of any licensed dray shall suffer the same to stand for hire across any street, except so directed by the inspector, or alongside any other vehicle, nor obstruct the driver of any other dray in loading or unloading any goods or merchandise, or wilfully, wrongly, or forcibly prevent, or endeavour to prevent, the driver of any vehicle from taking a fare or hiring.

Miscellaneous Regulations.

Property found in Vehicles.

56. The driver of every carriage and conductor of every omnibus shall carefully examine his vehicle immediately after setting down his fare, and in every case of property having been left in any vehicle by any person having used or hired the same, such property, if found by another passenger or other person, shall be delivered to the driver or conductor, who shall deliver the same, with any other property found by him, within eighteen hours after such finding to the Inspector at his office, and there deposit it; and no owner shall detain any property delivered to him by any driver or conductor in his employment longer than the time beforementioned, but shall deposit it at the Inspector's office with the Inspector.

Additional Fare after 10 p.m. and before 5 a.m.

57. For as much of every drive by time or distance as may be performed by any vehicle not an omnibus, after 10 o'clock at night and before 5 o'clock in the morning, an addition of one-half the ordinary fare shall be paid with such ordinary fare, and in case of an omnibus the charge shall be double the ordinary fares between the abovementioned hours.

Information may be made on behalf of the Complainant.

58. It shall be lawful for the Inspector on receiving any complaint from the owner, driver, or conductor of any licensed vehicle, or from any person using or intending to use, or hiring or intending to hire, any such vehicle, that any of these By-laws have been disobeyed, to cause the person against whom the said complaint shall have been made, to be summoned to appear before the Justices.

Vehicles on a Stand bound to take a Fare.

59. Every vehicle except an omnibus or omnibus car standing or being on any public stand shall be deemed to be plying for hire, and the driver thereof shall be bound to take immediately any fare, notwithstanding any pre-engagement: Provided, however, that no person shall be bound to take such fare unless the person requiring the same shall upon demand tender and pay the legal fare for the required hiring there and then. Further, if at any other place than a public stand the owner or driver shall solicit engagement by word or sign, he shall be bound to take a fare immediately under the same conditions as before mentioned as to the hirer.

Inspector may be appointed.

60. Such person or persons as may from time to time be in that behalf appointed by the Council shall be Inspector or Sub-inspector, during the pleasure of the Council, of all licensed vehicles plying for hire in the Municipality, and such Inspector or Sub-inspector shall, every three months, examine all such vehicles and report to the Council on the same, and shall at all times see that as far as possible the By-laws are duly observed; and such Inspector or Sub-inspector shall have power to order from any stand or from being driven or

used for hire any vehicle which, with horse or horses and harness attached thereto, upon examination shall not be in a proper and cleanly state, and in all respects in accordance with the By-laws fit for work; and every owner, driver, or conductor shall comply with the orders and directions so given.

No person to obstruct Inspector.

61. No owner, driver, or conductor, or other person, shall obstruct or hinder any such Inspector or Sub-inspector in the execution of his duties, or refuse to comply with any lawful order or direction to be given by him in relation to these By-laws.

62. For any offence against the provisions of these By-laws the offender shall be liable to and shall pay a penalty not exceeding £10 nor less than 5s.

SCHEDULE B.

This is to certify that _____ is hereby licensed to a certain number _____ within the Municipal District of Wickham, from the date hereof to the thirty-first day of December next, subject nevertheless to all and every one of the By-laws, Rules, and Regulations in force relating thereto.

Given under my hand at Wickham, this _____ day of _____ in the year of our Lord one thousand eight hundred and _____

Mayor.

Build	colour	lining
Name	stand	line of road.
Part		
Licensed to carry	inside passengers,	outside.

SCHEDULE C.

License Fees.

	On and after 1st January in each year.		On and after 1st April in each year.		On and after 1st July in each year.		On and after 1st October in each year.	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.
Omnibuses	2	10 0	1	17 6	1	5 0	0	12 6
Omnibus cars	2	0 0	1	10 0	1	0 0	0	10 0
Cars	1	0 0	0	15 0	0	10 0	0	5 0
Hackney carriages ..	1	0 0	0	13 0	0	10 0	0	5 0
Cabs	1	0 0	0	15 0	0	10 0	0	5 0
Drays, carts, & vans ..	0	10 0	0	7 6	0	5 0	0	2 6

Drivers of cabs, carriages, and omnibuses, yearly... 10s. each.
 Conductors, yearly... 6s. ,,
 Drivers of drays, vans, and night-carts... 6s. ,,
 Contracting night-men or labourers for same... 6s. ,,

SCHEDULE D.

Dray Rates.

s. d.

From any wharf, stand, or place in the Municipality to a distance not exceeding half a mile 3 0
 For every additional half mile or part of half mile 1 0

The above fares are for merchandise and goods delivered to the driver at his dray.

s. d.

The removal of household furniture shall be by the hour:—For the first hour or part thereof 2 6
 For every additional half-hour or part thereof 1 3

SCHEDULE E.

Rates and fares to be paid for any carriage (not an omnibus) within the limits of this By-law in the Municipality:—

s. d.

For a cab for any time not exceeding one quarter of an hour, to carry two passengers if required by hirer... 1 0
 For every subsequent quarter of an hour, or part thereof But if engaged for more than one hour, then to be paid at the rate of nine-pence for every additional quarter of an hour or part thereof.
 For a hackney carriage for any time not exceeding one hour, to carry five persons if required by hirer..... 2 6
 For every subsequent quarter of an hour or part thereof But if engaged for more than an hour then to be paid at the rate of one shilling and three half-pence for every additional quarter of an hour or part thereof.

SCHEDULE F.

Rates and Fares to be Paid for any Omnibus or Wagonette.

From the stand at Tighe's Hill along the line of road between Tighe's Hill and Newcastle, or returning from the same place:—

Tighe's Hill to Islington or Wickham, fare 3d.
 Do to Newcastle stand, fare 6d.
 Newcastle to Wickham stand, fare 3d.
 Do to Islington or Tighe's Hill stand, fare 6d.

SCHEDULE G.

Omnibus and Omnibus Car Stands.

On the south-west side of Maitland Road, Tighe's Hill, between Waratah Railway and Elizabeth-street.

Carriage, Cab, Dray, and Van Stands.

Stands for the above will be in Hannell and Charlton Streets, in such positions as the Inspector of Vehicles, directed by the Council, may from time to time direct.

SCHEDULE K.

Lines of Road for Omnibuses, Cars, and Wagonettes.

From the bus stand, Maitland Road, at Tighe's Hill, near Elizabeth-street; along Maitland Road to Albert-street; thence along Albert-street to Hannell-street; and from thence along Hannell-street to Charlton-street and Newcastle. Return journey to be along the same line of road, commencing from Newcastle and terminating at Tighe's Hill aforesaid; and every licensed vehicle plying from the aforesaid stand shall run their journey along the above-stated line of roads and to the following time-table, viz:—From the said stand at Tighe's Hill to corner of Albert-street and Maitland Road, within ten minutes; from corner of Albert-street and Maitland Road to Charlton-street, within ten minutes. Return journey to be also run in the same amount of time; but it shall be within the power of the Inspector to grant unto the owner of any vehicle permission to run journeys on Saturday nights, and on any special occasion up till 11:30 p.m., such permission to be revocable at the will of the Inspector, and not in any way to interfere with the conditions of the license, otherwise than the observing of all By-laws and Regulations respecting the due conduct and condition of all owners, drivers, conductors, or vehicles.

Made and passed by the Council of the Municipal District of Wickham this 7th day of November, in the year of our Lord one thousand eight hundred and eighty-eight.

(I.S.) ALEXANDER SHEDDEN,
 Mayor.

The corporate seal was affixed hereto in the presence of,—
 T. W. HOGGE, Council Clerk.

AMENDED BY-LAWS for the Collection and Enforcement of Rates, Duties of Bailiff, Suppression of Nuisances, Promotion of Municipal Property, and Regulation of Proceedings in Public Parks, Gardens, &c., within the Municipal District of Wickham. By-law No. 5 relating to enforcement of rates is hereby rescinded.

Rates in Default.

Mayor to enforce Payment.

1. It shall be the duty of the Mayor to take proceedings to enforce the payment of all rates in default, either by action at law or by issuing warrants of distress upon the goods and chattels of the defaulter.

Bailiff, how appointed.

2. The Bailiff of the Municipality shall be appointed by the Council, and may from time to time be removed by them.

Bailiff to find Sureties.

3. The Bailiff shall find two sureties to the satisfaction of the Mayor to the extent of (£50) fifty pounds each for the faithful performance of his duty.

Duties of Bailiff.

4. It shall be the duty of the Bailiff to make levies by distraint for the recovery of rates in manner hereinafter provided.

Warrant of Distress.

5. All levies and distresses shall be made under warrant in the form of Schedule A hereto under the hand of the Mayor, or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and Sale, &c.

6. It shall be lawful for the Bailiff or his deputy, and such assistants as he may take with him, to enter into any part of the land, building, tenement, or other property in respect of which such rate or rates shall have been made as aforesaid, and to distrain the goods therein or thereon and to remain in such building, tenement, or other property in charge thereof. And if the sum for which any such distress shall have been made or taken, together with the costs of such distraint, shall not have been paid on or before the expiration of three clear days, the Bailiff or his deputy may, between the hours of eleven in the morning and two in the afternoon on the next

day thereafter, cause the goods so distrained, or a sufficient portion thereof, to be sold by public auction, either on the premises or at such other place within the Municipality, as the Bailiff may think proper to remove them for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for, and the costs of such distraint, to the owner of such goods so sold, on demand by such owner; and any person interfering with the said Bailiff in the execution of any of the duties devolving upon him under these By-laws, or hindering or preventing him from delivering to the purchaser thereof any property so sold by the said Bailiff, shall be liable to a penalty of (£5) five pounds.

Inventory.

7. At the time of making a distress the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the Bailiff shall give a copy of the inventory to the Council Clerk.

Goods may be impounded.

8. The Bailiff, on making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of three days as hereinbefore mentioned, to come and go to and from such place or part of the land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

Owner to Direct order of Sale.

9. The owner of the goods or chattels so distrained upon may, at his other option, direct and specify the order in which they shall be successively sold; and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of Distress.

10. The Bailiff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Deputy.

11. The Bailiff may, with the sanction in writing of the Mayor, or in his absence with the sanction of any two Aldermen of the Municipality, authorize by writing under his hand any person to act temporarily as his deputy; and the person so authorized shall have and exercise all the powers of the Bailiff himself, but the Bailiff and his sureties shall in every case be responsible for the acts of such deputy.

Costs.

12. There shall be payable to the Bailiff for the use of the Council for every levy and distress made under this By-law the costs and charges in the Schedule hereunto annexed marked C.

SCHEDULE A.

Warrant of Distress.

To _____ and his assistants,
Whereas the premises comprised in the Schedule hereunder written have been rated by the Council of the Municipal District of Wickham in the sum of £ _____ as _____ for general and gas rates.
And whereas the said sum was due and payable on account of such rates by the said _____ on the _____ day of _____ and whereas default has been made in payment of the same, and the same is still due and owing; and whereas due notice demanding payment of the said sum of £ _____ have been duly served.
These are therefore to authorize you forthwith to make distress of the goods and chattels of the said _____ and if within _____ days after the marking of such distress the sum of £ _____ and also all costs thereon, payable according to the Schedule of costs hereunder written, shall not be paid, that then you do sell the goods and chattels of the said _____ so by you distrained, and out of the money arising by such sale you retain the said sum of £ _____ rendering to the said _____ the surplus, if any, after deducting the costs as aforesaid, and that you certify to me on or before the day of _____ what you shall have done by virtue of this warrant.

Schedule.

Name of Occupier.	Description of Property.	Situation of Property.	Rates Municipal Year ending.	Costs.	Total.

Given under my hand, and the common seal of the Council of the Municipal District of Wickham this _____ day of _____ 18 _____

Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Municipality of Wickham, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____ situate at _____ within the said Municipality for _____ being the amount of rates due to the said Municipality for the Municipal year ending _____ day of _____

Dated this _____ day of _____ 18 _____

Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every Warrant of Distress.....	2	6
For every Levy	2	6
For man in possession, each day or part of a day	6	0
Inventory, sale, commission, and delivery of the goods, 5 per cent. on the net proceeds of the sale.		

Obstructions.

Dead Animals, &c., not to be thrown into any Public Places, Reserves, Watercourses.

13. Any person or persons who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning, into any public watercourse, sewer, waterhole, river, creek, or canal, or who shall suffer slops, suds, scourings, filthy water, tannery refuse, liquids, filth, or any objectionable matter or thing to run into any public watercourse, waterhole, river, creek, drain, sewer, or canal by means of pipes, shoots, channels, or other contrivances, from any felmongering or wool-washing establishment, tannery, manufactory, works, or dwellings within the Municipality, without the written consent of the Council Clerk authorized by the Council, or who shall cause or suffer any slops, suds, or filth of any kind to flow from any premises occupied or used by such persons over any of the footways, streets, or gutters of the Municipality, or who shall divert from its channel any sewer, watercourse, river, creek, drain, or canal, or dam such watercourses up, shall forfeit and pay a sum not exceeding twenty pounds for every such offence, nor less than one pound.

Penalty for Destroying Public Property on Street, &c.

14. Every person driving over any kerbstone where no proper bridge is erected, or wilfully or negligently damaging any public building, wall, parapet, sluice, bridge, road, street, sewer, watercourse, kerbstone, gutter, or other public property within the said Municipal District, shall forfeit and pay a sum not exceeding twenty pounds nor less than ten shillings.

Injury to Pumps, &c.

15. Every person who shall wilfully or negligently injure any public fountain, pump, cock, or waterpipe, or any part thereof, shall forfeit and pay a sum of not exceeding twenty pounds nor less than ten shillings.

Injury to Lamps, &c.

16. Every person who shall wilfully or negligently injure any public lamp, or lamp-pillars, or the pipes and connections and fittings of the same, shall forfeit and pay a sum of not exceeding twenty pounds nor less than ten shillings.

Extinguishing Lamps, &c.

17. Every person without authority of the Council of the said Municipal District lighting or extinguishing any public lamp, or extinguishing any lamp in use for the purpose of guarding the public against obstructions or excavations in the streets, shall forfeit and pay a penalty or sum of not less than ten shillings nor more than twenty pounds.

Public Gardens, Parks, &c.

18. No person, public body, or gathering or assembly of persons shall make use of any park, garden, or recreation reserve under the control of the Municipal Council of Wickham for the purpose of conducting meetings or public discourses of any kind likely to annoy or interfere with the enjoyment of any persons making use of such parks or reserves in a legitimate manner for recreation purposes: Provided always that nothing herein contained shall prevent the Mayor, by consent of the Council, from granting permission to hold such meetings should they be deemed to be of a non-objectionable character: and provided also that any person or persons continuing to hold any such meetings or public discourses after being called upon to desist by any authorized member or officer of the Council, such person or persons so offending shall forfeit and pay a sum not exceeding five pounds (£5) for every such offence.

Control over Games, &c.

19. No person or persons or members of clubs shall take up any space in any park, garden, or reserve under control of the Municipal Council of Wickham for the purpose of playing any game or games of football, cricket, or other games without first obtaining the written permission of the Council Clerk authorized by the Mayor and Council, and in the event of permission being granted spaces will be allotted by the Council for carrying on such games, which said games must in all cases be carried out in a peaceable manner, without disorder or improper or unbecoming language. All athletes using such parks, gardens, or reserves must appear in proper approved

costume and shall not in any way commit any offence against the common rules of good order or decency whilst being upon or using such parks, gardens, or reserves.

20. No owners or persons in charge of any horses, cattle, or other animals shall turn, drive, or permit such horses, cattle, or animals to be upon or in any park, garden, or reserve for grazing or other purposes without first obtaining the permission of the Municipal Council or some duly authorized officer of the said Council.

Penalties.

21. Any person offending against these By-laws shall for each offence forfeit and pay any sum not exceeding twenty pounds; and any person may, on committing any such offence, be forthwith removed from the gardens by the proper officer of the Council, or by any of the gardeners or labourers employed in such gardens, without affecting the liability of such person so offending to be subsequently prosecuted for such offence.

Made and passed by the Council of the Municipal District of Wickham this 7th day of November in the year of our Lord one thousand eight hundred and eighty-eight.

(L.S.) ALEXANDER SHEDDEN,
Mayor.

The Corporate Seal was affixed hereto in the presence of,—

T. W. HOGUE,
Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF BOURKE—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sct. 158.

Colonial Secretary's Office,
Sydney, 4th March, 1889.

BOURKE MUNICIPALITY.—BY-LAWS.

THE following By-laws made by the Council of the Municipal District of Bourke, under the "Municipalities Act of 1867" and the "Country Towns Water and Sewerage Act of 1880" respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

GEORGE R. DIBBS.

THE following By-laws, made by the Municipal Council of the Municipal District of Bourke for regulating the proceedings of the Council and the duties of the officers and servants of such Council, for preserving order at meetings of said Council, for determining the times and modes of collecting and enforcing payment of rates, for extinction of fire, for regulating the supply of water for domestic, public, and other purposes, and the terms and conditions relating to such supply, and generally for maintaining the good rule and government of the said Municipality:—

PART I.

Meetings of the Council—Ordinary meetings.

1. The Council shall meet for the dispatch of business at the hour of 8 p.m. every alternate Wednesday, unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor or the Council may appoint.

Election of Chairman in absence of Mayor—Adjournment for want of a quorum.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting, to give place to the Mayor if he should arrive at any later hour during the meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down and shall be recorded in the Minute-book.

Order of Business.

Business of ordinary meetings.

3. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.

2. Correspondence to be read, and if necessary, ordered upon.
3. Petitions (if any) to be presented and dealt with.
4. Reports from Committees and minutes from the Mayor (if any) to be presented and ordered upon.
5. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council or any of its Committee or officers, to be made.
6. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.
7. Orders of the day to be disposed of as they stand on the business paper; but it shall be competent to the Council at any time, by resolution without notice, to entertain any particular motion, or to deal with any particular matter of business out of its regular order on the business paper without any formal suspension of this section; also, and in like manner, to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

4. At special meetings of the Council the business, after the minutes shall have been read and verified, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor or the Alderman at whose instance such special meeting shall have been called may have directed.

Business paper for ordinary meeting, how prepared.

5. The business paper for every meeting of the Council, other than a special meeting, shall be made up by the Town Clerk or other person acting as his substitute, not less than forty-eight hours and not more than three days before the day

appointed for such meeting. He shall enter upon such business paper a copy or the substance of every notice of motion and of every requisition or order as to the business proposed to be transacted at such meeting, which he shall have received, or shall have been required or directed so to enter in due course of law and as hereinafter provided. Every such entry shall be made subject to the provisions of section 3 of this Part of these By-laws, in the same order as such notice, requisition, or direction shall have been received.

Business paper for special meeting.

6. The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Alderman calling such meeting.

Summons to members.

7. The summons to members of the Council of every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

8. The business paper for each meeting of the Council shall at such meeting be laid before the Mayor or Chairman, who shall cause a note to be made upon such business paper of the mode in which each matter entered thereon has been dealt with, and such business paper so noted shall be a record of the Council.

All notices of motion to be numbered.

9. All notices of motion, and all requisitions from Aldermen and directions from the Mayor as to the entry of any particular matter of business for the consideration of the Council at its then next or any future meeting, shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction, shall be preserved by such clerk until after the matter to which it relates shall have been disposed of, and the record in the Minute-book of the manner in which such matter has been so disposed of shall have been duly verified, as required by section 3 of this Part of these By-laws: Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction, to the Council Clerk, shall be at liberty to withdraw the same at any time before the making up of the business paper.

After business paper made up, all notices, &c., to be the property of the Council.

10. After the business paper shall have been made up as aforesaid, all the said notices of motions, requisitions, and directions as to which entries have been made thereon shall be the property of the Council, and shall not be withdrawn, altered or amended, without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

Motions and Amendments.

Motions—how to be moved.

11. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from such business paper, and be considered to have lapsed.

Absence of proposed mover.

12. No motion of which notice shall have been entered on the business paper shall, except as hereinafter provided, be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motion to be seconded.

13. No motion in Council shall be discussed unless and until it be seconded.

Amendments may be moved.

14. When a motion in Council shall have been made and seconded any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

15. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

16. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended question—further amendment may be moved thereon.

17. If any amendment be carried, the question as amended, thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

18. If any amendment, either upon an original question or upon any question amended as aforesaid, shall be negatived then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

19. No discussion shall be permitted on any motion for adjournment of the Council; and if, upon the question being put on any such motion, the same be negatived, the subject then under consideration, or the next in order on the business paper, or any other on such paper that may be allowed precedence, shall be discussed before any subsequent motion for adjournment shall be receivable.

Requisitions from Aldermen—how to be dealt with.

20. Every requisition by an Alderman that any particular matter of business be brought before the Council shall be regarded and treated as a notice of motion by such Alderman, that such business be taken into consideration by the Council, and he shall be called upon in due order to move that such business be so considered, or to make any other motion which he may think fit in reference thereto which shall be consistent with the notice of such business and with good order. And if such Alderman be absent, or, if being present and so called upon, he shall make no such motion, then it shall be open for any other Alderman to make such motion. And when any such motion shall have been made it shall be dealt with in precisely the same manner as if notice thereof had been given, subject, however, to any objection which may exist as to its not being in accordance with the notice actually given of such business or with good order. And if no motion shall be made in reference to such business, the entry relating thereto shall be struck from the business paper.

Orders of the Day.

Of what orders of the day shall consist.

21. The orders of the day shall consist of any matters other than motions on notice which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor or any Committee of the Council shall have directed to be entered on the business paper for consideration.

How they are to be dealt with.

22. Section 20 of this Part of these By-laws shall be considered applicable to orders of the day; and the Alderman who has the usual charge of, or who has previously moved in reference to the particular business to which any such order of the day relates, shall be the person called upon to move: Provided that as to any order of the day entered as aforesaid by direction of the Mayor or Chairman, such Mayor may arrange with any Alderman to move, and may in such case call upon the Alderman with whom he has so arranged.

Petitions.

Petitions to be respectfully worded.

23. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions—how received.

24. All petitions shall be received only as the petitions of the parties signing the same.

How petitions are to be dealt with.

25. No motion shall, unless as hereinafter provided be permissible on the presentation of a petition except that the same be received or that it be received and referred to one of the permanent Committees hereinafter mentioned, or that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall if otherwise unobjectionable be considered in order.

Correspondence.

Duties of Mayor as to Correspondence.

26. The Mayor shall have the same duty in reference to letters addressed to the Council before directing the same to be read as by section 25 of this Part of these By-laws is imposed upon Aldermen presenting petitions. The Mayor shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters addressed to the Council or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 25 to apply to letters.

27. Section 25 of this Part of these By-laws shall be considered as fully applicable to letters addressed to the Council as to petitions.

Letters sent not to be discussed, but every letter may be subject of motion.

28. No discussion shall be permitted in reference to any letters which have been written and sent by the Mayor or by any officer of the Council, and copies of which may be read to such Council: Provided, however, that any notice of motion consistent with good order may be entertained with reference to any such letters whether read or not, or with reference to any letters addressed to the Council which the Mayor or presiding Alderman may not have ordered to be read as aforesaid.

Reports from Committees and Minutes from the Mayor.

Form of report.

29. All reports from Committees shall be written on foolscap paper, with a margin of at least one-fourth of the width of such paper, and shall be signed by all members of such Committee agreeing thereto.

Mayor's minute.

30. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance, by a minute in writing. Every such minute shall be written upon paper of the same kind and with the same margin as a report from a Committee, and shall be signed by such Mayor.

How reports, &c., are to be dealt with; duties of Chairman, &c., in certain cases.

31. No motion shall (unless as hereinafter provided) be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, or that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or if an order for the consideration of such report or minute shall have been entered among the orders of the day, such motion or order may, if otherwise unobjectionable, be moved or considered in due course. And whenever any such report or minute embodies any recommendation which cannot legally be carried out without any due notice, and it is nevertheless desirable that such report or minute shall be definitely ordered upon during the meeting of the Council at which such report or minute is presented, it shall be the duty of the Chairman or member of such Committee signing such report, or of such Mayor, as the case may be, to give or transmit to the Council Clerk such a notice of motion, requisition, or direction, as aforesaid as will enable such Council Clerk to make the necessary entry on the business paper and to give such due notice.

Questions and statements.

Limitations as to questions and statements.

32. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of section 8 of this Part of these By-laws.

Notice to be given.

33. Forty-eight hours notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and if necessary for a reference to other persons or to documents.

Questions to be put without argument, &c.

34. Every such question must be put categorically, without any argument or statement of fact.

Similar provision as to statements.

35. Every such statement must be made without argument.

No discussion on questions, &c. Rights of objection and of subsequent motion reserved.

36. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement, at the time when such question is put or such reply or refusal to reply is given or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice as hereinbefore provided, of any matters properly arising out of or relating to any such question or reply or refusal to reply, or any such statement as aforesaid.

Order of debate.

Mode of addressing the Council, &c.

37. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way or for any other purpose, address observations to the

Council, shall, while so doing, stand up in his place (unless he shall be prevented from so doing by reason of some bodily infirmity), and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may by permission of such Mayor or Chairman be put directly to the Alderman or officer to be questioned, and may be replied to in like manner; but in every such case the question so put and the answer thereto shall be subject to every legal objection on the ground of disorder or irrelevancy. And all members of the Council shall on all occasions when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted if in order.

38. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order as hereinafter provided; and any Alderman using, whilst in the Council, any offensive or insulting language, the same to be written down, and on being asked to do so, withdrawn; and if any Alderman shall refuse to withdraw such language and apologize, he shall be deemed guilty of misconduct, and be liable to a fine of not less than five shillings nor more than two pounds.

Limitation as to number of speeches, &c.

39. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion, and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman other than the mover of such original motion shall have a right to speak once upon such motion and on every amendment thereon. No Alderman shall speak oftener than once upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain without adding any further observations than may be necessary for the purposes of such explanation.

Mover and seconder.

40. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same shall be at liberty to speak on such motion or amendment.

Speaker not to digress, &c.

41. No Alderman shall digress from the subject under discussion, or shall make personal reflections on or impute improper motives to any other Alderman.

Adjournment of debate

42. A debate may be adjourned to a later hour of the day, or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to preaudience on the resumption of the same.

Mayor to decide as to preaudience.

43. If two or more Aldermen rise to speak at the same time the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

Alderman may require questions to be stated, &c., under certain restrictions.

44. Any Alderman may request the question or matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such question or matter which are readily accessible: Provided, however, that no such request or requisition shall be so made as to interrupt any other Alderman when speaking, or materially to interrupt the discussion; also, that if any such request or requisition shall appear to the Mayor or Chairman not to have been made bona fide, it shall not be complied with.

Mayor or Chairman not to move or second motion, &c., but may address Council thereon.

45. The Mayor or Chairman shall not move or second any motion or amendment, or put any question, as provided for by section 4 of this Part of these By-laws, except as is further provided for by section 37 of the same; but such Mayor or Chairman shall have the same right as any other Alderman to speak once upon every such subject or amendment. The Mayor or Chairman shall rise when so speaking (unless prevented by some bodily infirmity from so doing), but shall be considered as still presiding.

Questions of Order.

Mayor or Chairman to decide points of Order.

46. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final.

Acts of disorder.

47. Every member of the Council who shall commit a breach of any section of this Part of these By-laws, or who shall move or attempt to move any motion or amendment embodying any matter as to which the Council has no legal jurisdiction, or who shall in any other way raise or attempt to raise any question, or shall address or attempt to address the Council upon any subject which the said Council has no legal right to enter-

tain or to discuss, or who shall use any other language which according to the common usage of gentlemen would be held disorderly, or who shall say or do anything calculated to bring the Council into contempt, shall be out of order.

Mayor, &c., may call member to order.

48. The Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order, whenever in the opinion of such Mayor or Chairman there shall be a necessity for so doing.

Any member may raise question of order.

49. Every member of the Council shall have the right of calling the attention of the Mayor or Chairman to any motion, amendment, statement, argument, or observation moved, used, or made by any other member, which such first-named member may consider out of order.

Mode of proceeding thereon.

50. A member called to order shall withdraw while the question of order is being discussed and decided upon, unless specially permitted to offer an explanation, retraction, or apology; but on obtaining such special permission, such member may explain, retract, or apologize, for the matter or remark alleged to have been out of order. And if such explanation, retraction, or apology be deemed satisfactory, no further discussion on the question of order shall be permitted. If any member on being called to order shall ask such permission to explain, retract, or apologize as aforesaid, the Mayor or Chairman may, of his own authority, grant or refuse such permission as he may think fit, unless any member shall require the sense of the Council to be taken on this question. In such case it shall be the duty of the Mayor or Chairman to take the sense of the Council at once, and without discussion, as to whether such permission shall be granted. And when any such explanation, retraction, or apology, shall have been made or offered by permission of the Mayor or Chairman, the latter shall in like manner decide, or if required so to do, shall take the sense of the Council as to whether such explanation, retraction, or apology is considered sufficient. If such permission be refused, or if such explanation, retraction, or apology be considered insufficient, the question of order shall be considered and decided before any further business is proceeded with. Provided that if such Mayor or Chairman shall have decided the question of order before any member shall have required the sense of the Council to be taken in reference thereto, such question of order shall not be reopened; and provided further that nothing herein contained shall be held to affect the right of such Mayor or Chairman to decide finally as hereinbefore provided upon any such point of order after the same shall have been discussed.

Decisions of points of order.

51. The Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice which he shall deem applicable to the case, without discussing or commenting upon the same.

Motions out of order to be rejected. Members to explain, retract, or apologize, &c.

52. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be rejected; and whenever anything said or done in Council by any Alderman shall be similarly decided to be out of order, such Alderman shall be called upon by the Mayor or Chairman to make such explanation, retraction, or apology, as the case may require.

Penalties for persisting in disorderly conduct.

53. Any member of the Council who shall have been called to order, and who, after having been twice directed to withdraw as aforesaid, shall refuse to do so, or who shall persist in any line of conduct or argument, or of observations which shall have been decided as aforesaid to be disorderly, or who shall refuse to make such explanation, retraction, or apology as aforesaid when required so to do, or who shall be guilty of any other act of disorder as defined in section 48 of this Part of these By-laws, and shall refuse to make such explanation, retraction, or apology as a majority of the Aldermen then present shall consider satisfactory, shall be liable on conviction for the first offence to a penalty of not less than ten shillings nor more than five pounds; and on a second conviction for the like offence, he shall be liable to a penalty of not less than one pound nor more than ten pounds; and on the third conviction, and for every further conviction for the like offence, he shall be liable to a penalty of not less than two pounds nor more than twenty pounds.

Power of Council as to laying down general rules, &c.

54. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice may, by motion on notice, respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar questions of order or practice which may thereafter arise. Any rule or principle thus laid down shall be binding upon all parties unless and until it be rescinded, but shall have no retroactive operation: Provided, however, that nothing herein contained shall be held to bind any Mayor or Chairman to put any motion to the Council which, in his opinion, is contrary to law.

Mode of voting.

How questions are to be put.

55. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions.—Penalty for refusing to vote.

56. Any Alderman shall be at liberty to call for a division; in such case the question shall be put first in the affirmative and then in the negative; and the Aldermen shall vote by a show of hands, and the names and votes of the Aldermen present, when a division is called for, shall be recorded. Any Alderman who shall be present when a division is called for, and shall not vote on such division (not being disabled by law from so voting) shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

Committees of the Whole Council.

Rules applicable to business in Committee.

57. The following sections of this Part of these By-laws shall (except as herein excepted) be taken to apply to the conduct of business in Committee of the Whole Council, namely—sections 14 (except that it shall not be necessary that any motion or amendment in Committee shall be seconded), 15, 16, 17, 18, 39, 39, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, and 57.

Disorderly conduct in Committee.—Refusal to vote.

58. Whenever any member of the Council shall, while the Council is in Committee of the Whole, be considered guilty of an offence against good order within the meaning of section 54 of this Part of these By-laws, it shall be competent to any Alderman to move that the Council resume its sitting and that such matter shall be reported; and if such motion be carried such matter shall be reported accordingly, and an entry of such report shall be made in the Minute-book; and whenever any Alderman shall have failed to vote on any occasion in Committee of the Whole Council, as required by section 56 of this Part of these By-laws, the facts shall be reported to the Council, and such report on such facts shall be duly recorded in the Minute-book: Provided that in the case of an Alderman failing to vote as aforesaid, no special motion that the Council resume its sitting shall be necessary, but it shall be the duty of the Chairman of such Committee of the Whole, in making his report of the proceedings in such Committee, whenever such report may be made, to include in such report a statement of such failure to vote as aforesaid, and of the question as to which such Alderman has so failed to vote.

Decisions in Committee on points of order may be reported.

59. Whenever a decision upon any question of order shall have been given by the Chairman of a Committee of the Whole Council under the provision of section 47 of this Part of these By-laws, any Alderman may move that such decision be embodied in the report to the Council of the proceedings in such Committee; and if such motion be carried, such decision shall be so embodied in such report whenever the same shall be made.

How progress may be reported, &c.

60. Any Alderman may at any time during the sitting of a Committee of the Whole Council move that the Chairman report progress (or no progress, as the case may be), and that leave be asked to sit again at a later period of the same day, or on any further day, or that no leave be asked to sit again; and if any such motion be carried the Council shall resume its sittings, and a report shall be made accordingly; but no discussion shall be permitted on any such motion, and if the same be negatived the subject then under consideration shall be discussed before another such motion shall be receivable.

Report of proceedings in Committee.—Want of quorum in Committee.

61. All reports of proceedings in Committee of the Whole Council shall be made to the Council viva voce by the Chairman of such Committee; and a report of such proceedings shall be made in every case, except when it shall be found on counting the number of members during the sitting of any such Committee that there is not a quorum present. In the latter case the sitting of the Council shall be resumed without any motion for that purpose, and the proceedings in Committee shall be considered to have lapsed: Provided that in making of any such report as aforesaid, it shall not be necessary to report any such proceedings in extenso, but only to state the result, general effect, or substance of such proceedings.

How reports are to be dealt with.

62. All such reports of proceedings in Committee of the Whole Council shall be recorded in the Minute-book, but, except as hereinafter mentioned, no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council until a motion shall have been made and passed for such adoption or for the granting of such

leave. And every such motion for the adoption of a report or for the granting of leave as aforesaid and the order of debate on such motion shall be subject to all the same rules as other motions in Council and the order of debate on such other motions: Provided, however, that where a report shall have been made under section 59 of this Part of these By-laws of disorderly conduct in Committee, under section 57 of this Part of these By-laws, of failure to vote on division, or of any decision in Committees upon any question of order, such report shall, so far as it relates to such facts, be regarded and recorded as a statement thereof, and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretext whatever.

Calls of the Council.

How call may be ordered.

63. A call of the Council may be ordered by any resolution of which due notice shall have been given, for the consideration of any motion or matter of business, before such Council.

Such call compulsory in certain cases.

64. There shall without any special order to that effect be a call of the Council for the consideration of every motion which may be made under section 55 of this Part of these By-laws, and of every motion for the rescission of any resolution, order, or decision of such Council.

Modes of proceeding.

65. The call shall be made immediately before the motion or business for which such call has been ordered or is required to be made by the last preceding section shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all the members in their alphabetical order; each member present shall answer to his name as so called, and if any members are absent a record shall be made of such absence; but if leave of absence to any such member shall have previously been granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse and of the reasons for the same.

Penalty for absence without legal excuse.—Further call when question adjourned.

66. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who being absent shall not be legally excused as aforesaid, or who if absent and not so excused shall fail to show that by reason of extreme illness or any other sufficient cause he has been unable to send an excuse in writing as aforesaid, or who having answered to his name as aforesaid shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than five shillings nor more than one pound: Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such consideration, and the provisions herein as to penalties for absence shall have reference to such further call. And if there shall be more than one adjournment, this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

Standing and Special Committees.

Standing Committees.

67. There shall be Standing Committees, namely, a By-law Committee, a Committee for Works, a Finance Committee, and all other necessary Committees. These Committees shall be re-appointed every year at the first meeting of the Council which shall be holden after the election of Mayor.

68. Each Standing Committee shall consist of three members, and the Mayor who shall be Chairman.

Modes of reappointment of Standing Committees.

69. The reappointment of the three Standing Committees may, on resolution of the Council, be made by ballot. In such case a list or lists of the members shall be handed to each then present, who shall mark against the name of each such member the title of the Committee or Committees to which, in his opinion, such member ought to belong; and the Mayor or Chairman shall thereupon examine such lists so marked, and shall declare the result, and if there shall be an equal number of votes for the appointment of any two or more members to any one of such Committees, such Mayor or Chairman shall decide which of such members shall be appointed.

By-law Committee.

70. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as shall be required for the good government of the Borough. They shall also watch over the administration of the By-laws and of any statute of which the operation has been or may be extended to the Borough; and shall take such steps as shall be necessary for the prevention or punishment of offences against such By-laws or statutes, and for the preservation of public health, order, and decency.

Committee for Works.

71. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council and the general inspection of all streets, roads, ways, bridges, public reserves, and other public places under the care and management of the Council. They shall also inquire and report from time to time as to such improvements or repairs as they shall think necessary, or as they shall be directed by resolution of the Council, to inquire into and report upon.

Finance Committee.

72. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect, or to be likely to affect, the finances of the Borough; and as to such matters or subjects of the like nature as they shall be directed by resolution of the Council to inquire and report upon.

Special Committees.

73. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully intrusted to a Committee, and for which, in the opinion of the Council, a special Committee ought to be appointed. And no Standing Committee shall interfere with the performance of any duty which may for the time being have been intrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution, after due notice, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be intrusted to such Special Committee. The mover of any such resolution may name therein such members as in his opinion ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; and in the latter case, or if an amendment to the effect that such Special Committee be appointed by ballot be carried, each member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom, in his opinion, such Special Committee ought to be composed; and the Mayor or Chairman shall examine such list, and shall declare the result. And in the event of its becoming necessary, through an equality of votes, to decide as to which of two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committee.

74. Every Special Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee within seven days after their appointment.

Terms of service in Committee.

75. Appointments to the By-law Committee, the Committee of Works, and the Finance Committee, and any other Committee shall be for the whole municipal year. The appointment of every Special Committee shall be considered to endure until the duties for which such Committee has been appointed shall have been duly performed.

Committee meeting, how called.

76. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman or any two members of such Committee.

Records of transactions in Committee.

77. The Chairman of each Standing Committee shall make or cause to be made in a book to be kept by him for that purpose memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Expenditure.

Except in urgent matters, cost of all work to be estimated before undertaken.

78. With the exception of urgent matters hereinafter specially provided for, no work affecting the funds of the Borough shall be undertaken until the probable expense thereof shall have first been ascertained by the Council.

Urgent matters and necessary current expenses.—Expenses authorized to be reported.—Outlay to be in accordance with orders of the Council.

79. For urgent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Committee for Works, for repairs or emergent works to the extent of £5.
2. By order of the Mayor, for necessary current expenses, to the extent of £2.
3. By order of the Mayor and any two Aldermen, or without the Mayor, of any four Aldermen, for any urgent purpose, to the extent of £5.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting; such report to be signed by the Chairman of the Committee of Works, or the Mayor, or the Mayor and Alder-

men, or the Aldermen without the Mayor, as the case may be, by whom such outlay shall have been authorized; also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council; and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence be thus authorized.

All claims to be examined and reported on by Finance Committee.

80. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with such claim.—Salaries and wages to be payable on Mayor's order.—Certificates to be attached to reports.

81. No payment shall be ordered unless there shall be a certificate or memorandum from the Committee, from the Mayor, or from the Officer of the Council to whom the direction or guardianship of such expenditure properly belongs showing that the demand is a legitimate one, and has been duly authorized or inquired into. It shall be the duty of the Finance Committee to see that this requirement is fulfilled, or to report specially as to the reasons of its non-fulfilment before recommending payment: Provided also that in cases of special expenditure under section 80 of this Part of these By-laws, the report directed by that section to be laid before the Council shall, if the outlay shall have been lawfully incurred, be deemed a sufficient certificate; and provided further that, in regard to salaries and wages of labour for officers, servants, and labourers employed at fixed rates of payment, by order of the Council, the certificate of the Mayor of the amount due to any such officer, servant, or labourer, and the order of such Mayor for the payment of such amount shall be a sufficient authorization for such payment; and such certificates, memoranda, and authorizations shall be attached respectively to the reports from the Finance Committee on the payments or outlays to which such certificates, memoranda or authorizations have reference.

Common seal and records of the Council.

Common seal and press, how secured.—Care of same.

82. The common seal and the press to which the same is attached shall be secured by a cover or box, which, except when such seal and press are in use shall be kept locked. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor, and the other by the Council Clerk.

How and when common seal to be used.

83. The common seal shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or in case of the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

How books of account are to be kept and inspected.

84. The Treasurer shall keep such books of account and such records, statements, and memoranda of receipts and expenditure, in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of account, records, statements, and memoranda from time to time, to ascertain that the same are properly kept, and to report at once to the Council any act of neglect, or appearance of inefficiency which they have discovered in the keeping of the same; also to report to the Council from time to time any changes which such Committee may think advisable in the mode of keeping the accounts.

Records of the Council defined.—Provisions for proper keeping of same.

85. The Minute-book, Letter-book, and all rate and assessment books, books of accounts, records, statements, and memoranda of receipts and expenditure, electoral rolls, and other records relating to elections, business papers, reports from Committees, minutes from the Mayor, petitions, letters on municipal business addressed to the Council or to the Mayor; or to any officer or servant of the Council, orders, reports, returns, and memoranda relating to municipal business, drawings, maps, plans, contracts, specifications, agreements, and all other books and papers connected with the business of the Council, shall be deemed records of the Council. All such records other than the Minute-book and other books, and other than electoral rolls and other records relating to elections, shall be numbered and filed in due order, and shall be duly registered by the Council Clerk in a book to be kept by him for that purpose. Upon the face of every document thus registered, to which there is any reference in the Minute-book, there shall be a note of the page wherein it is so referred to. And when any order has been made by the Council, or a report has been brought up by any Committee thereof in reference to any document so registered as aforesaid, a note of such order or report shall be made upon such document. It shall be the duty of the By-law Committee to inspect the records from time to time, to ascertain that the same are properly kept, as aforesaid, and to report at once to the Council any act of neglect or appearance of inefficiency which they may discover in the keeping of such records.

Impression of seal not to be taken, &c., without leave of Council.—

Penalties.

86. No member or officer of the Council shall be at liberty to take any impression of the corporate seal, or to show, lay open, or expose any of the books or records of the Council to any person other than a member of the same, without leave from such Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable on conviction for the first offence to a penalty of not less than five shillings nor more than two pounds, for a second offence to a penalty of not less than one pound nor more than ten pounds, and for a third and every subsequent offence to a penalty of not less than five pounds nor more than twenty-five pounds.

Records not to be removed, &c., penalties, exceptional circumstances. Receipt to be given in every case before document received. Proviso as to use of records as matters of evidence.

87. Any person removing any such book or other record of the Council, as aforesaid, from the Council Chamber or the place where by direction of the Council such books or other record is usually kept, without leave for such removal having been first obtained from such Council, or without other lawful cause for such removal as hereinafter provided, shall for every such offence be liable to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have removed such book or other record as aforesaid, and shall not have returned same, to prosecution for stealing such book or record, or to an action at law for detention of same, as the circumstances of the case may warrant: Provided that leave for temporary removal of a book or other record may be granted to the Town Clerk or the Treasurer by the Mayor, in order that such Clerk or Treasurer may post up entries, prepare returns, or perform any other duty which it may be necessary that he or they should perform; also that the Mayor or Chairman of any Committee or any Alderman acting for any such Chairman may temporarily remove any record necessary for the preparation of a minute or a report, or for the purpose of any prosecution or suit at law by, against, or at the instance of the Council; but in all such cases such Clerk, Treasurer, Mayor, Chairman, or Alderman, as the case may be, shall give a receipt under his hand for every document so removed, and every such receipt shall be carefully preserved among the records until the book or other record to which it refers shall have been returned, when such receipt shall be destroyed; and provided also that the Mayor, Town Clerk, or other officer of the Council who may be subpoenaed to produce any book or other record of the Council in a Court of law shall have the right to remove such book or other record for the purpose of obeying such summons, but shall return such book or record as speedily as may be, and shall before removing the same leave at the Council Chamber a receipt for such book or other record as aforesaid; and every such person so temporarily removing any book or other record of the Council as aforesaid shall be legally responsible for the safe keeping and return of the same.

Penalty for defacing or destroying record.

88. Any person destroying, defacing, or altering any record of the Council shall for every such offence be liable to a penalty of not less than five pounds nor more than fifty pounds.

Officers and Servants.

Officers and servants. Notice to candidates.

89. No appointment to any permanent office of a value exceeding £20 per annum at the disposal of the Council shall take place until notice shall have been given as hereinafter provided, inviting applications from qualified candidates for the same. The salary or allowance attached to the office shall in every case be fixed before such advertisement is published, and shall be stated in such advertisement.

Mode of appointment.

90. Every such appointment shall be made in such mode as may at the time be determined on, whenever there is more than one candidate for such permanent office.

Exceptional cases.

91. Nothing herein contained shall be held to prevent the employment, as may be from time to time found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the Borough.

Bonds for good conduct.

92. All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited with the attorney or the bankers of the Corporation, as the Council may order; and no officer or servant of the Council or any member of the Council shall be received as surety for any other such officer or servant.

Duties of Town Clerk.

93. The Town Clerk, in addition to the duties which by the Municipalities Act of 1867, or by the present or any other By-laws thereunder, he may be required to perform, shall be the Clerk of all Revision Courts held in the Borough under the provisions of the said Municipalities Act; he shall also, under

the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council; he shall likewise have charge of all the records of such Council, except such books or documents as may as hereinafter provided be intrusted to any other office, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor. He shall be required to give security in the sum of five hundred pounds.

Duties of Treasurer, &c., &c.

94. The Treasurer shall have charge of such books of account and other records of the Council as are mentioned in section 84 of these By-laws, and shall be responsible for the safe keeping of the same. Any other officer of the Council may have any other records thereof committed to his charge by an order of the Council, and in such case shall be responsible for the safe keeping of such records.

Duties of other officers and servants.

95. The duties of all officers and servants of the Corporation shall be defined by such regulation as may from time to time and in accordance with law be made as follows, viz.:—As to the duties of the Town Clerk and his assistants, by the Council or any Committee appointed for the purpose; as to the Treasurer and all collectors of rates, bailiffs, bailiffs' assistants, and other officers and servants employed in and about the collection of revenue, whose superintendence is not herein specially intrusted to any other Committee, by the Finance Committee; as to the Inspector of Nuisances, surveyors, architects, clerks of works, overseers, inspectors of water supply, sewerage or drainage thereof whose superintendence is not herein specially intrusted to any other Committee, by the Committee of Works and Parks Committee; as to the Attorney for the Corporation, and other officers and servants employed in and about the carrying out and employment of the general provisions of the Municipalities Act of 1867, and of any other statute of which the operation has been extended to the Borough, and of the By-laws for the general good government of such Borough whose superintendence is not herein specially intrusted to any other Committee by the By-law Committee; and as to librarians, managers of public institutions or reserves under the charge of the Council, and all other officers and servants employed in and about any matter over which the Council has control, and whose superintendence is not specially intrusted to any other Committee, by the Works Committee: Provided that all such regulations shall be in writing, and shall be in all cases laid before the Council at the first meeting thereof which shall be holden after the making of any such regulations, and shall be in strict accordance with any such orders or directions as may have been at any time given by such Council touching the matters to which any such regulation may have reference.

Special power of Mayor.

96. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information, by any such officer or servant as he may think necessary, or unless the Council shall have expressly forbidden, or dispensed with the preparation of such return or statement, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanation or information may, except as hereinafter provided be either rendered viva voce or put into writing, as the Mayor may direct.

How complaints against officers, &c., are to be dealt with.

97. All complaints against officers or servants of the Corporation must be in writing, and must in every case be signed by the person or persons complaining, and no notice whatever shall be taken of any complaint which is not in writing or is anonymous. All such complaints may be addressed to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same; and if any such complaint be made to the Council or to any member or officer thereof, it shall be referred to and investigated by the Mayor before it shall be in any way (otherwise than by such reference) ordered upon or dealt with by such Council: Provided that every report, explanation, and information which may be made or rendered in reference to every such complaint shall be in writing, and such Mayor shall state in writing the result of every such investigation and his opinion as to what order (if any) ought to be made in connection therewith; and such complaint, with all reports, explanations, and information as aforesaid in connection therewith, and the Mayor's statement as aforesaid thereon, shall be laid before the Council at the next meeting thereof which shall be holden after the Mayor shall have made such statement, and shall be duly recorded: Provided further that nothing herein contained shall be held to affect in any way the special power conferred on the Mayor by section 152 of the Municipalities Act of 1867, or any other special power which now is or hereafter may be conferred by statute upon such Mayor.

Miscellaneous.

Leave of absence.

98. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of the Council adopted after due notice.

By-laws, draft of, to lie in office seven days, &c.

99. A draft of every intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by the Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same; and public notice shall be given as hereinafter provided that such draft is so lying for inspection.

Motions for rescission of previous orders.

100. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion to the same effect shall be permissible until a period of two months shall have elapsed from the time of negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been submitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same, or the passage after due notice as hereinbefore provided and in due course of law of any By-law for the repeal or amendment of any other By-law.

Lapsed business.

101. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration shall be an order of the day for the next meeting of the Council and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Suits and prosecutions for penalties.

102. Such suits or informations for the enforcement of penalties for or in respect of breach of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute the operation of which may be extended to the Borough as may have been directed by the Council, or by the By-law Committee, or by the Mayor to be commenced or laid, shall be so commenced or laid as follows, namely:—When against a member of the Council or an Auditor or any officer of the Corporation, by the Town Clerk, unless he shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose; when against any other person by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been intrusted: and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council or the By-law Committee, or the Mayor, as the case may be, on directing such suit or information as aforesaid; and no such suit shall be brought or information laid as aforesaid against any member of the Council or Auditor except by order of such Council, nor shall any similar proceeding be taken against any officer of the Council except by order of such Council, or of the Mayor, nor against any other person except upon the order of the Council, or of the Mayor or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on express resolution of the Council, in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where on the trial or hearing of any such suit or information may on the order of the Council be intrusted to an attorney.

Power to suspend temporarily any portion of these By-laws.

103. Any of the foregoing By-laws which relate to or affect the proceedings at meetings of the Council may be suspended pro tempore without notice in cases of emergency, if all the members of the Council then present shall deem such suspension necessary.

PART II.

Collection and Enforcement of Rates.

Rates when due and payable.

1. All rates levied and imposed by the Council shall be held to be due and payable on and after such day or days as the Council shall by resolution from time to time appoint.

Time and place of payment.

2. All such rates shall be paid at the Council Chambers during the hours appointed by the Council for that purpose.

Special rates.

3. All rates levied or imposed by the Council, under sections 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may by resolution at the time of making or imposing such rates, or any of them, have appointed.

Mayor to enforce payment.

4. It shall be the duty of the Mayor to take proceedings to enforce the payment of all rates in default, either by action at law or by issuing warrants of distress upon the goods and chattels of the defaulter.

Bailiff—how appointed.

5. The Bailiff of the Municipality shall be appointed by the Council, and may from time to time be removed by the said Council.

Enforcement by Distress Bailiff.

6. A Bailiff shall, when found necessary, be appointed by the Mayor.

Bailiff's sureties.

7. The Bailiff shall find two sureties to the satisfaction of the Mayor to the extent of twenty-five pounds each, for the faithful performance of his duties.

Duty of Bailiff

8. It shall be the duty of the Bailiff to make all levies by distress for the recovery of rates in the manner hereinafter provided.

Warrant of distress.

9. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor or any Alderman who for the time being may be duly authorized to perform the duties of that office.

Distress and sale, &c.

10. It shall be lawful for the Bailiff or his deputy, and such assistants as he or they may take with them, to enter into any part of the land, building, tenement, or other property, in respect of which such rate or rates shall have been made as aforesaid, and to distrain therein or thereon, and to remain in such building or other property in charge thereof. And if the sum for which any distress shall have been made or taken, together with the costs of such distraint, shall not have been paid on or before the expiration of three clear days, the Bailiff or his deputy may, between the hours of eleven in the morning and five in the afternoon on the next day thereafter, cause the goods so distrained or a sufficient portion thereof to be sold by public auction, either on the premises or at such other place within the Municipality as the Bailiff may think proper to remove them for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for and the cost of such distraint, to the owner of such goods so sold on demand by such owner.

Inventory of goods seized to be delivered to ratepayer.

11. At the time of making a distress the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made, and the Bailiff shall give a copy of the inventory to the ratepayer on demand at any time within one month after making such distress.

Goods may be impounded.

12. The Bailiff, on making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of three days, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

Owner to direct order of sale.

13. The owner of any goods or chattels so distrained upon may, at his or her option, direct and specify the order in which they shall be successively sold, and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

14. The Bailiff shall hand over to the Town Clerk all proceeds of every such distress within twenty-four hours after having received the same.

Bailiff's fees.

15. There shall be payable to the Bailiff, for the use of the Council, for every levy and distress made under this By-law, the costs and charges in the Schedule hereunto annexed, marked C.

SCHEDULE A.

Warrant of Distress.

I, Mayor of the Municipal Borough of Bourke, do hereby authorize you, the Bailiff of said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of situate at for being the amount of rates due to the said Municipality to the day of for the said dwelling-house or land or premises, as the case may be, and to proceed for the recovery of the said rates according to law.

Dated this day of 18 Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Municipal Borough of Bourke, dated distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of situate at within the said Municipality, for being the amount of rates due to the said Municipality to the day of 18

Dated this day of 18 Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For every warrant and making levy, where the sum is not more than £20.....	2	0
Above that sum in addition for every £1	0	1
For making and furnishing copy of inventory	2	0
For man in possession each day or part of day	7	6
For sale, delivery, and commission of goods per pound on proceeds of sale	1	0

PART III.

The extinction of Fires.

Fire or combustible materials, &c.

1. Every person who shall place or knowingly permit to be placed in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable materials of any kind, in such a manner as to endanger any buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than £10, and shall forthwith remove such fire, gunpowder, or combustible, or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or inflammable materials to remain as aforesaid for a period of twelve hours after any such conviction shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

2. Every person who shall erect any fence of brushwood, bushes or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering of any such stack any inflammable material, so as to endanger any buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit on conviction for every such offence a penalty of not more than five pounds, and shall also remove such fence, stack, or covering within a reasonable time after any such conviction as aforesaid; and any person failing to remove such fence, stack, or covering within a reasonable time after any such conviction as aforesaid shall be deemed guilty of a further offence against this By-law.

Setting on fire wilfully any inflammable matter.

3. Every person who shall wilfully set fire to any inflammable matter whatsoever in the open air, without having given notice in writing to the occupiers of the land adjoining to the land upon which such matter shall be located, and also inform the Town Clerk of his or her intention so to do, and receiving written permission so to do from him and the occupant of said adjoining land, shall forfeit a sum not exceeding five pounds.

Lighting bonfires.

4. Any person who shall light any bonfire, tar-barrel, or firework upon or within sixty yards, or shall discharge any fire-arms within one hundred yards of any public or private street or any public place, or shall sell gunpowder, equibs, rockets, or other combustible matter by gas, candle, or artificial light, shall forfeit a sum not exceeding five pounds.

Setting on fire chimney-flues.

5. Every person who wilfully sets or causes to be set on fire any chimney-flue, smoke-vent, or stove-pipe, shall forfeit a sum not exceeding five pounds.

Chimneys catching fire by neglect.

6. If any chimney catch fire through the neglect of any person occupying or using any premises in which such chimney is situated shall forfeit a sum not exceeding forty shillings: Provided always that such forfeiture shall not be enforced if such person prove to the satisfaction of the Justices before whom the case is heard that such fire was in nowise owing to the neglect or carelessness, whether with respect to cleansing such chimney or otherwise of himself or his servant.

PART IV.

By-laws for the management and regulation of Water Supply.

The Mayor and Aldermen of the Council of the Municipal District of Bourke, pursuant to and in exercise and execution of the powers and authorities conferred on such Council by the "Country Towns Water and Sewerage Act of 1890," make the By-laws following:—

1. The rates and charges which the owners and occupiers of lands and tenements within the Municipality of Bourke, shall pay and become liable for in respect of water supplied by the Council for domestic, public, and other purposes, and the terms and conditions relating to such supply, shall be as follows:—

*Domestic purposes.**Water rates.*

2. The Council shall have power to make a water rate up to 1s. in the £ on the assessed value of all ratable properties on the respective lines of the reticulation of any mains constructed by or vested in the Council, for the purpose of defraying the cost of supplying water for domestic purposes only.

Charges by measure.

3. The Council may supply water for such purposes and may charge for the same according to measure.

Charges by contract.

4. The Council may supply water for such purposes by agreement. Provided that the charge for such supply shall not be less than 4s. per annum for each tenement, and that no contract shall be for a lesser period than six months.

Rate when water not required or used.

5. In the event of any person or persons not requiring or using the supply of water, or not agreeing with the Council for the same, the Council shall have power to impose a water rate up to 1s. in the £ upon the ratable property of each portion or portions on the line of reticulation as aforesaid.

Business premises requiring little water.

6. Where any person or persons owning or occupying business or other premises requiring little or no water are assessed at a rental value of £100, or over, per annum, the rate for such premises may be fixed at 1s. in the £ up to £100, and at the rate of 6d. in the £ on any sum over and above the first £100.

Meaning of domestic purposes.

7. The words "domestic purposes" shall not mean or include supply of water to hotel or livery stables, gardens, or factories, nor for irrigation, water-power, fountains, or ornamental purposes.

*Public and General purposes.**Charges on stables.*

8. The Council shall have power, in addition to any water-rate on any tenement, to make and fix charges on all hotel, livery, and coach-horse stables, and premises where horses are constantly kept, and if within 50 yards of any main: Provided that such charges may be fixed either according to measure or by agreement.

Irrigation, factories, &c.

9. Water may be supplied for irrigation of market or other gardens, ornamental grounds and manufactories, or for purely agricultural purposes, also for hospitals, and other charitable institutions, not supported out of the Municipal revenue, and may be charged for either according to measure or by agreement.

Unimproved lands.

10. Unimproved town or suburban allotments and lands, if not more than 50 yards from any main, shall be charged at the rate of 5 per cent. on the whole assessment.

Water-carts, steam-boilers, &c.

11. For the supply of water by the Council and the use thereof, owners of horse-troughs shall pay a charge of 10s. per annum; owners of steam-boilers shall pay 10s. per annum for each horse-power of such steam-boiler unless supplied by meter, owners of water-carts shall for use of stand-pipe, pay a monthly fee as may be fixed from time to time by the Council, such fee to be not less than £1 per month.

Buildings in course of erection.

12. For the temporary supply of water to buildings in course of erection, contractors shall pay £1 per cent. on amount of the contract for stonework, brickwork, and plastering, or the Council may charge according to measure or agreement.

Charges by measure.

13. The charge for water supplied by the Council by measurement (unless by special agreement) shall not be less than 2s. per 1,000 gallons up to 100,000 gallons, and 1s. 6d. for every 1,000 gallons in excess of that quantity.

Quantity by measure for general purposes.

14. For public and general purposes the minimum quantity of water to be charged for by measure shall be equal to what would have been charged for the premises so supplied if supplied otherwise than by measure, but in no case shall less than 25,000 gallons per quarter be charged for unless by special agreement.

Meters.

15. The Council may cause meters to be fixed in any case where they may consider it necessary, such meter to be provided and fixed at the expense of the person requiring and using the supply of water. If, however, the meter shall be supplied by the Council, such person shall be charged the rent of 10 per cent. per annum on the cost of the meter, which rent, together with the cost (if any) of providing and fixing the meter so supplied, shall be recoverable in the same manner as the ordinary water-rates and charges.

Rates and charges when due.

16. All rates and charges under these By-laws for the supply of water (except charges under any agreement, which shall be paid in advance), shall become due within thirty days from the service of the notice in writing of same having been made, such service to be made either personally on the person or persons rated or charged in such notice, or by posting the same to his or their last known place of abode or business, or by leaving or posting the same at or upon the premises assessed, rated, or charged.

Penalty for taking away water.

17. Any person supplied with water by the Council, who shall take and carry away such water from his premises, or who shall allow any person to take or carry away such water as aforesaid, or who shall sell or supply the same to any other person, shall be liable to a penalty not exceeding £5.

Penalty for fixing meter, pipes, &c., without license.

18. Before any person shall affix any service pipe to any pipe or main of the Council, or alter or repair, or in any manner interfere with any meter or pipe of the Council, or with any service pipe, cock, or fitting connected with any pipe or main of the Council, he shall obtain from the Council a license in that behalf to execute such works, and any unlicensed person affixing, altering, repairing, or in any manner interfering with any such meter, service pipe, cock, or fittings as aforesaid, shall be liable to a penalty not exceeding £10. Before any such license shall be granted by the Council, the person applying for the same shall satisfy the Council that he is a competent plumber.

Uncovering pipes, &c., without notice.

19. Any person, whether licensed as aforesaid or not, who shall open any ground so as to uncover any main or pipe of the Council without giving two days' notice to the Council of his intention so to do, or who shall in any way tamper with or alter any pipe of the Council without the permission in writing of the Council being first obtained, or who shall wilfully or carelessly break, injure, or open any lock, cock, valve, pipe, work, main, or engine, the property of the Council, shall be liable for each such offence to a penalty not exceeding £20.

Injuring public fountains, &c.

20. Any person who shall injure any public fountain, pump, cock, or water pipe, or any part thereof, shall pay the cost of repairing the same, and, if the injury be wilfully done, shall also forfeit a sum not exceeding £20 nor less than £1; and any person who shall have in his possession any private key for the purpose of opening any cock, and any person who shall open or leave open any cock of any public fountain, or pump, or stand-pipe, so that the water shall or may run to waste, shall forfeit a sum not exceeding £2 nor less than 5s.; and any person who shall wash any clothes, omnibus, carriage, cart, or other vehicle, or any horse at any public fountain or pump, shall forfeit and pay a sum not exceeding £5 nor less than £1.

Made and passed by the Council of the Municipality of Bourke in Council assembled, this eighth day of November, one thousand eight hundred and eighty-eight.

The Seal of the Council was authorized to be attached hereto, at a meeting of the Council, held this eighth day of November, one thousand eight hundred and eighty-eight.

(t.s.) W. H. DANIELL,
Mayor.

J. E. ALLISON,
Town Clerk,
Municipal Chambers, Bourke,
19th November, 1888.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF WENTWORTH—AMENDED BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.Colonial Secretary's Office,
Sydney, 4th March, 1889.

WENTWORTH MUNICIPALITY.—AMENDED BY-LAW.

The following amended By-law, made by the Council of the Municipal District of Wentworth, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

GEORGE R. DIBBS.

MUNICIPAL DISTRICT OF WENTWORTH.—AMENDED BY-LAW.

At a special meeting of the Council, held on the 21st of December, 1888, due notice having been given, it was resolved that By-law No. 111 be amended by adding the words, "Or who shall suffer any bath-water, soap-suds, or any fluid other than storm water to flow into any water-table, in any street or lane," after the word "roads."

Amended By-law 111.

Any person casting filth, rubbish, or any dead animal into any public water course, sewer, waterhole, drain, or reservoir; or who shall suffer any dead animal to remain on his or her or their land or premises, so as to be or become a nuisance; or who shall suffer filth of any kind whatever to flow from their premises over the footways of the streets or roads; or who shall suffer any bath-water, soap-suds, or any fluid other than storm water, to flow into any water-table in any street or lane within the Municipality, shall be subject to a penalty of not more than ten pounds nor less than two pounds.

(J.S.) J. O. EDWARDS, Mayor.

F. W. WILKES, Council Clerk,
Council Chambers, 21st December, 1888.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF SILVERTON—AMENDED BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.Colonial Secretary's Office,
Sydney, 28th March, 1889.

SILVERTON MUNICIPALITY.—AMENDED BY-LAW.

THE following amended By-law, made by the Council of the Municipal District of Silvertou, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPALITY OF SILVERTON.—BY-LAW No. 27.

Alteration.

THE rates of the Municipality shall be collected half-yearly, and shall be due and payable on such days as the Council shall determine at the time of making such assessment, or in such other way as the Council may direct. All persons liable to pay rates or assessments shall pay same to the Council Clerk or such other officer as may be appointed for that purpose, at the Municipal Council Chambers during office hours, on such days as may from time to time be appointed by the Council.

The foregoing amended By-law was made and passed by the Municipal Council of Silvertou, at a meeting held this 6th day of December, 1888.

A. J. TAYLOR,
Council Clerk.(l.s.) CHAS. A. RING,
Mayor.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF HAY—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 1st April, 1889.

HAY MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Hay under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF HAY.

BY-LAWS for regulating the Park and other Reserves under the control of the Council.

1. The Park and other public places of recreation under the management or control of the Council shall be open every day to the public for recreation.
2. No person shall pluck any of the flowers, plants, or shrubs, or walk on the beds, or climb upon, or get over any of the fences, or disturb, destroy, or in any way damage any property or thing in the Park or other reserve.
3. No person shall carry any firearms through the Park or other reserve, or shoot, disturb, snare, or destroy any wild fowl or animal, either in the Park or other reserve, or in, or on any water therein, or bathe, or fish in any such water.
4. Children under 8 years of age, not being under the control of some competent person, may be removed from the Park.
5. All dogs found within the Park will be removed, and the owner prosecuted for any damage done by any such dog, and all goats found in the Park or other reserve without the owner thereof first having obtained permission of the Council, will be destroyed, and the owner shall make compensation for any damage done.
6. No visitor shall interrupt the gardener, or any person employed in the Park by conversation or otherwise.
7. Any person convicted of offending against any portion of the foregoing By-laws will be liable to a penalty of not more than £10 nor less than 10s.
8. The Council shall have power to issue grazing rights, and determine the number and description of stock which each holder of a grazing right shall have the right to depasture on the Park, water reserve, reserve at South Hay called Hew's Paddeck, or any other reserve under the control of the Council.
9. Any person who shall wilfully let, or knowingly suffer to enter upon the said Park, water reserve, or reserve at South Hay, or any other fenced reserve under the control of the Council, any animals without written authority of the proper officer of the Council, shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding £10 nor less than £1.
10. Any person pulling down, destroying, defacing, or in any way interfering with any notice, placard, or any fence, or other erection or construction thereon in any Park, recreation

ground, reserve, or other public place without the authority of the Council, shall upon conviction of every such offence be liable to a penalty of not more than £10 nor less than 10s.

The above By-laws were made and passed by the Council of the Municipal District of Hay, at a Special Meeting held on Wednesday, 3rd October, 1888.

(L.S.) JOHN JACKA,
Mayor.
T. W. BLANCHÉ,
Council Clerk.

MUNICIPAL DISTRICT OF HAY.

BY-LAWS for regulating the keeping of Goats.

1. Each and every person who shall keep any goat within the boundaries of the Municipal District of Hay, shall register his or her name and address with the Council Clerk thereof, and shall at such time of registration pay the sum of 1s. for each and every goat proposed to be kept; and the Council Clerk shall give to the person so registering a collar for each goat so registered (to be placed and kept upon the neck of each such goat), bearing thereon a number corresponding with the number set opposite the name of such person as registering, in a book kept for that purpose, and called the "Registration Book."
2. If any goat shall be found within the Municipal District of Hay, having on its neck a collar purporting to bear the number corresponding with that set opposite the name and address of any person in the "Registration Book," such goat shall be presumed to be owned and kept by such person.
3. Every goat found at large in any street within the District of Hay, may be forthwith seized, and confined in any enclosure appointed by the Council until dealt with as hereinafter provided.
4. Every goat so seized and confined may be destroyed or sold, at or after noon on the day next after the day of such seizure, unless claimed and removed before that time, and the person so claiming and removing shall for all the purposes of this By-law be considered to be the owner of the said goat.
5. The owner, whether registered herewith or not, of every goat found at large in any street or public place in the Municipal District of Hay, shall be liable to a penalty of not more than £2, nor less than 5s.

The above By-laws were made and passed by the Council of the Municipal District of Hay, at a Special Meeting held on Wednesday, the 3rd October, 1888.

(L.S.) JOHN JACKA,
Mayor.
T. W. BLANCHÉ,
Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF VICTORIA—ADDITIONAL BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 12th April, 1889.**VICTORIA MUNICIPALITY.—ADDITIONAL BY-LAWS.**

The following additional By-laws, made by the Council of the Borough of Victoria, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BOROUGH OF VICTORIA.

ADDITIONAL By-laws, the better to enable the Municipal Council to provide for the care and management of public streets and roads, and the general good rule and government of the Borough, made under the "Municipalities Act of 1867."

Erection of houses, &c.—Fee for permission.

1. No person shall be permitted to erect any fence, house, shop, or other building, in any street, lane, or place within the Borough, without having first served a notice in writing to the Mayor or Council Clerk, before commencing the same, stating his intention, and describing the proposed situation of the building or erection, and shall, at the time the said notice is given as aforesaid, pay to the Council Clerk a fee of five shillings for permission to erect any such fence, house, shop, or building in any street, lane, or other place within the said Borough, and every owner thereof; and every contractor for such fence, house, shop, or other building, or any part thereof, commencing to build or work thereon without such notice having been given, shall forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Fees for permission to open footpaths.

2. No person shall be permitted to open any footpath in any street, lane, or place within the Borough for the purpose of laying down water, gas, or drain pipes, without having first served notice in writing to the Mayor or Council Clerk before

commencing the same, stating his intention and describing the situation of the footpath proposed to be dealt with, and shall at the time the said notice is given as aforesaid, pay to the Council Clerk a fee of three shillings for permission to make such opening in the footpath for the purposes hereinbefore mentioned; and any person commencing to open any footpath without such notice having been given shall forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Vehicles to carry lights at night.

3. All vehicles shall be provided with suitable lamps, one to be fixed on each side, and in case of omnibuses and coaches, a third lamp shall be placed inside, and the same shall be lighted not later than half-an-hour after sundown and kept burning until half-an-hour before sunrise, while the vehicles are in any of the streets or roads in this Borough. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence any sum not exceeding twenty shillings nor less than five shillings.

Made and passed by the Municipal Council of the Borough of Victoria, on the seventh day of January, 1889.

(r.s.) **FREDERICK SMITH,**
Mayor.**WALTER GEORGE WILLINGTON,**
Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF COOMA—ADDITIONAL BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.Colonial Secretary's Office,
Sydney, 23rd April, 1889.

COOMA MUNICIPALITY.—ADDITIONAL BY-LAW.

THE following additional By-law, made by the Council of the Municipal District of Cooma, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF COOMA.—ADDITIONAL BY-LAW.

THE following By-law was adopted by the Municipal Council of Cooma, on the sixth day of March, 1889:—

Any person who may be convicted of using or discharging fireworks upon the streets and lanes within the Municipal District of Cooma shall be liable to a penalty of not less than five shillings nor more than forty shillings.

(L.S.) T. W. FAULKNER,
Mayor.

E. HAWTON, Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF MOSS VALE—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 17th April, 1889.

MOSS VALE MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Moss Vale, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the provisions of the above-cited Act.

HENRY PARKES.

BY-LAWS OF THE MOSS VALE MUNICIPAL COUNCIL.

PART I.

*Meetings of the Council.**Ordinary Meetings.*

1. The Council shall meet for the dispatch of business at such hour in the evening as its members may from time to time determine, upon motion after due notice, on every alternate Monday, unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor may appoint.

Election of Chairman in absence of Mayor.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting. Provided if the Mayor shall afterwards attend, the chair shall be vacated and be taken by him.

Adjournment for want of a Quorum.

3. In the event of a quorum not being present at any meeting of the Council within half an hour after the time appointed for the holding of such meeting, the names of the Aldermen then present shall be entered in the minute book by the Council Clerk and the meeting shall lapse. Should it appear at any time during the holding of any meeting that there is not a quorum of members present, the Mayor shall have power to adjourn such meeting or intended meeting to some other time.

*Order of Business.**Business of Ordinary Meetings.*

4. The following shall be the order of business at all meetings of the Council other than special meetings:—

- (a) The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes except as to whether they are correct.

- (b) Petitions (if any) to be presented and dealt with.
(c) Correspondence to be read and, if necessary, to be dealt with.
(d) Reports from Committees and minutes from the Mayor to be received.
(e) Questions as to any matters under the jurisdiction, or within the official cognizance of the Council, to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the Committees or officers to be made, or any other special business, but shall not be debated.
(f) Motions, of which notice has been given, to be dealt with in the order in which they stand on the business paper.
(g) Orders of the day to be disposed of as they stand on the business paper.

Business at Special Meetings.

5. At special meetings of the Council the business, after the minutes shall have been read and confirmed, which shall be done in the same manner as at ordinary meetings, shall be taken in such order as the Mayor, or the Alderman at whose instance such special meeting shall have been called, may have directed.

Answers to Questions.

6. It shall not be compulsory for the Mayor to give official replies to questions put to him, unless he shall have had twenty-four hours notice thereof.

Business Paper, how prepared.

7. The business paper for every meeting of the Council shall be made up by the Council Clerk, and delivered to the Mayor and Aldermen, or left at their respective residences at least forty-eight hours before the time appointed for such meeting. The Council Clerk shall enter on such business paper, a copy or the substance of every notice of motion, and of every order referring to business proposed to be entertained at such meeting.

Business Paper for Special Meetings.

8. The business paper for a special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Alderman calling such meeting.

How Business Paper is to be disposed of.

9. The business paper for each meeting of the Council shall at such meeting be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper so noted shall be a record of the Council.

Notices of Motions, &c., to be numbered as received and preserved until matter is disposed of.

10. All notices of motions, &c., for consideration at general meetings shall be delivered to the Council Clerk at least four days before such meeting, in writing, and shall be numbered by him as they are received, and entered on the business paper according to their number; and each notice shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of. Provided, however, that the person giving or forwarding any such notice of motion shall be at liberty to withdraw the same at any time before the making up of the business paper.

After Business Paper made up all Notices, &c., to be the property of the Council.

11. After the business paper shall have been made up as aforesaid, all the said notices of motions, requisitions, and directions, as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended without leave having been first obtained from the Council for such withdrawal, alterations, or amendment.

*Motions and Amendments.**Motions, how to be moved.*

12. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck out and be considered to have lapsed.

Absence of proposed Mover.

13. No motion of which notice shall have been entered on the business paper, shall, except as hereinafter provided, be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motions to be seconded.

14. No motions in Council shall be discussed until it has been seconded.

Amendment may be moved.

15. When a motion shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon; but no such amendment shall be discussed until it has been seconded.

All Amendments must be in writing.

16. All amendments must be in writing, signed by the mover, and delivered to the Clerk, who shall add thereto the name of the seconder.

Amendments, how disposed of.

17. Whenever an amendment is moved upon an original proposition, no second amendment shall be taken into consideration until the first amendment has been disposed of. If the first amendment be carried it shall displace the original question and become itself the question, subject to any further amendment. If the first amendment be negatived, then a second amendment may be moved upon the original question under consideration; but only one amendment shall be submitted to the Council for discussion at one time.

Adjournments.

18. Any motion for adjournment, if recorded, shall be immediately put without discussion; but if such motion is negatived it shall not be competent for any Alderman to make a similar motion until twenty minutes shall have elapsed.

*Orders of the Day.**Of what Orders of the Day shall consist.*

19. The orders of the day shall consist of any matters, other than motions on notice, which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor or any Committee of the Council shall have directed to be entered on the business paper for consideration.

Who to move.

20. The Alderman who has the usual charge of, or who has previously moved in reference to the particular business to which any such order of the day relates, shall be the person called upon to move. Provided that the Mayor, or Chairman for the time being, may, as to any order of the day entered by his direction, arrange with and call upon any Alderman to move the same.

Petitions to be respectfully warded.

21. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions, how received.

22. All petitions shall be received only as the petitions of the parties signing the same.

How Petitions are to be dealt with.

23. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received, or that it be received and referred to one of the permanent Committees hereinafter mentioned, or that it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable, be considered in order.

*Reports from Committees, and Minutes from the Mayor.**Form of Report.*

24. All reports from Committees shall be written on foolscap paper, with a margin at least one-fourth of the width of such paper, and shall be signed by the Chairman of such Committee or, in his absence, by some other member of the same.

Mayor's Minute.

25. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance by a minute in writing. Every such minute shall be written upon paper of the same kind and with the same margin as a report from a Committee, and shall be signed by such Mayor.

How Reports, &c., are to be dealt with.

26. No motion shall be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, or that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or if any order for the consideration of such report or minute shall have been entered among the orders for the day, such motion or order may be moved or considered in due course.

*Order of Debate.**Modes of addressing the Council, &c.*

27. Every Alderman who shall make or second any motion, or who shall propose or second any amendment, or shall take any part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way or for any other purpose address observations to the Council, shall, while so doing, stand up in his customary place, unless he shall be prevented from so doing by reason of some bodily infirmity, and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may, by permission of such Mayor or Chairman, be put directly to the Alderman or officer to be questioned, and may be replied to in like manner; but in every such case the question so put and the answer thereto shall be subject to objection, on the ground of disorder or irrelevancy; and all members of the Council shall on all occasions when in such Council address and speak of each other by the official designation, as Mayor, Chairman, or Alderman, as the case may be.

Offensive Language.

28. If any Alderman uses, whilst in Council, any offensive or insulting language, the words shall be written down and he shall be asked to withdraw them. If he refuse to withdraw such language and apologise, he shall be deemed guilty of misconduct and be liable to a fine of not less than 20s. nor more than £5.

Limitations as to number of Speeches, &c.

29. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than the mover of such original motion, shall have a right to speak once upon such motion, and on every amendment thereon. No Alderman shall speak more than once upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain without adding any further observation than may be necessary for the purpose of such explanation.

Speaker not to be interrupted if in order.

30. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Mover and Seconder.

31. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but any Alderman who shall have seconded any such motion or amendment, without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Speaker not to digress, &c.

32. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, nor impute improper motives to, any other Alderman.

Adjournment of Debate.

33. A debate may be adjourned to a later hour of the day or to any other day specified; and the Alderman upon whose motion such debate shall have been adjourned shall be entitled to pro-audience on the resumption of the debate. Provided that such member shall have not spoken to the motion.

Mayor to decide as to pro-audience.

34. If two or more Aldermen rise to speak at the same time, the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

Aldermen may require Questions to be stated, &c., under certain restrictions.

35. Any Alderman may request the question or matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such question or matter which are readily accessible. Provided, however, no such request or requisition shall be so made as to interrupt any other Alderman when speaking, or to materially interrupt the discussion. Also, that if any such request or requisition shall appear to the Mayor or Chairman not to have been made *bona fide*, it shall not be complied with.

Mayor or Chairman not to move or second Motion, &c., but may address Council thereon.

36. The Mayor or Chairman shall not move or second any motion or amendment nor put any question, as provided for by section 4 of this part of the By-laws, except as is further provided for by the 20th section of the same; but such Chairman or Mayor shall have the same right as any other Alderman to speak once upon every such subject or amendment. The Mayor or Chairman shall rise when so speaking (unless prevented by some bodily infirmity from so doing), but shall be considered as still presiding.

Mayor or Chairman to decide Points of Order—Penalties for persisting in Disorderly Conduct.

37. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final in that particular case, and the Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order whenever in the opinion of such Mayor or Chairman there shall be a necessity for so doing; and every member of the Council shall have the right of calling the attention of the Mayor or Chairman to any motion, amendment, statement, argument, or observation moved, used, or made by any other member which such first-named member may consider out of order; and the Mayor or Chairman, when called upon, to decide points of order or practice which he shall deem applicable to the case without discussing or commenting upon same.

Any member of the Council, either in Council or Committee, who shall have been called to order by the Mayor or Chairman, and who shall still persist in any line of conduct or argument which shall have been decided as aforesaid to be disorderly, and shall refuse to make such explanation, retraction, or apology as a majority of the Aldermen then present shall consider satisfactory, shall be liable on conviction, for each offence to a penalty of not less than one pound nor more than ten pounds.

*Mode of Voting.**How Questions are to be put.*

38. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions—Penalty for refusing to Vote.

39. Any Alderman shall be at liberty to call for a division. In such case the question shall be put first in the affirmative, and then in the negative; and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for, and shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

*Protests.**Mode of protesting—Protests to be recorded, but may, under certain circumstances, be expunged.*

40. Every member of the Council (the Mayor included) may protest against any resolution or vote of the Council. Notice of the intention so to protest must however be given at the meeting when such resolution is passed, or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the minute book; but if, in the opinion of the Council, it be inconsistent with the truth or disrespectfully worded, it may, by resolution or notice, be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

*Committees of the whole Council.**Business in Committee.*

41. The business Committees of the whole Council shall be conducted in accordance with the rules hereinbefore provided for meetings of the Council, as nearly as the same shall apply, except that it shall not be necessary that any motion or amendment in Committee shall be seconded.

Usage of the House of Parliament to be observed unless other provisions made.

42. In all cases not herein provided for, resort shall be had to the rules and forms as laid down in May's Parliamentary Practice, which shall be followed as far as they can be applied to the proceedings of this Council.

*Calls of the Council.**How calls are to be ordered.*

43. A call of the Council may be ordered by any resolution of which due notice shall have been given, for the consideration of any motion or matter of business before such Council.

Mode of proceeding.

44. The call shall be made immediately before the motion or business for which such call has been ordered, or is required to be made by the last preceding section, shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all the members in their alphabetical order; each member present shall answer to his name as so called; and if any members are absent a record shall be made of such absence; but if leave of absence to any such member shall have previously been granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse and of the reason for the same.

Penalties for absence without legal excuse—Further call when question adjourned.

45. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who, if absent and not so excused, shall fail to show that by reason of extreme illness or any other sufficient cause, he has been unable to send an excuse in writing as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than ten shillings nor more than five pounds: Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such business; and the provisions herein as to penalties for absence shall have reference to such further call. And if there shall be more than one adjournment, this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

Standing Committees.

46. There shall be four Standing Committees, namely—A By-law Committee, a Committee for Works, and a Committee for General Purposes. These Committees shall be re-appointed every year at the first meeting of the Council which shall be holden after the election of the Mayor.

Constitution of Standing Committees.

47. Each of the Committees first named in the last preceding section shall consist of three members. The Committee for General Purposes shall consist of the Chairmen of the three said first-named Committees.

Mode of re-appointing Standing Committees.

48. The re-appointment of the three said first-named Committees may, on resolution of the Council, be made by ballot. In such case a list of the members shall be handed to each member present, who shall mark against the name of each member the title of the Committee to which, in his opinion, such member ought to belong; and the Mayor or Chairman shall

thereupon examine such lists as marked, and shall declare the result. And if there shall be an equal number of votes for the appointment of any two or more members to any of such first-named Committees, such Mayor or Chairman shall decide which of such members shall be appointed to such Committees.

By-law Committee.

49. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the Municipal District. They shall also watch over the administration of the By-laws and any Statute of which the operation has been, or may be, extended to the Municipality; and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or Statutes, and for the preservation of public health, order, and decency.

Committee for Works.

50. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, public reserves, and other public places under the care and management of the Council. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

51. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect, or to be likely to affect, the finances of the Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Committee for General Purposes.

52. The Committee for General Purposes shall take cognizance of every matter, subject, or question within the jurisdiction of the Council not coming within the province of one or other of the before-mentioned standing committees; and shall, from time to time, inquire into and report upon any such matter or question as they may think necessary, or as they may be directed by resolution of the Council to inquire into any report upon.

Special Committees.

53. The Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which, in the opinion of the Council, a Special Committee ought to be appointed; and no Standing Committee shall interfere with the performance of any duty which may for the time being have been entrusted to any Special Committee. The appointment of every such Committee shall be made by resolution, after due notice, and it shall be incumbent on the mover of any such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein any such members as, in his opinion, ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members, to be appointed by ballot; and, in the latter case, or if any amendment to the effect that such Special Committee be appointed by ballot be carried, each member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom, in his opinion, such Committee ought to be composed; and the Mayor or Chairman shall examine such list, and shall declare the result; and in the event of its becoming necessary through an equality of votes to decide as to which of two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committees.

54. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee within seven days after their appointment.

Term of Service in Committee.

55. Appointments to the By-law Committee, the Committee for Works, and the Finance Committee shall be for the whole municipal year. The Chairman of these three Committees, as appointed to or removed from the Chairmanship of the same, shall be thereby, without any further order, regarded as having been appointed to or removed from the Committee for General Purposes. The appointment of every Special Committee shall be considered to endure until the duties for which such Committee have been appointed shall have been fully performed: Provided, however, that nothing herein contained shall be held to affect in any way the right of such Committee to remove any Chairman of such Committee, or to appoint another such Chairman in his stead, or to militate against the general provisions as to Committees in sections 109 and 110 of the Municipalities Act of 1867; and that so much of By-law as relates to the appointment, powers, and duties of Committees shall be read and interpreted in connection with such last-mentioned general provision.

Committee Meeting, how called.

56. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman or any two members of such Committee.

Record of transactions in Committee.

57. The Chairman of each Standing Committee shall make, or cause to be made, in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Expenditure.

Except in emergent cases, cost of all work to be estimated before undertaken.

58. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Municipality shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Emergent matters and necessary current expenses.—Expenses authorized to be reported.—Outlay to be in accordance with Orders of Council.

59. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be allowed:—

1. By order of the Committee for Works, or of the Mayor and one member of such Committee, for repairs or emergent works, to the extent of five pounds.
2. By order of the Mayor, for necessary current expenses, to the extent of two pounds.
3. By order of the Mayor and any two Aldermen, or without the Mayor, of any four Aldermen, for any emergent purpose, to the extent of five pounds.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting, such report to be signed by the Chairman of the Committee for Works, or the Mayor, or the Mayor and Aldermen, or the Aldermen without the Mayor, as the case may be, by whom such outlay shall have been authorized; also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council, and that no outlay, involving a disobedience or evasion of any order or resolution of such Council, shall, on any pretence, be thus authorized.

All claims to be examined and reported upon by Finance Committee.—Certificate required with each claim.

60. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands, and no payment shall be so ordered unless there shall be a certificate or memorandum from the Committee, from the Mayor, or from the officers of the Council, to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one, and has been duly authorized or inquired into.

Common Seal and Records of the Council.

Common Seal and Press, how secured.—Care of same.

61. The common seal and the press to which the same is attached shall be secured by a cover or box which, except when such seal and press are in use, shall be kept locked. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor, and the other by the Council Clerk. Such common seal and press shall be in the custody and the care of the Council Clerk.

When and how Common Seal to be used.

62. The common seal shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or in case of the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

How Books of Account are to be kept and inspected.

63. The Treasurer shall keep such books of accounts, and such records, statements, and memoranda of receipts and expenditure, in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of account, records, statements, and memoranda from time to time to ascertain that the same are properly kept, and to report to the Council at once any act of neglect or appearance of inefficiency which they may have discovered in the keeping of the same; also to report to the Council from time to time any changes which such Committee may think advisable in the mode of keeping the accounts.

No officer to show books or papers of Council without leave of Council.

64. No officer of the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person other than an Alderman without leave from the Council, except as otherwise provided for by section 108 of the Municipalities Act 1867.

Impression of Seal not to be taken, &c., without leave of Council.—
Penalties.

65. No member or officer of the Council shall be at liberty to take any impression of the corporate seal, or to show, lay open, or expose any of the books or records of the Council, to any person other than a member of the same, without leave from such Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable on conviction for the first offence to a penalty of not less than five shillings nor more than two pounds; for a second offence to a penalty of not less than one pound nor more than ten pounds; and for a third and every subsequent offence to a penalty of not less than five pounds nor more than twenty-five pounds.

Records not to be removed, &c.—Penalties.

66. Any person removing any such record of the Council as aforesaid from the Council Chambers, or the place where, by direction of the Council, such book or other record is usually kept, without leave of the Council having been first obtained, or without other lawful cause for such removal, as hereinafter provided, shall for every such offence be liable to a penalty of not less than ten shillings nor more than ten pounds.

Penalty for defacing or destroying records.

67. Any person destroying, defacing, or altering any record of the Council shall for every such offence be liable to a penalty of not less than five pounds nor more than fifty pounds.

Bonds for good conduct of Officers.

68. In cases where security is required by clause 151 of the Municipalities Act of 1867, no sureties shall be accepted otherwise than by a vote of the Council; and it shall not be competent for the Council to accept as sureties any of its own members, nor any person holding office in the Council.

Duties of Council Clerk.

69. The Council Clerk, in compliance with the Municipalities Act of 1867, or by the present or any other By-laws made thereunder, shall perform the following duties, viz:—

1. Attend all Council meetings.
2. Attend all Committee meetings.
3. Attend all Courts of Provision and Appeal.
4. Summon the members of the Council to all Council or Committee meetings.
5. Take notes of all minutes and prepare reports of all Committees.
6. Conduct all correspondence ordered by the Council, or under the direction of the Mayor, and give all other officers instructions, as ordered by the minutes.
7. To see that the accounts are audited and the balance-sheets duly submitted twice a year within the time specified by law.
8. To see the gazetting of all By-laws and necessary advertisements.
9. To see that assessment books and the municipal lists and rolls are duly prepared, examine proofs of latter, and arrange for distribution of copies on payment to electors prior to the election.
10. Make all necessary arrangements for the elections, preparing all books, &c., for Presiding Officers and Poll Clerks.
11. Prepare all bonds of officers, see that the guarantees are given and agreements duly signed, &c., and report same to the Council.
12. Advise with the officers from time to time as to their duties, and the mode of carrying them out.
13. See that all levels and names of streets have been duly advertised, as provided for by law, and authenticated by the Mayor's signature.
14. To bring under the notice of the Mayor any matter or thing requiring his prompt attention.
15. To perform the duties of librarian in connection with the Free Library.
16. He shall likewise have charge of all the records of the Council, except such books or documents as may be entrusted to any other officer of the Council, and shall be responsible for the safe keeping of such records.

He shall generally assist the Mayor in carrying out the orders of the Council.

Duties of Treasurer.

70. The Treasurer shall have charge of such books of account and other records of the Council as are mentioned in section 63 of these By-laws, and shall be responsible for the safe keeping of the same. Any other officer of the Council may have any other records thereof committed to his charge by an order of the Council, and in such case shall be responsible for the safe keeping of such records.

Duties of other Officers and Servants.

71. The duties of all officers and servants of the Corporation shall be defined by such regulations as may from time to time, and in accordance with law, be made.

Special powers of Mayor.

72. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant, as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, explanation, or information is on record, as hereinbefore provided; or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanation or information may, except as hereinafter provided, be either rendered *in voce* or put into writing, as the Mayor may direct.

Complaints against Officers, &c., how to be dealt with.

73. All complaints against any officers or servants of the Corporation must be in writing, and must in every case be signed by the person or persons complaining, and no notice whatever shall be taken of any complaint which is not in writing, or is anonymous. All such complaints may be addressed to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same and report thereon at the next meeting; or he may, if necessary, suspend such officer or servant till the Council shall have dealt with the charge.

Miscellaneous.

Leave of Absence.

74. No leave of absence shall be granted to the Mayor or any Alderman otherwise than by a resolution of the Council, adopted after due notice.

Lapsed Business.

75. Whenever the consideration of any motion on matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration may be ordered by resolution of the Council after due notice, and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Suits and prosecutions for penalties.

76. Such suits or informations for the enforcement of penalties for or in respect of breach of the Municipalities Act of 1867, or of any By-laws made thereunder, or of any statute, the operation of which may have been extended to the Municipality, as may have been directed by the Council or by the By-law Committee, or by the Mayor, to be commenced or laid as follows:—When against a member of the Council or an Auditor or any officer of the Corporation, by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose; when against any other person, by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council or the By-law Committee or the Mayor, as the case may be, on directing such suit or information as aforesaid; and no suit shall be brought or information laid as aforesaid against any member of the Council or Auditor except by order of the Council, nor shall any similar proceeding be taken against any officer of the Council except on the order of such Council or of the Mayor, nor against any other person except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on an express resolution of the Council, in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where, on the trial or hearing of any such suit or information, the same shall have been dismissed on its merits: Provided that in any case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

Powers to suspend temporarily certain portions of these By-laws.

77. Any of the foregoing By-laws, or any portion thereof, which relate to or affect the proceedings at meetings of the Council may be suspended *pro tempore* without notice in case of emergency if all the members of the Council then present shall deem such suspension necessary.

78. Works undertaken by the Council and estimated to cost over £20 (twenty pounds), shall be let by tender; and no tender shall be entertained unless it be accompanied by an agreement, signed by one or more respectable parties as sureties for due performance of the contract.

PART II.

Collection and Enforcement of Rates.—Times and Mode of Collection.

Rates, under section 164, to be collected half-yearly.

1. All rates levied or imposed by the Council under the provisions of section 164, Municipalities Act of 1867, and for the purposes mentioned in the said section, shall be collected by half-yearly instalments. Each such instalment shall, as to every such rate, and every such instalment thereof, be held to be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rate.

Special Rate.

2. All rates levied or imposed by the Council under sections 165, 166, and 167, of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may by resolution at the time of making or imposing such rates, or any of them, have appointed.

Office Hours.

3. All rates shall be paid at the Council Chambers during the hours appointed by the Council for that purpose.

Defaulting Ratepayers.

4. It shall be the duty of the Council Clerk to furnish to the Mayor a list of the names of all persons whose rates are unpaid at the expiration of the period fixed for the payment thereof; and it shall be the duty of the Mayor to issue distress warrants against all such persons, and to cause such warrants to be enforced, or to cause such defaulter to be sued for the amount of rates in a Court of competent jurisdiction.

Bailiff to find Sureties.

6. A Bailiff, for the purpose of enforcement of such rates, shall be appointed by resolution of the Council upon notice, and shall be liable to removal from office in the same manner. He shall find two sureties, who shall be approved of by the Mayor, and who shall enter into a bond of £25 (twenty-five pounds) each on his behalf, that he shall well and truly perform all the duties imposed upon him as such Bailiff.

Warrant of Distress.

6. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor, or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and Sale, &c.

7. If the sum for which any such distress shall have been made shall not be paid with costs, as hereinafter provided, on or before the expiration of five days, the Bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, after having been duly advertised in one of the local papers, either on the premises or such other place within the said Municipality as the Bailiff may think proper to remove them for such purpose, and shall pay over the surplus (if any) that may remain, after deducting the amount of the sum distrained for and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

Inventory.

8. At the time of making a distress, the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf, resident at the place where the distress shall be made; and in case there shall be no person at place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the Bailiff shall give a copy of the inventory to the ratepayer on demand at any time within one month after making such distress.

Goods may be impounded.

9. The Bailiff, on making a distress aforesaid, may impound or otherwise seize the goods and chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

Power to direct Order of Sale.

10. The owner of any goods or chattels so distrained upon may, at his or her option, direct and specify the order in which they shall be successively sold; and the said goods or chattels shall, in such case, be put up for sale according to such direction.

Proceeds of Distress.—Costs.

11. The Bailiff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same. There shall be payable to the Bailiff for the use of the Council for every levy and distress made under this By-law, the cost and charges in the Schedule hereunto annexed marked C.

SCHEDULE A.

Warrant of Distress.

I, _____, Mayor of the Municipal District of Moss Vale, do hereby authorize you, _____, the Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____ for _____ being the amount of rates due to the said Municipality to the _____ day of _____ for the said dwelling-house (or land or premises as the case may be) and to proceed thereon for the recovery of the said rates, according to law.

Dated this _____ day of _____ 18____. Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Municipal District of Moss Vale, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, within the said Municipality, for _____ being the amount of rates due to the said Municipal Council to the _____ day of _____, 18____.

Dated this _____ day of _____ 18____. Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy ...	2	0
For making and furnishing copy of inventory...	1	0
If in possession more than five hours, additional	5	0
And for every subsequent day, or part of a day, whilst in possession	5	0
For sale, commission, and delivery of goods, per pound on proceeds of sale	1	0

PART III.

Preventing and Extinguishing Fires.

Fire or Combustible Materials, &c.

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable material of any kind, in such a manner as to endanger contiguous buildings, shall, on conviction for every such offence, forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder or combustible, or inflammable materials; and every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for forty-eight hours after any such conviction, shall be deemed guilty of a further offence against this By-law; any person burning any shaving or other matter or things in any street, road, or public place shall forfeit and pay a sum not exceeding forty shillings, nor less than five shillings.

Inflammable Fences, &c.

2. Every person who shall erect any fence of brushwood, bushes, or other inflammable materials, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering of any such stack, any inflammable material so as to endanger contiguous buildings or properties, shall forfeit, on conviction for every such offence, a penalty of not more than five pounds, and also shall remove such fence, stack, or covering, within a reasonable time after such conviction; and any person failing to remove such fence, stack, or covering, within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Discharging Fire-arms.

3. Any person who shall discharge any fire-arms without lawful cause, or let off any fireworks, or other explosive matter in or within 150 yards of any road or street, shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Wilfully setting fire to chimney.

4. Every person who wilfully sets or causes to be set on fire any chimney, flue, smoke-vent, or stove-pipe, herein called in common a chimney, shall forfeit a sum not exceeding five pounds: Provided always that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney from liability to be informed against or prosecuted before any criminal Court for such act as for the indictable offence.

Council may reward persons for services rendered during time of fire.

5. It shall be competent for the Council to reward any person, as they may deem fit, who may have distinguished himself in the saving of life or property at a time of fire, or in extinguishing fire within the Municipality.

PART IV.

Notices—Streets and public places—Public health and decency.
Persons obstructing officers of the Council.

1. Any person or persons who shall obstruct any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing or performing or going to perform or returning from the performance of any duty or act under these By-laws, by using any threats, offensive language, hindrance, or insulting language towards the said officer in any street, road, or other place within the said Municipality, shall forfeit and pay for every such offence a penalty not exceeding twenty pounds nor less than two pounds.

New roads to be reported on—Dedication of new roads, &c.

2. No new public road, street, way, park, or other place proposed to be dedicated shall be taken under the charge and management of the Council until after such road, street, way, or part shall have been formed by the proprietor or proprietors to the reasonable satisfaction of the Committee of Works or any duly authorized officer, or until the said road, street, way, or park shall have been duly examined and reported upon to the Council by such Committee or authorized officer. If the Council shall determine to take charge of any such road, way, or other place as aforesaid, the plan or plans so signed as aforesaid shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument dedicating such road, way, park, or other place to the public use or recreation as aforesaid as may be considered necessary by the Committee for general purposes; and such further instrument of dedication shall also be preserved as a record of the Council.

Change of street levels.

3. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section showing the proposed cutting to be exhibited at the Council Chambers for fourteen days for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Municipality, that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption and countersigned by the Council Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

Roads and streets and encroachments thereon.

4. The Committee for works, or the surveyors of the Municipality, or other person, or officer duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix marks, and lay out the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and foot ways thereof which now are, or shall hereafter be under or subject to the control, construction, care, and management of the Council. In marking out such roads, streets, lanes, and thoroughfares, recourse shall be had when practicable, to the plans under which the land with frontage to the road, street, lane, or thoroughfare in question shall have been sold or let; and it shall be the duty of such Committee for Works, or surveyor, or other officer, to place posts at the corners or intersections of such streets, roads, lanes, or thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 44 feet for the carriage-way and 11 feet for the foot-way on each side. Where the road, street, lane, or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council in any such road, street, lane, or thoroughfare, or other public place, of other width than 66 feet wide: Provided that there shall be no change of level in any such public road, street, lane, or thoroughfare, or public place, until the same has been submitted to, and adopted by the Council as hereinafter provided.

NOTE.—This By-law shall be read subject in all respects to the Width of Streets and Lanes Act of 1881 (45 Vic. No. 28).

Erection of house, fee for permission, &c.

5. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place within the said Municipality without first serving notice in writing on the Mayor, or Council Clerk, or other duly authorized officer, before commencing the same, stating his intention, setting out a plan, and giving particulars of the proposed building, and at the time the said notice is given, paying to the Council Clerk, or other duly authorized officer a fee of five shillings for permission to erect such house, shop, or other building, or any part thereof commencing to build or work thereon without such notice having been given, shall forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Houses must have spouting, and downpipe.

6. All proprietors of houses within the Municipality, having a frontage to any street, shall be bound to have the same sufficiently spouted with downpipe, to be carried under the surface of the footpath into the gutter unless water dripping from roof be otherwise prevented from flowing on footpath under penalty of ten shillings on conviction; and if not remedied at the expiration of seven days after such conviction, the offender shall be again liable to a like conviction, and penalty also for every succeeding seven days.

No balcony, &c., to project.

7. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, coping, parapet, overhanging eaves, cornice, windows, string cornice, string course dressing, or other architectural dressing or decoration forming part of or attached to any external wall to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony or any other external projection as aforesaid, which may hereafter be added to any existing building be allowed to project as aforesaid, under a penalty not exceeding five pounds, nor less than one pound, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than 30 feet wide: Provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice—Council may remove same or proceed to action—Applies also to obstructions by digging.

8. The surveyor or other such officer or person may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall in this case be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroachment in structure belongs, or who has erected or caused it to be erected. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same under the superintendence of its own officers, and at the cost of the person so offending: Provided that the expenses thereby incurred shall in no case exceed ten pounds, or at the Council's option to proceed against the offender for breach of By-law, the penalty not to exceed twenty-five pounds, nor to be less than one pound, and in case of every successive offence the penalty on conviction not to be less than five pounds. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council either to direct such removal, and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-laws as aforesaid. The foregoing provisions shall be equally applicable to all obstructions by digging or excavations, and any person who shall wilfully obstruct or interfere with the surveyor or other officer as aforesaid, or any person acting for or under him or either of them in the exercise of any of the duties or powers by these By-laws imposed or cast on the surveyor or officer, shall on conviction forfeit and pay a penalty of not less than two pounds, nor more than twenty pounds.

Hoards or fences to be erected.

9. Every person intending to build, or take down any building, within the limits of the Municipality, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done, where any street or foot-way will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on, from the street, with a convenient platform and handrail as aforesaid, standing in good condition to the satisfaction of the officer of the Council of the said Municipality, during such time as the public safety or convenience requires, and shall in all cases in which it is necessary, in order to prevent accident, cause the same to be sufficiently lighted during the night; and any such person who shall fail to put up such fence or hoard or platform, with such handrail as aforesaid, during the period of such building or taking down, or who shall not, while the said hoard or fence is standing, keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the officer of the said Council of the said Municipality within a reasonable time afterwards, shall for every such offence be liable to a penalty not exceeding forty shillings for each day such default is continued.

The foregoing provisions having reference to hoards or fences in front of buildings apply equally to any hole, pit, cellar, vault, or foundation in course of digging or construction.

No turf, gravel, &c., to be removed from streets without permission.

10. Any person who shall form, dig, or open any drain or sewer, or remove, or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material in or from any part of the carriage or foot-way of any street or other public place within the said Municipality, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage any such carriage or foot-way, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Open spaces and steps adjoining the foot-ways to be enclosed under penalty.

11. Every owner or occupier of any house, building, premises, or land within the said Municipality having any entrance, area, garden, or other open space, or any vacant building, lot, waterhole, or excavated space adjoining the foot-way of any street or public place in such Municipality, shall protect and guard the same by good and sufficient paling fence, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land having any steps adjoining the foot-way of any such street or public place, shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and repassing, and on failure thereof every such owner or occupier shall, as often as he shall be convicted of such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds; and every such owner or occupier as aforesaid who shall fail to erect such rails, fence, or other enclosures as aforesaid within seven days after any such conviction as aforesaid, shall be guilty of a further offence against this By-law.

Wells to be covered under penalty.

12. Every person who shall have a well or underground tank, used for domestic purposes, shall cause such well to be securely and permanently covered over to the satisfaction of the duly appointed officer of the Council; and if any person having such well or underground tank as aforesaid shall fail to cover over and secure the same within seven days after notice in writing shall have been given him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall on conviction forfeit and pay the sum of ten shillings; and for every day after such seven days' notice that such well or underground tank shall remain open or uncovered contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs.

13. The Committee for Works, or any officer or person acting under the instruction or authority of such Committee, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose, and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of stopping the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

14. Any person who shall haul or draw or cause to be hauled or drawn upon any part of any street or public place within the said Municipality, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or trail upon any part of such street or public place to the injury thereof, shall on conviction, forfeit and pay for every such offence a sum of not more than forty shillings nor less than five shillings over and above the damage occasioned thereby.

Throwing filth, &c., on foot-ways or streets.

15. Any person who shall throw, cast, or lay, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, slops, suds, or other filth or annoyance, or any matter or thing in or upon the carriage-way, foot-way, or water-table of any street, lane, or other public place in the said Municipality, shall, on conviction, forfeit and pay a fine not less than twenty shillings nor more than five pounds, and shall, in addition to any such forfeiture, pay the cost of removing such filth or obstruction or of restoring such water-course or canal into its proper channel.

Placing roots, &c., on roadway.

16. If any person shall set or place, or cause or permit to be set or placed, any stall, showboard, basket, or goods of any kind whatsoever, or shall hoop, place, wash, cleanse, or cause to be hooped, placed, washed, or cleansed any cart or vessel in or upon or over any road, foot-way, or public place within the said Municipality, or shall set out, lay, or place, or shall cause or procure, permit or suffer to be set out, laid, or placed, any coach, cart, dray, harrow, truck, or other carriage, upon

any foot-way, or if any person shall set or place, or cause to be set or placed in, upon, or over any of the said carriage or foot-ways, any timber, stone, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as hereinbefore directed), or any other matter or things whatsoever, or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or premises, over any part of such foot-ways or carriage-ways or over any area of any house or premises, or any other matter or thing from and on the outside or any part of any house or premises, over or next to any such street or road, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances, or any other officer of the Council, and shall not continue to keep the same so removed; or if any person having, in pursuance of any such requisition as aforesaid, removed or caused to be removed any such stall, show-board, basket, goods, coach, cart, dray, harrow, truck, carriage, timber, stone, brick, lime, meat, offal, or other matter or things, and shall at any time thereafter again set, lay, or place, expose or cause, procure, permit, or suffer to be set, laid, placed, or exposed the same, or any of them, or any other article or thing whatsoever (save and except as aforesaid), in, upon, or over any of the carriage or foot-ways or next unto any street or road, as aforesaid; in every such case every person so offending shall forfeit a sum not exceeding forty shillings nor less than ten shillings.

Obstructing public pathways.

17. If the occupier or owner of any land situate on the side of any street or road in this Municipality shall permit any tree, shrub, or plant kept for ornament or otherwise, to overhang any footpath or foot-way on the side of any such street or road, and on demand made by the Council, shall not cut, lop, or cause to be lopped, all such overhanging trees, plants, or shrubs to the height of ten feet at the least, the said Council by their servants, labourers, and workmen, may cut or cause to be cut or lopped, all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, shrubs, or plants so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council, or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall, on conviction for every such offence, forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Slops, nightsoil, &c., to be conveyed away only at certain hours.

18. Any person or persons who shall drive or cause to be driven, any cart or other carriage with any nightsoil or ammoniacal liquor therein, through or in any street or public place, within the said Municipality, between the hour of 5 o'clock in the morning and 11 o'clock at night, or shall fill any cart or other carriage so as to turn over or cast any nightsoil, ammoniacal liquor, slop, mire, or channel dirt, or filth in or upon any such street or public place, or shall deposit nightsoil, ammoniacal liquor or other offensive matter nearer to any street, road, or dwelling-house than shall be directed by the said Council, or by the Inspector of Nuisances; or shall remove nightsoil or other offensive matter otherwise than in properly covered and water-tight carts or other vehicles, or shall cause any vehicle used for this purpose to stand on any premises nearer to any road, street, or dwelling-house than shall be directed by the said Council or Inspector of Nuisances, shall for every such offence forfeit and pay any sum not exceeding five pounds; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such cart or carriage in which such nightsoil or other offensive matter shall be put or placed, and also the employer of the person so offending shall be liable to the forfeit, and pay such penalty as aforesaid.

Riding on drays, and careless driving.

19. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street as aforesaid not having some person on foot to guide the same (such carts as are drawn by one horse and driver, or guided with reins excepted) or if the driver of any carriage whatsoever shall wilfully be at such distance from such carriage or in such a situation whilst it shall be passing upon such street that he cannot have the direction and government of the horse or horses, or cattle drawing the same, or if the driver of any waggon, cart, dray, or coach or other carriage whatsoever meeting any other carriage shall not keep his waggon, cart, dray, or coach, or other carriage on the left or near side of the road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her or any carriage under his or her care upon such street; or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, or shall ride or drive round the corner of any street, road, or thoroughfare faster than a walk, every such driver or person so offending shall upon such conviction forfeit and pay any sum not exceeding forty shillings.

Riding or driving furiously.

20. Any person who shall ride or drive through or upon any street or public place within the said Municipality so negligently, carelessly, or furiously, that the safety of any other person shall or may be endangered, shall on conviction, forfeit and pay a sum not exceeding ten pounds, nor less than two pounds.

Riding on and obstructing the foot-ways.

21. Any person or persons who shall stand, run, roll, drive, draw or cause, permit, or suffer to be stood, run, rolled, driven, or drawn upon any of the foot-ways of any street or public place within the Municipality any waggon, cart, dray, sledge, or other carriage, or any wheel, wheel-barrow, hand-barrow, or truck, or any hogshead, cask, or barrel, or shall wilfully lead, drive, ride, tether or tie up any horse, ass, mule, or other beast upon any such foot-way, shall, upon conviction, forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence, a sum not exceeding five pounds nor less than one pound; and for a third and every subsequent offence, a sum not exceeding ten pounds nor less than one pound for each such offence; and should the person in charge of such waggon, cart, dray, or other vehicle, or horse, mule, or other beast refuse to give his name and address, the owner of the same may be prosecuted under the By-law for causing a breach of the same.

Vehicles to carry lights between sunset and sunrise.

22. Every person whilst driving, leading, or driving upon any cart, carriage, wain, waggon, buggy, or other vehicle drawn by any horse, ass, mule, bullock or other animal or animals, or riding on any bicycle or similar machine through any part of the Municipality between the hours of sunset and sunrise, shall carry a lighted lamp affixed in a conspicuous place on the offside of such cart, wain, buggy, or other vehicle under a penalty of ten shillings for the first offence, and for every subsequent offence not less than one pound nor exceeding ten pounds.

Blasting Rock.

No rock to be blasted without notice to the Council Clerk.

23. Any person who shall be desirous of blasting any rock within one hundred yards of any street or public place or dwelling-house in the said Municipality shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person shall blast or cause to be blasted any rock within the limits aforesaid without giving such notice, or shall not conform to the directions given to him by the said Council Clerk, he or she shall on conviction forfeit and pay for every such offence any sum not less than five pounds nor more than twenty pounds.

*Public Property.**Injuring or extinguishing lamps.*

24. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

As to damaging buildings, &c.

25. Any person who shall damage any public toll-gate, toll-board, wall, parapet, fence, sluice-bridge, culvert, sewer, water-course, or other public property within the said Municipality, shall pay the cost of repairing the same, and if such damage be wilfully done, shall forfeit and pay a sum not exceeding twenty pounds or less than five pounds.

Placing notices on foot-ways or kerbstones—Distributing or affixing anything of an offensive or indecent character.

26. Any person who shall stamp, stain, paint, write or post any advertisement or notice upon any foot-way or kerbstone within this Municipality, shall be liable to a penalty not exceeding forty shillings. Any person who shall in any street or place within this Municipality, post, expose to view, or distribute any placard, handbill, or other document whatever, of an offensive or indecent character, shall be liable to a penalty not exceeding forty shillings.

Affixing placards on walls and chalking thereon.

27. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, fence, house, or building, nor to deface any such wall, fence, house or building by chalk or paint, or in any other manner, unless with the consent of the owner thereof. And any person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding twenty shillings.

Dead animals not to be thrown into any public water-course, &c.

28. Any person who shall cast any filth, rubbish, or any dead animals, or any animal with intent to drowning, into any public water-course, sewer, waterhole, river, creek, road or pathway, or who shall suffer slops, suds, or filth of any kind to flow from his or her premises into any such water-course, waterhole, river, creek, or canal, or who shall permit or suffer any such slops, suds, or filth to flow from his or her premises

over any of the foot-ways or streets of the Municipality, or shall permit or cause, by means of pipes, shoots, channels or other contrivances, filth of any kind, whatsoever, to flow into any public water-course, waterhole, river, creek or canal, or shall obstruct or divert from its channel any sewer or water-course, river, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than one pound.

Dead animals—Mode of removal.

29. If any animal shall die in any part of the said Municipality, and the owner of such animal, or the occupier of the place, if private property where such animal shall have died, shall not cause such animal to be immediately destroyed by fire, or so effectually removed or disposed of that no nuisance can possibly result therefrom in any part of the said Municipality, he shall, for every such offence, forfeit and pay any sum not exceeding five pounds nor less than one pound: Provided if the occupier of the premises on which such dead animal shall have been found be not the owner of such dead animal, the owner, when found, shall be liable for the cost of destroying or removing such animal as in this By-law aforesaid.

No pigs to be kept without permission within certain radius.

30. That no pigs shall be kept within that portion of the Municipality extending one quarter of a mile in each direction from the Post Office, excepting with the express permission of the Council.

Animals suffered to stray.

31. Any person who shall suffer any kind of swine, or any horse, ass, mule, sheep, goat, cow, or any other animal of a like nature belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, or public place, shall, on conviction, forfeit and pay any sum not exceeding forty shillings nor less than five shillings for such and every animal so kept, suffered to stray or go about, or to be tethered, or depastured in any such street, road, or public place as aforesaid, and the owner or occupier of any house or premises or other place within the said Municipality, wherein any such horse, mule, ass, sheep, goat, cow, or other animal is kept, fed, milked, or used in any way whatsoever, shall within the meaning of these By-laws be deemed the owner of every such animal so bred, kept, suffered to stray, or to be tethered or depastured in such street or public place as aforesaid; the word "horses," shall be sufficient designation for any entires, geldings, mares, or foals, and the word "cattle," for any bulls, oxen, cows, or calves, when more than one is the subject of any information and summons under the provisions of these By-laws.

Powers of officers of Council to inspect butcher's shops, &c.

32. The Inspector of Nuisances, or other officer duly authorized by the Council, may, and is hereby empowered at all reasonable times, with or without assistants, to enter into and inspect any shop, building, stall, or place kept or used for the sale of butcher's meat, and to examine any carcass, meat, or flesh, which may be therein, and in case any carcass, meat, or flesh, appear to him to be intended for the food of mankind, and to be unfit for such food, the same may be seized, and if it appear to a Justice of the Peace upon the evidence of a competent person that any such carcass, meat, or flesh, is unfit for the food of mankind, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food, and the person or persons to whom such carcass, meat, or flesh belongs, or in whose custody the same is found, shall be liable to a penalty not exceeding ten pounds for every carcass or piece of meat or flesh so found.

Cleansing butcher's shambles.

33. For preserving the cleanliness of the said Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances or for any other officer or officers appointed by the Council from time to time, and when and as often as he or either of them shall see occasion, to visit and inspect the butcher's shambles, boiling down establishments, tanneries, and fellmongery establishments in the said Municipality, and to give such directions concerning the cleansing the said shambles, tanneries, and establishments, both within and without, as to him shall seem needful; and any butcher, or the owner or occupier of any such shambles, tannery, or establishment, who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds nor less than ten shillings.

Complaints respecting dirty premises.

34. Upon the complaint of any householder that the house, premises, yards, closets or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other officer appointed by the said Council, shall make an inspection of the premises complained of; and the officer of the said Council shall have the full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose, and any person who shall personally, or by any person in his employment or under his control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter in any cellar or place

within any dwelling-house or premises within the said Municipality, or shall in like manner suffer the contents of any water-closet, privy, or cesspool to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound :—

Various obstructions and annoyances.

35. Every person who, in any street or other public place or passage within the said Municipality, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences, shall, on conviction for any and every such offence, forfeit and pay a penalty of not more than two pounds.

1. Every person who shall hoist or cause to be hoisted, or lower or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and laddering.
2. Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcass or any part of the carcass of any newly slaughtered animal without a sufficient and proper cloth covering the same, for the concealment from the public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.
3. Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon, or allow any tree or shrub overhanging the footpath to the danger or annoyance of any person.
4. Every person who shall place any flower-pot in any upper window near to any street or public place without sufficiently guarding the same from being thrown down.
5. Every person who shall throw or cast from the roof or other part of the house or other building any slate, brick, part of a brick, wood, brush, or other material or thing (unless within a hoard or enclosure, when any house or building is being erected, pulled down, or repaired).
6. Every blacksmith, whitesmith, anchor-smith, nail-maker, metal-founder, limeburner, brickmaker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such windows and closing such aperture or placing a screen before the same every evening within one hour after sunset so as effectually to prevent the light from showing through the doorway, window or aperture next or upon such street, lane or passage.
7. Every person who shall within the distance of one hundred yards from any dwelling-house burn any rags, bones, cork, or other offensive substance, to the annoyance of any inhabitant.
8. Every person who shall carry goods or any frame to the annoyance of any person upon the footway of any street or other public footway.
9. Every person who shall be the keeper of or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right-of-way or use of any private yard, alley, street, or any other place within the said Municipality.

Premises in state to endanger public health—Houses to be purified on certificate of two medical practitioners.

36. If upon the certificate of any two duly qualified medical practitioners it appears to the Council that any house or part thereof, or the premises occupied in connection therewith within the Municipality, is or are in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and the whitewashing, cleansing, or purifying of any house or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious diseases, the said Council shall give notice in writing to the owner or occupier of such house, or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, or purify the same, as the case may require; and if the person to whom the notice is so given shall fail to comply therewith within such time as shall be specified in such notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

Offences against decency—Bathing prohibited within certain limits.

37. Any person who shall bathe near to or within view of any inhabited house, or of any bridge, street, road, or other place of public resort within the limits of the Municipality, between the hours of six o'clock in the morning and eight in the evening, shall, on conviction, forfeit and pay a sum not exceeding one pound nor less than ten shillings for every such offence.

Penalty on indecent exposure of the person.

38. Any individual who shall offend against decency by exposure of his or her person in any street or public place within the said Municipality, or on view thereof, shall, on conviction, forfeit and pay for every such offence a sum not exceeding ten pounds nor less than five pounds.

Throwing rubbish on private property without permission.

39. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Municipality without permission first obtained from the Municipal Council and the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than ten shillings.

Planting trees in streets.

40. The Council shall have the power to plant trees, shrubs, or plants in the streets and public ways of the Municipality, and any person wilfully or carelessly injuring or destroying any of such trees, shrubs, or plants, or any railing, fence, or thing protecting the same, shall on conviction forfeit and pay a sum not exceeding ten pounds, nor less than two pounds in addition to the value of the trees, shrubs, plants, railing, fence, or thing so injured.

PART V.

Noisome and offensive trades.

No noisome or offensive trade to be carried on to the injury of any person.

1. No person shall carry on any noisome or offensive trade within the said Municipality, so as to injure or be a nuisance as hereinafter stated to the inhabitants thereof.

Definition of noisome and offensive trade.

2. Any manufacture, trade, calling, or operation in the conducting, following, or carrying on of which, or in consequence of, or in connection therewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, or effluvia, or any large quantities of smoke, shall be evolved or discharged, which gas, vapour, effluvia, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Municipality, shall be considered a "noisome and offensive trade" within the meaning of these By-laws.

Complaint—Inquire and report—Order of Council thereon.

Notice to discontinuance, &c.—Penalty.

3. Upon complaint in writing by any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, as to injure his or her health, or the health of any member of his family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises in which such trade is alleged to be so conducted, followed, or carried on as aforesaid, and of the premises, or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council; and if the said Council shall on the consideration of such report or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of and so being conducted, followed, or carried on as aforesaid, is a "noisome and offensive trade" within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time, not being less than thirty days, nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality, and if such trade shall not be discontinued as aforesaid, any person conducting, following, or carrying on such trade aforesaid, shall for the first offence forfeit and pay a sum not less than forty shillings nor more than five pounds, for a second offence a sum not less than five pounds nor more than twenty-five pounds, and for the third and every subsequent offence a sum of not less than ten pounds nor more than fifty pounds.

Mode of proceeding where noisome and offensive trade is about to be commenced—penalty.

4. The like proceedings shall be taken as aforesaid, whenever there shall be a complaint as aforesaid, that any manufacture, trade, calling, or operation, is about to be commenced or entered upon, which is likely to prove "noisome and offensive" within the meaning of these By-laws, save and except the notice to be given as aforesaid, shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him or her, or them, not to commence or enter upon the same, or to take such measures as shall effectually and permanently prevent the same from becoming "noisome and offensive," within the meaning of these By-laws, to any resident within

the Municipality, and any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way "noisome and offensive," within the meaning of these By-laws, shall for every such offence forfeit and pay a sum of not less than ten pounds nor more than fifty pounds.

Inspector of Nuisances may take legal proceedings.

5. The Inspector of Nuisances, or other person appointed by the Council, may take legal proceedings against any person or persons committing any offence or offences against any of the By-laws of the said Municipality.

Service of notice- liabilities.

6. Service of any such notice, as aforesaid, upon the occupier or owner of any premises or land, wherein or whereon any such manufacture, trade, calling, or operation is being conducted, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said land or premises, shall be a good and sufficient service of such notice for all the purposes of these By-laws; and every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation within the meaning and for all the purposes of these By-laws.

Penalties to be paid over to Treasurer.

7. All penalties under any of these By-laws shall be paid over to the Treasurer of the said Municipality, to be appropriated as the Council may direct.

Interpretation of Mayor and Municipality.

8. Whenever in any of these By-laws the word "Mayor" is made use of it shall, unless the context shall indicate a contrary intention, be construed also to signify and include any alderman lawfully acting for the time being in the place or stead of the Mayor; and whenever the word "Municipality" is made use of in the said By-laws it shall be understood to signify the "Municipality of Moss Vale."

PART VI.

Public Exhibitions.

Exhibitions, &c., to be licensed.

1. No exhibitions other than exhibitions licensed by the Colonial Secretary under the provisions of the Act 14 Vic. No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit

within the said Municipality; nor shall any bowling-alley, dancing-saloon, or other place of public amusement other than place licensed as aforesaid, or a place for temporary amusement hereinafter specially provided for, be used as such for hire or profit within the said Municipality, unless and until permission in writing be granted by the Mayor.

Penalty for exhibiting, &c., without license.

2. Every person holding or keeping any such exhibition or using any place within the said Municipality for public amusement as aforesaid, or causing, or permitting such place to be so used without such permission of such Mayor, shall forfeit and pay a sum not less than five shillings nor more than forty shillings for every day that such exhibition shall be so held or kept, or such place shall be so used for public amusement as aforesaid.

No exhibitions on Sundays, &c.

3. No such exhibition or place of public amusement as aforesaid shall be held or kept open or used for the purposes of such public amusement on Sundays, Christmas Day, or Good Friday; and every person offending against this By-law in this behalf shall, on conviction, forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

PART VII.

Polluting Water, Reservoirs, &c.

1. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct or other waterworks, belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein, any animal, whether alive or dead, or any rubbish, filth, stuff, or thing of any kind whatsoever, or shall cause or permit or suffer to run, or to be brought therein, the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper water, or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other waterworks as aforesaid, or shall do anything whatsoever whereby any water or waterworks belonging to the said Council, or under their management or control, shall be fouled, obstructed, or damaged, shall for the first offence forfeit and pay any sum not exceeding five pounds; for a second offence, any sum not less than ten shillings nor more than five pounds; and for the third and every subsequent offence, any sum not less than one pound nor more than twenty pounds.

(L.S.) N. HERBERT THROSBY,
Mayor.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF MOSS VALE—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 17th April, 1889.

MOSS VALE MUNICIPALITY.—BY-LAWS.

THE following By-laws made by the Council of the Municipal District of Moss Vale, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the provisions of the above-cited Act.

HENRY PARKES.

BY-LAWS OF THE MOSS VALE MUNICIPAL COUNCIL.

PART I.

Meetings of the Council.

Ordinary Meetings.

1. The Council shall meet for the despatch of business at such hour in the evening as its members may from time to time determine, upon motion after due notice, on every alternate Monday, unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor may appoint.

Election of Chairman in absence of Mayor.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting. Provided if the Mayor shall afterwards attend, the chair shall be vacated and be taken by him.

Adjournment for want of a Quorum.

3. In the event of a quorum not being present at any meeting of the Council within half an hour after the time appointed for the holding of such meeting, the names of the Aldermen then present shall be entered in the minute book by the Council Clerk and the meeting shall lapse. Should it appear at any time during the holding of any meeting that there is not a quorum of members present, the Mayor shall have power to adjourn such meeting or intended meeting to some other time.

Order of Business.

Business of Ordinary Meetings.

4. The following shall be the order of business at all meetings of the Council other than special meetings:—

- (a) The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes except as to whether they are correct.

- (b) Petitions (if any) to be presented and dealt with.
- (c) Correspondence to be read and if necessary, to be dealt with.
- (d) Reports from Committees and Minutes from the Mayor to be received.
- (e) Questions as to any matters under the jurisdiction, or within the official cognizance of the Council, to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the Committees or officers to be made, or any other special business, but shall not be debated.
- (f) Motions, of which notice has been given, to be dealt with in the order in which they stand on the business paper.
- (g) Orders of the day to be disposed of as they stand on the business paper.

Business at Special Meetings.

5. At special meetings of the Council the business, after the minutes shall have been read and confirmed, which shall be done in the same manner as at ordinary meetings, shall be taken in such order as the Mayor, or the Alderman at whose instance such special meeting shall have been called, may have directed.

Answers to Questions.

6. It shall not be compulsory for the Mayor to give official replies to questions put to him, unless he shall have had twenty-four hours notice thereof.

Business Paper, how prepared.

7. The business paper for every meeting of the Council shall be made up by the Council Clerk, and delivered to the Mayor and Aldermen, or left at their respective residences at least forty-eight hours before the time appointed for such meeting. The Council Clerk shall enter on such business paper, a copy or the substance of every notice of motion, and of every order referring to business proposed to be entertained at such meeting.

Business Paper for Special Meetings.

8. The business paper for a special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Alderman calling such meeting.

How Business Paper is to be disposed of.

9. The business paper for each meeting of the Council shall at such meeting be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper so noted shall be a record of the Council.

Notices of Motions, &c., to be numbered as received and preserved until matter is disposed of.

10. All notices of motions, &c., for consideration at general meetings shall be delivered to the Council Clerk at least four days before such meeting, in writing, and shall be numbered by him as they are received, and entered on the business paper according to their number; and each notice shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of. Provided, however, that the person giving or forwarding any such notice of motion shall be at liberty to withdraw the same at any time before the making up of the business paper.

After Business Paper made up all Notices, &c., to be the property of the Council.

11. After the business paper shall have been made up as aforesaid, all the said notices of motions, requisitions, and directions, as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended without leave having been first obtained from the Council for such withdrawal, alterations, or amendment.

Motions and Amendments.

Motions, how to be moved.

12. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck out and be considered to have lapsed.

Absence of proposed Mover.

13. No motion of which notice shall have been entered on the business paper, shall, except as hereinafter provided, be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motions to be seconded.

14. No motion in Council shall be discussed until it has been seconded.

Amendment may be moved.

15. When a motion shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon; but no such amendment shall be discussed until it has been seconded.

All Amendments must be in writing.

16. All amendments must be in writing, signed by the mover, and delivered to the Clerk, who shall add thereto the name of the seconder.

Amendments, how disposed of.

17. Whenever an amendment is moved upon an original proposition, no second amendment shall be taken into consideration until the first amendment has been disposed of. If the first amendment be carried it shall displace the original question and become itself the question, subject to any further amendment. If the first amendment be negatived, then a second amendment may be moved upon the original question under consideration; but only one amendment shall be submitted to the Council for discussion at one time.

Adjournments.

18. Any motion for adjournment, if recorded, shall be immediately put without discussion; but if such motion is negatived it shall not be competent for any Alderman to make a similar motion until twenty minutes shall have elapsed.

Orders of the Day.

Of what Orders of the Day shall consist.

19. The orders of the day shall consist of any matters, other than motions on notice, which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor or any Committee of the Council shall have directed to be entered on the business paper for consideration.

Who to move.

20. The Alderman who has the usual charge of, or who has previously moved in reference to the particular business to which any such order of the day relates, shall be the person called upon to move. Provided that the Mayor, or Chairman for the time being, may, as to any order of the day entered by his direction, arrange with and call upon any Alderman to move the same.

Petitions to be respectfully worded.

21. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions, how received.

22. All petitions shall be received only as the petitions of the parties signing the same.

How Petitions are to be dealt with.

23. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received, or that it be received and referred to one of the permanent Committees hereinafter mentioned, or that it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable, be considered in order.

Reports from Committees, and Minutes from the Mayor.

Form of Report.

24. All reports from Committees shall be written on foolscap paper, with a margin at least one-fourth of the width of such paper, and shall be signed by the Chairman of such Committee, or, in his absence, by some other member of the same.

Mayor's Minute.

25. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance by a minute in writing. Every such minute shall be written upon paper of the same kind and with the same margin as a report from a Committee, and shall be signed by such Mayor.

How Reports, &c, are to be dealt with.

26. No motion shall be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, or that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or if any order for the consideration of such report or minute shall have been entered among the orders for the day, such motion or order may be moved or considered in due course.

Order of Debate.

Mode of addressing the Council, &c.

27. Every Alderman who shall make or second any motion, or who shall propose or second any amendment, or shall take any part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way or for any other purpose address observations to the Council, shall, while so doing, stand up in his customary place, unless he shall be prevented from so doing by reason of some bodily infirmity, and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may, by permission of such Mayor or Chairman, be put directly to the Alderman or officer to be questioned, and may be replied to in like manner; but in every such case the question so put and the answer thereto shall be subject to objection, on the ground of disorder or irrelevancy; and all members of the Council shall on all occasions when in such Council address and speak of each other by the official designation, as Mayor, Chairman, or Alderman, as the case may be.

Offensive Language.

28. If any Alderman uses, whilst in Council, any offensive or insulting language, the words shall be written down and he shall be asked to withdraw them. If he refuse to withdraw such language and apologise, he shall be deemed guilty of misconduct and be liable to a fine of not less than 20s. nor more than £5.

Limitations as to number of Speeches, &c.

29. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than the mover of such original motion, shall have a right to speak once upon such motion, and on every amendment thereon. No Alderman shall speak more than once upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain without adding any further observation than may be necessary for the purpose of such explanation.

Speaker not to be interrupted if in order.

30. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Mover and Seconder.

31. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but any Alderman who shall have seconded any such motion or amendment, without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Speaker not to digress, &c.

32. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, nor impute improper motives to any other Alderman.

Adjournment of debate.

33. A debate may be adjourned to a later hour of the day or to any other day specified; and the Alderman upon whose motion such debate shall have been adjourned shall be entitled to pre-audience on the resumption of the debate: Provided that such member shall not have spoken to the motion.

Mayor to decide as to pre-audience.

34. If two or more Aldermen rise to speak at the same time, the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

Aldermen may require Questions to be stated, &c., under certain restrictions.

35. Any Alderman may request the question or matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such question or matter which are readily accessible. Provided, however, no such request or requisition shall be so made as to interrupt any other Alderman when speaking, or to materially interrupt the discussion. Also, that if any such request or requisition shall appear to the Mayor or Chairman not to have been made bona fide, it shall not be complied with.

Mayor or Chairman not to move or second Motion, &c., but may address Council thereon.

36. The Mayor or Chairman shall not move or second any motion or amendment nor put any question, as provided for by section 4 of this part of the By-laws, except as is further provided for by the 26th section of the same; but such Chairman or Mayor shall have the same right as any other Alderman to speak once upon every such subject or amendment. The Mayor or Chairman shall rise when so speaking (unless prevented by some bodily infirmity from so doing), but shall be considered as still presiding.

Mayor or Chairman to decide Points of Order—Penalties for persisting in disorderly conduct.

37. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final in that particular case, and the Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order whenever in the opinion of such Mayor or Chairman there shall be a necessity for so doing; and every member of the Council shall have the right of calling the attention of the Mayor or Chairman to any motion, amendment, statement, argument, or observation moved, used or made by any other member which such first-named member may consider out of order; and the Mayor or Chairman, when called upon, to decide points of order or practices which he shall deem applicable to the case without discussing or commenting upon same.

Any member of the Council, either in Council or Committee, who shall have been called to order by the Mayor or Chairman, and who shall still persist in any line of conduct or argument which shall have been decided as aforesaid to be disorderly, and shall refuse to make such explanation, retraction, or apology as a majority of the Aldermen then present shall consider satisfactory, shall be liable on conviction for each offence to a penalty of not less than one pound nor more than ten pounds.

*Mode of Voting.**How Questions are to be put.*

38. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions—Penalty for refusing to vote.

39. Any Alderman shall be at liberty to call for a division. In such case the question shall be put first in the affirmative, and then in the negative; and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for, and shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

Protests.

Mode of protesting—Protests to be recorded, but may, under certain circumstances, be expunged.

40. Every member of the Council (the Mayor included) may protest against any resolution or vote of the Council. Notice of the intention so to protest must however be given at the meeting when such resolution is passed, or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the minute book; but if, in the opinion of the Council, it be inconsistent with the truth or disrespectfully worded, it may, by resolution or notice, be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

*Committees of the whole Council.**Business in Committee.*

41. The business Committees of the whole Council shall be conducted in accordance with the rules hereinbefore provided for meetings of the Council, as nearly as the same shall apply, except that it shall not be necessary that any motion or amendment in Committee shall be seconded.

Usage of the House of Parliament to be observed, unless other provisions made.

42. In all cases not herein provided for, resort shall be had to the rules and forms as laid down in May's Parliamentary Practice, which shall be followed as far as they can be applied to the proceedings of this Council.

*Calls of the Council.**How calls are to be ordered.*

43. A call of the Council may be ordered by any resolution of which due notice shall have been given, for the consideration of any motion or matter of business before such Council.

Mode of proceeding.

44. The call shall be made immediately before the motion or business for which such call has been ordered, or is required to be made by the last preceding section, shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all the members in their alphabetical order; each member present shall answer to his name as so called; and if any members are absent a record shall be made of such absence; but if leave of absence to any such member shall have previously been granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse and of the reason for the same.

Penalties for absence without legal excuse—Further call when question adjourned.

45. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who, if absent and not so excused, shall fail to show that by reason of extreme illness or any other sufficient cause, he has been unable to send an excuse in writing as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for ever such offence be liable to a penalty of not less than ten shillings nor more than five pounds: Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such business; and the provisions herein as to penalties for absence shall have reference to such further call. And if there shall be more than one adjournment, this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

Standing Committees.

46. There shall be four Standing Committees, namely:—A By-law Committee, a Committee for Works, a Finance Committee, and a Committee for General Purposes. These Committees shall be re-appointed every year at the first meeting of the Council which shall be held after the election of the Mayor.

Constitution of Standing Committees.

47. Each of the Committees first named in the last preceding section shall consist of three members. The Committee for General purposes shall consist of the Chairman of the three said first-named Committees.

Mode of re-appointing Standing Committees.

48. The re-appointment of the three said first-named Committees may, on resolution of the Council, be made by ballot. In such case a list of the members shall be handed to each member present, who shall mark against the name of each such member the title of the Committee to which, in his opinion, such member ought to belong; and the Mayor or Chairman shall

thereupon examine such lists as marked, and shall declare the result. And if there shall be an equal number of votes for the appointment of any two or more members to any of such first-named Committees, such Mayor or Chairman shall decide which of such members shall be appointed to such Committees.

By-law Committee.

49. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the Municipal District. They shall also watch over the administration of the By-laws and any Statute of which the operation has been, or may be, extended to the Municipality; and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or Statutes, and for the preservation of public health, order, and decency.

Committee of Works.

50. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, public reserves, and other public places under the care and management of the Council. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

51. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect, or to be likely to affect, the finances of the Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Committee for General Purposes.

52. The Committee for General Purposes shall take cognizance of every matter, subject, or question within the jurisdiction of the Council not coming within the province of one or other of the before-mentioned standing committees; and shall, from time to time, inquire into and report upon any such matter or question as they may think necessary, or as they may be directed by resolution of the Council to inquire into and report upon.

Special Committees.

53. The Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to the Committee, and for which, in the opinion of the Council, a Special Committee ought to be appointed; and no Standing Committee shall interfere with the performance of any duty which may for the time being have been entrusted to any Special Committee. The appointment of every such Committee shall be made by resolution, after due notice, and it shall be incumbent on the mover of any such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein any such members as, in his opinion, ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members, to be appointed by ballot; and, in the latter case, or if any amendment to the effect that such Special Committee be appointed by ballot be carried, each member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom, in his opinion, such Committee ought to be composed; and the Mayor or Chairman shall examine such list, and shall declare the result; and in the event of its becoming necessary through an equality of votes to decide as to which of the two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committees.

54. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee within seven days after their appointment.

Term of Service in Committees.

55. Appointments to the By-law Committee, the Committee for Works, and the Finance Committee shall be for the whole municipal year. The Chairmen of these three Committees, as appointed to or removed from the Chairmanship of the same, shall be thereby, without any further order, regarded as having been appointed to or removed from the Committee for General Purposes. The appointment of every Special Committee shall be considered to endure until the duties for which such Committee have been appointed shall have been fully performed: Provided, however, that nothing herein contained shall be held to affect in any way the right of such Committee to remove any Chairman of such Committee, or to appoint another such Chairman in his stead, or to militate against the general provisions as to Committees in sections 109 and 110 of the Municipality's Act of 1867; and that so much of By-law as relates to the appointment, powers, and duties of Committees shall be read and interpreted in connection with such last-mentioned general provision.

Committee Meeting, how called.

56. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman or any two members of such Committee.

Record of transactions in Committee.

57. The Chairman of each Standing Committee shall make, or cause to be made, in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Expenditure.

Except in emergent cases, cost of all work to be estimated before undertaken.

58. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Municipality shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Emergent matters and necessary current expenses.—Expenses authorized to be reported.—Outlay to be in accordance with Orders of Council.

59. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be allowed:—

1. By order of the Committee for Works, or of the Mayor and one member of such Committee, for repairs or emergent works, to the extent of five pounds.
2. By order of the Mayor, for necessary current expenses, to the extent of two pounds.
3. By order of the Mayor and any two Aldermen, or without the Mayor, or any four Aldermen, for any emergent purpose, to the extent of five pounds.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting, such report to be signed by the Chairman of the Committee for Works, or the Mayor, or the Mayor and Aldermen, or the Aldermen without the Mayor, as the case may be, by whom such outlay shall have been authorized; also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council, and that no outlay, involving a disobedience or invasion of any order or resolution of such Council, shall, on any pretence, be thus authorized.

All claims to be examined and reported upon by Finance Committee.—Certificate required with each claim.

60. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands, and no payment shall be so ordered unless there shall be a certificate or memorandum from the Committee, from the Mayor, or from the officers of the Council, to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one, and has been duly authorized or inquired into.

Common Seal and Records of the Council.

Common Seal and Press, how secured.—Care of same.

61. The common seal and the press to which the same is attached shall be secured by a cover or box which, except when such seal and press are in use, shall be kept locked. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor and the other by the Council Clerk. Such common seal and press shall be in the custody and the care of the Council Clerk.

When and how Common Seal to be used.

62. The common seal shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or in case of the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

How Books of Account are to be kept and inspected.

63. The Treasurer shall keep such books of accounts, and such records, statements, and memoranda of receipts and expenditure, in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of account, records, statements, and memoranda from time to time to ascertain that the same are properly kept, and to report to the Council at once any act of neglect or appearance of inefficiency which they may have discerned in the keeping of the same; also to report to the Council from time to time any changes which such Committee may think advisable in the mode of keeping the accounts.

No officer to show books or papers of Council without leave of Council.

64. No officer of the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person other than an Alderman without leave from the Council, except as otherwise provided for by section 103 of the Municipalities Act 1867.

Impression of Seal not to be taken, &c., without leave of Council.—Penalties.

65. No member or officer of the Council shall be at liberty to take any impression of the corporate seal, or to show, lay open or expose any of the books or records of the Council, to any person other than a member of the same, without leave from such Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable on conviction for the first offence to a penalty of not less than five shillings nor more than two pounds; for a second offence to a penalty of not less than one pound nor more than ten pounds; and for a third and every subsequent offence to a penalty of not less than five pounds nor more than twenty-five pounds.

Records not to be removed, &c.—Penalties.

66. An person removing any such record of the Council as aforesaid from the Council Chambers, or the place where, by direction of the Council, such book or other record is usually kept, without leave of the Council having been first obtained, or without other lawful cause for such removal, as hereinafter provided, shall for every such offence be liable to a penalty of not less than ten shillings nor more than ten pounds.

Penalty for defacing or destroying Records.

67. Any person destroying, defacing, or altering any record of the Council shall for every such offence be liable to a penalty of not less than five pounds nor more than fifty pounds.

Bonds for good conduct of Officers.

68. In cases where security is required by clause 151 of the Municipalities Act of 1867, no sureties shall be accepted otherwise than by a vote of the Council; and it shall not be competent for the Council to accept as sureties any of its own members, nor any person holding office in the Council.

Duties of Council Clerk.

69. The Council Clerk, in compliance with the Municipalities Act of 1867, or by the present or any other By-laws made thereunder, shall perform the following duties, viz. :—

1. Attend all Council meetings.
 2. Attend all Committee meetings.
 3. Attend all Courts of Provision and Appeal.
 4. Summon the members of the Council to all Council or Committee meetings.
 5. Take notes of all minutes and prepare reports of all Committees.
 6. Conduct all correspondence ordered by the Council, or under the direction of the Mayor, and give all other officers instructions, as ordered by the minutes.
 7. To see that the accounts are audited and the balance-sheets duly submitted twice a year within the time specified by law.
 8. To see the gazetting of all By-laws and necessary advertisements.
 9. To see that assessment books and the municipal lists and rolls are duly prepared, examine proofs of latter, and arrange for distribution of copies on payment to electors prior to the election.
 10. Make all necessary arrangements for the elections, preparing all books, &c., for presiding officers and poll clerks.
 11. Prepare all bonds of officers, see that the guarantees are given and agreements duly signed, &c., and report same to the Council.
 12. Advise with the officers from time to time as to their duties, and the mode of carrying them out.
 13. See that all levels and names of streets have been duly advertised, as provided for by law, and authenticated by the Mayor's signature.
 14. To bring under the notice of the Mayor any matter or thing requiring his prompt attention.
 15. To perform the duties of librarian in connection with the Free Library.
 16. He shall likewise have charge of all the records of the Council, except such books or documents as may be intrusted to any other officer of the Council, and shall be responsible for the safe keeping of such records.
- He shall generally assist the Mayor in carrying out the orders of the Council.

Duties of Treasurer.

70. The Treasurer shall have charge of such books of account and other records of the Council as are mentioned in section 63 of these By-laws, and shall be responsible for the safe keeping of the same. Any other officer of the Council may have any other records thereof committed to his charge by an order of the Council, and in such case shall be responsible for the safe keeping of such records.

Duties of other officers and servants.

71. The duties of all officers and servants of the Corporation shall be defined by such regulations as may from time to time, and in accordance with law, be made.

Special powers of Mayor.

72. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant, as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, explanation, or information is on record, as hereinbefore provided; or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanation or information may, except as hereinafter provided, be either rendered *viva voce* or put into writing, as the Mayor may direct.

Complaints against Officers, &c., how to be dealt with.

73. All complaints against any officers or servants of the Corporation must be in writing, and must in every case be signed by the person or persons complaining, and no notice whatever shall be taken of any complaint which is not in writing, or is anonymous. All such complaints may be addressed to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same and report thereon at the next meeting; or he may, if necessary, suspend such officer or servant till the Council shall have dealt with the charge.

Miscellaneous.

Leave of absence.

74. No leave of absence shall be granted to the Mayor or any Alderman otherwise than by a resolution of the Council, adopted after due notice.

Lapsed business.

75. Whenever the consideration of any motion on matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration may be ordered by resolution of the Council after due notice, and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Suits and prosecutions for penalties.

76. Such suits or informations for the enforcement of penalties for or in respect of breach of the Municipalities Act of 1867, or of any By-laws made thereunder, or of any statute, the operation of which may have been extended to the Municipality, as may have been directed by the Council or by the By-law Committee, or by the Mayor, to be commenced or laid as follows:—When against a member of the Council or an Auditor or any officer of the Corporation, by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose; when against any other person, by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been intrusted; and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council or the By-law Committee, or the Mayor, as the case may be, or directing such suit or information as aforesaid; and no suit shall be brought or information laid as aforesaid against any member of the Council or Auditor except by order of the Council, nor shall any similar proceeding be taken against any officer of the Council except on the order of such Council or of the Mayor, nor against any other person except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on an express resolution of the Council, in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where, on the trial or hearing of any such suit or information, the same shall have been dismissed on its merits: Provided that in any case the conduct or prosecution of any such suit or information may, on the order of the Council, be intrusted to an attorney.

Powers to suspend temporarily certain portions of these By-laws.

77. Any of the foregoing By-laws, or any portion thereof, which relate to or affect the proceedings at meetings of the Council may be suspended pro tempore without notice in case of emergency if all the members of the Council then present shall deem such suspension necessary.

78. Works undertaken by the Council and estimated to cost over £20 (twenty pounds), shall be let by tender; and no tender shall be entertained unless it be accompanied by an agreement, signed by one or more respectable parties as sureties for due performance of the contract.

PART II.

Collection and Enforcement of Rates.—Times and mode of Collection.

Rates, under section 164, to be collected half-yearly.

1. All rates levied or imposed by the Council under the provisions of section 164, Municipalities Act of 1867, and for the purposes mentioned in the said section, shall be collected by half-yearly instalments. Each such instalment shall, as to every such rate, and every such instalment thereof, be held to be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rate.

Special Rate.

2. All rates levied or imposed by the Council under sections 165, 166, and 167, of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may by resolution at the time of making or imposing such rates, or any of them, have appointed.

Office Hours.

3. All rates shall be paid at the Council Chambers during the hours appointed by the Council for that purpose.

Defaulting Ratepayers.

4. It shall be the duty of the Council Clerk to furnish to the Mayor a list of the names of all persons whose rates are unpaid at the expiration of the period fixed for the payment thereof; and it shall be the duty of the Mayor to issue distress warrants against all such persons, and to cause such warrants to be enforced, or to cause such defaulter to be sued for the amount of rates in a Court of competent jurisdiction.

Bailiff to find sureties.

5. A Bailiff for the purpose of enforcement of such rates, shall be appointed by resolution of the Council upon notice, and shall be liable to removal from office in the same manner. He shall find two sureties, who shall be approved of by the Mayor, and who shall enter into a bond of £25 (twenty-five pounds) each on his behalf, that he shall well and truly perform all the duties imposed upon him as such Bailiff.

Warrant of Distress.

6. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor, or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

7. If the sum for which any such distress shall have been made shall not be paid with costs, as hereinafter provided, on or before the expiration of five days, the Bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, after having been duly advertised in one of the local papers, either on the premises or such other place within the said Municipality as the Bailiff may think proper to remove them for such purpose, and shall pay over the surplus (if any) that may remain, after deducting the amount of the sum distrained for and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

Inventory.

8. At the time of making a distress the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf, resident at the place where the distress shall be made; and in case there shall be no person at place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the Bailiff shall give a copy of the inventory to the ratepayer on demand, at any time within one month after making such distress.

Goods may be impounded.

9. The Bailiff, on making a distress aforesaid, may impound or otherwise seize the goods and chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates, as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

Power to direct order of sale.

10. The owner of any goods or chattels, so distrained upon, may, at his or her option, direct and specify the order in which they shall be successively sold; and the said goods or chattels shall, in such case, be put up for sale according to such direction.

Proceeds of distress.—Costs.

11. The Bailiff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same. There shall be payable to the Bailiff for the use of the Council for every levy and distress made under this By-law, the cost and charges in the Schedule hereunto annexed marked C.

SCHEDULE A.

Warrant of Distress.

I, _____, Mayor of the Municipal District of Moss Vale, do hereby authorize you _____, the Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises of _____, situate at _____ for _____, being the amount of rates due to the said Municipality to the _____ day of _____ for the said dwelling-house (or land or premises as the case may be) and to proceed thereon for the recovery of the said rates, according to law.

Dated this _____ day of _____ 18 ____ Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Municipal District of Moss Vale, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, within the said Municipality, for _____, being the amount of rates due to the said Municipal Council to the _____ day of _____ 18 ____

Dated this _____ day of _____ 18 ____ Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy ...	2	0
For making and furnishing copy of inventory ...	1	0
If in possession more than five hours, additional	5	0
And for every subsequent day, or part of a day, whilst in possession	5	0
For sale, commission, and delivery of goods, per pound on proceeds of sale	1	0

PART III.

*Preventing and Extinguishing Fires.**Fire or combustible materials, &c.*

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable material of any kind, in such a manner as to endanger contiguous buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials; and every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for forty-eight hours after any such conviction, shall be deemed guilty of a further offence against this By-law; any person burning any shavings or other matter or thing in any street, road, or public place, shall forfeit and pay a sum not exceeding forty shillings, nor less than five shillings.

Inflammable fences, &c.

2. Every person who shall erect any fence of brushwood, bushes, or other inflammable materials, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering of any such stack, any inflammable material so as to endanger contiguous buildings or properties, shall forfeit on conviction for every such offence a penalty of not more than five pounds, and also shall remove such fence, stack, or covering, within a reasonable time after such conviction; and any person failing to remove such fence, stack, or covering, within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Discharging firearms.

3. Any person who shall discharge any firearms without lawful cause, or let off any fireworks or other explosive matter in or within 150 yards of any road or street, shall forfeit and pay a sum not exceeding five pounds, nor less than ten shillings.

Willfully setting fire to chimney.

4. Every person who wilfully sets or causes to be set on fire any chimney, flue, smoke-vent, or stove-pipe, herein called in common a chimney, shall forfeit a sum not exceeding five pounds: Provided always that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney from liability to be informed against or prosecuted before any criminal Court for such act as for the indictable offence.

Council may reward persons for services rendered during time of fire.

5. It shall be competent for the Council to reward any person, as they may deem fit, who may have distinguished himself in the saving of life or property at a time of fire, or in extinguishing fire within the Municipality.

PART IV.

Notices—Streets and public places—Public health and decency.

Persons obstructing officers of the Council.

1. Any person or persons who shall obstruct any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing or performing or going to perform or returning from the performance of any duty or act under these By-laws, by using any threats, offensive language, hinderance, or insulting language, towards the said officer in any street, road, or other place within the said Municipality, shall forfeit and pay for every such offence a penalty not exceeding twenty pounds nor less than two pounds.

New roads to be reported on—Dedication of new roads, &c.

2. No new public road, street, way, park, or other place proposed to be dedicated shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been formed by the proprietor or proprietors to the reasonable satisfaction of the Committee of Works or any duly authorized officer, or until the said road, street, way, or park shall have been duly examined and reported upon to the Council by such Committee or authorized officer. If the Council shall determine to take charge of any such road, way, or other place as aforesaid, the plan or plans so signed as aforesaid shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument dedicating such road, way, park, or other place to the public use or recreation as aforesaid as may be considered necessary by the Committee for general purposes; and such further instrument of dedication shall also be preserved as a record of the Council.

Change of street levels.

3. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section showing the proposed cutting to be exhibited at the Council Chambers for fourteen days for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Municipality, that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption and countersigned by the Council Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

Roads and streets and encroachments thereon.

4. The Committee for Works, or the surveyors of the Municipality, or other person, or officer duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix marks, and lay out the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and foot ways thereof which now are, or shall hereafter be under or subject to the control, construction, care, and management of the Council. In marking out such roads, streets, lanes, and thoroughfares, recourse shall be had, when practicable, to the plans under which the land with frontage to the road, street, lane, or thoroughfare in question shall have been sold or let; and it shall be the duty of such Committee for Works, or surveyor, or other officer, to place posts at the corners or intersections of such streets, roads, lanes, or thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 44 feet for the carriage-way and 11 feet for the footway on each side. Where the road, street, lane, or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council in any such road, street, lane, or thoroughfare, or other public place, of other width than 66 feet wide: Provided that there shall be no change of level in any such public road, street, lane, or thoroughfare, or public place, until the same has been submitted to, and adopted by the Council as hereinafter provided.

NOTE.—This By-law shall be read subject in all respects to the Width of Streets and Lanes Act of 1851 (45 Vic. No. 28).

Erection of house, fee for permission, &c.

5. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place within the said Municipality without first serving notice in writing on the Mayor, or Council Clerk, or other duly authorized officer, before commencing the same, stating his intention, setting out a plan, and giving particulars of the proposed building, and at the time the said notice is given paying to the Council Clerk or other duly authorized officer a fee of five shillings for permission to erect such house, shop, or other building, or any part thereof, commencing to build or work thereon without such notice having been given, shall forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Houses must have spouting and downpipe.

6. All proprietors of houses within the Municipality, having a frontage to any street, shall be bound to have the same sufficiently spouted with downpipe, to be carried under the surface of the foot-path into the gutter, unless water dripping from roof be otherwise prevented from flowing on foot-path, under penalty of ten shillings on conviction; and if not remedied at the expiration of seven days after such conviction, the offender shall be again liable to a like conviction and penalty also for every succeeding seven days.

No balcony, &c., to project.

7. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, coping, parapet, overhanging eaves, cornice windows, string cornice, string course dressing, or other architectural dressing or decoration forming part of or attached to any external wall to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony or any other external projection as aforesaid, which may hereafter be added to any existing building be allowed to project as aforesaid, under a penalty not exceeding five pounds, nor less than one pound, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than 80 feet wide: Provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice—Council may remove same or proceed to action—Applies also to obstructions by digging.

8. The surveyor or other such officer or person may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall in this case be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroachment in structure belongs, or who has erected or caused it to be erected. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same under the superintendence of its own officers, and at the cost of the person so offending: Provided that the expenses thereby incurred shall in no case exceed ten pounds, or at the Council's option to proceed against the offender for breach of By-law, the penalty not to exceed twenty-five pounds, nor to be less than one pound, and in case of every successive offence the penalty on conviction not to be less than five pounds. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council either to direct such removal, and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-laws as aforesaid. The foregoing provisions shall be equally applicable to all obstructions by digging or excavations, and any person who shall wilfully obstruct or interfere with the surveyor or other officer as aforesaid, or any person acting for or under him or either of them in the exercise of any of the duties or powers by these By-laws imposed or cast on the surveyor or officer, shall on conviction forfeit and pay a penalty of not less than two pounds, nor more than twenty pounds.

Heards or fences to be erected.

9. Every person intending to build, or take down any building, within the limits of the Municipality, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done, where any street or footway will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on, from the street, with a convenient platform and handrail as aforesaid, standing in good condition to the satisfaction of the officer of the Council of the said Municipality, during such time as the public safety or convenience requires, and shall in all cases in which it is necessary, in order to prevent accident, cause the same to be sufficiently lighted during the night; and any such person who shall fail to put up such fence or hoard or platform, with such a handrail as aforesaid, during the period of such building or taking down, or who shall not, while the same hoard or fence is standing, keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the officer of the said Council of the said Municipality within a reasonable time afterwards shall for every such offence be liable to a penalty not exceeding forty shillings for each day such default is continued.

The foregoing provisions having reference to hoards or fences in front of buildings apply equally to any hole, pit, cellar, vault, or foundation in course of digging or construction,

No turf, gravel, &c., to be removed from streets without permission.

10. Any person who shall form, dig, or open any drain or sewer, or remove, or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material in or from any part of the carriage or foot way of any street or other public place within the said Municipality, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage any such carriage or foot way, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Open spaces and steps adjoining the footways to be enclosed under penalty.

11. Every owner or occupier of any house, building, premises, or land within the said Municipality having any entrance, area, garden, or other open space, or any vacant building, lot, waterhole, or excavated space adjoining the footway of any street or public place in such Municipality, shall protect and guard the same by good and sufficient paling fence, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land having any steps adjoining the footway of any such street or public place, shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and repassing, and on failure thereof every such owner or occupier shall, as often as he shall be convicted of such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds; and every such owner or occupier as aforesaid who shall fail to erect such rails, fence, or other enclosures as aforesaid within seven days after any such conviction as aforesaid, shall be guilty of a further offence against this By-law.

Wells to be covered under penalty.

12. Every person who shall have a well or underground tank, used for domestic purposes, shall cause such well to be securely and permanently covered over to the satisfaction of the duly appointed officer of the Council; and if any person having such well or underground tank as aforesaid shall fail to cover over and secure the same within seven days after notice in writing shall have been given him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall on conviction forfeit and pay the sum of ten shillings; and for every day after such seven days' notice that such well or underground tank shall remain open or uncovered contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs.

13. The Committee for Works, or any officer or person acting under the instruction or authority of such Committee, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose, and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or tralling timber, &c.

14. Any person who shall haul or draw or cause to be hauled or drawn upon any part of any street or public place within the said Municipality, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or trail upon any part of such street or public place to the injury thereof, shall upon conviction forfeit and pay for every such offence a sum of not more than forty shillings nor less than five shillings over and above the damage occasioned thereby.

Throwing filth, &c., on footways or streets.

15. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, slops, suds, or other filth or annoyance, or any matter or thing in or upon the carriage-way, footway, or water-table of any street, lane, or other public place in the said Municipality, shall on conviction forfeit and pay a fine not less than twenty shillings nor more than five pounds, and shall, in addition to any such forfeiture, pay the cost of removing such filth or obstruction or of restoring such water-course or canal into its proper channel.

Placing goods, &c., on roadway.

16. If any person shall set or place, or cause or permit to be set or placed, any stall, show-board, basket, or goods of any kind whatsoever, or shall hoop, place, wash, cleanse, or cause to be hooped, placed, washed, or cleansed any cart or vessel in or upon or over any road, footway, or public place within the said Municipality, or shall set out, lay, or place, or shall cause or procure, permit or suffer to be set out, laid, or placed, any coach, cart, dray, barrow, truck, or other carriage, upon

any footway, or if any person shall set or place, or cause to be set or placed in, upon, or over any of the said carriage or footways, any timber, stone, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as hereinbefore directed), or any other matter or things whatsoever, or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or premises, over any part of such footways or carriageways or over any area of any house or premises, or any other matter or thing from and on the outside or any part of any house or premises, over or next to any such street or road, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances, or any other officer of the Council, and shall not continue to keep the same so removed; or if any person having, in pursuance of any such requisition as aforesaid, removed or caused to be removed any such stall, show-board, basket, goods, coach, cart, dray, barrow, truck, carriage, timber, stone, brick, lime, meat, offal, or other matter or things, and shall at any time thereafter again set, lay, or place, expose or cause, procure, permit, or suffer to be set, laid, placed, or exposed the same, or any of them, or any other article or thing whatsoever (save and except as aforesaid), in upon, or over any of the carriage or foot ways of or next unto any street or road, as aforesaid; in every such case every person so offending shall forfeit a sum not exceeding forty shillings nor less than ten shillings.

Obstructing public path-ways.

17. If the occupier or owner of any land situate on the side of any street or road in this Municipality shall permit any tree, shrub, or plant kept for ornament or otherwise, to overhang any footpath or footway on the side of any such street or road, and on demand made by the Council, shall not cut, lop, or cause to be lopped, all such overhanging trees, plants, or shrubs to the height of ten feet at the least, the said Council by their servants, labourers, and workmen, may cut or cause to be cut or lopped, all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, shrubs, or plants so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council, or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall on conviction for every such offence forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Slops, night-soil, &c., to be conveyed away only at certain hours.

18. Any person or persons who shall drive or cause to be driven, any cart or other carriage with any night-soil or ammoniacal liquor therein, through or in any street or public place, within the said Municipality, between the hours of 5 o'clock in the morning and 11 o'clock at night, or shall fill any cart or other carriage so as to turn over or cast any night-soil or ammoniacal liquor, slop, mire, or channel dirt, or filth in or upon any such street or public place, or shall deposit night-soil, ammoniacal liquor or other offensive matter nearer to any street, road, or dwelling-house than shall be directed by the said Council, or by the Inspector of Nuisances; or shall remove night-soil or other offensive matter otherwise than in properly covered and water-tight carts or other vehicles, or shall cause any vehicle used for this purpose to stand on any premises nearer to any road, street, or dwelling-house than shall be directed by the said Council or Inspector of Nuisances, shall for every such offence forfeit and pay any sum not exceeding five pounds; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such cart or carriage in which such night-soil or other offensive matter shall be put or placed, and also the employer of the person so offending shall be liable to the forfeit, and pay such penalty as aforesaid.

Riding on drays, and careless driving.

19. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street as aforesaid not having some person on foot to guide the same (such carts as are drawn by one horse and driver, or guided with reins excepted) or if the driver of any carriage whatsoever shall wilfully be at such distance from such carriage or in such a situation whilst it shall be passing upon such street that he cannot have the direction and government of the horse or horses, or cattle drawing the same, or if the driver of any waggon, cart, dray, or coach or other carriage whatsoever meeting any other carriage shall not keep his waggon, cart, dray, or coach, or other carriage on the left or near side of the road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her or any carriage under his or her care upon such street; or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, or shall ride or drive round the corner of any street, road, or thoroughfare faster than a walk, every such driver or person so offending shall upon such conviction forfeit and pay any sum not exceeding forty shillings.

Riding or driving furiously.

20. Any person who shall ride or drive through or upon any street or public place within the said Municipality so negligently, carelessly, or furiously, that the safety of any other person shall or may be endangered, shall on conviction, forfeit and pay a sum not exceeding ten pounds, nor less than two pounds.

Riding on and obstructing the footways.

21. Any person or persons who shall stand, run, roll, drive, draw, or cause, permit, or suffer to be stood, run, rolled, driven, or drawn upon any of the footways of any street or public place within the Municipality any waggon, cart, dray, sledge, or other carriage, or any wheel, wheel-barrow, hand-barrow, or truck, or any hoghead, cask, or barrel, or shall wilfully lead, drive, ride, tether, or tie up any horse, ass, mule, or other beast upon any such footway, shall, upon conviction, forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence, a sum not exceeding five pounds nor less than one pound; and for a third and every subsequent offence, a sum not exceeding ten pounds nor less than one pound for each such offence; and should the person in charge of such waggon, cart, dray, or other vehicle, or horse, mule, or other beast refuse to give his name and address, the owner of the same may be prosecuted under the By-law for causing a breach of the same.

Vehicles to carry lights between sunset and sunrise.

22. Every person whilst driving, leading, or driving upon any cart, carriage, wain, waggon, buggy, or other vehicle drawn by any horse, ass, mule, bullock, or other animal or animals, or riding on any bicycle or similar machine through any part of the Municipality between the hours of sunset and sunrise, shall carry a lighted lamp affixed in a conspicuous place on the off side of such cart, wain, buggy, or other vehicle under a penalty of ten shillings for the first offence and for every subsequent offence not less than one pound nor exceeding ten pounds.

Blasting Rock.

No rock to be blasted without notice to the Council Clerk.

23. Any person who shall be desirous of blasting any rock within one hundred yards of any street or public place or dwelling-house in the said Municipality shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person shall blast or cause to be blasted any rock within the limits aforesaid without giving such notice, or shall not conform to the directions given to him by the said Council Clerk, he or she shall on conviction forfeit and pay for every such offence any sum not less than five pounds nor more than twenty pounds.

*Public Property.**Injuring or extinguishing lamps.*

24. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

As to damaging buildings, &c.

25. Any person who shall damage any public toll-gate, toll-board, wall, parapet, fence, sluice-bridge, culvert, sewer, water-course, or other public property within the said Municipality, shall pay the cost of repairing the same, and if such damage be wilfully done, shall forfeit and pay a sum not exceeding twenty pounds or less than five pounds.

Placing notices on footways or kerbstones—Distributing or affixing anything of an offensive or indecent character.

26. Any person who shall stamp, stain, paint, write, or post any advertisement or notice upon any footway or kerbstone within this Municipality, shall be liable to a penalty not exceeding forty shillings. Any person who shall in any street or place within this Municipality, post, expose to view, or distribute any placard, handbill, or other document whatever, of an offensive or indecent character, shall be liable to a penalty not exceeding forty shillings.

Affixing placards on walls and chalking thereon.

27. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, fence, house, or building, nor to deface any such wall, fence, house, or building by chalk or paint, or in any other manner, unless with the consent of the owner thereof. And any person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding twenty shillings.

Dead animals not to be thrown into any public water-course, &c.

28. Any person who shall cast any filth, rubbish or any dead animals, or any animal with intent to drowning, into any public water-course, sewer, waterhole, river, creek, road, or pathway, or who shall suffer slops, suds, or filth of any kind to flow from his or her premises into any such water-course, waterhole, river, creek, or canal, or who shall permit or suffer any such slops, suds, or filth to flow from his or her premises

over any of the footways or streets of the Municipality, or shall permit or cause, by means of pipes, shoots, channels or other contrivances, filth of any kind, whatsoever, to flow into any public water-course, waterhole, river, creek or canal, or shall obstruct or divert from its channel any sewer or water-course, river, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than one pound.

Dead animals—Mode of removal.

29. If any animal shall die in any part of the said Municipality, and the owner of such animal, or the occupier of the place, if private property where such animal shall have died, shall not cause such animal to be immediately destroyed by fire, or so effectually removed or disposed of that no nuisance can possibly result therefrom in any part of the said Municipality, he shall, for every such offence, forfeit and pay any sum not exceeding five pounds nor less than one pound: Provided if the occupier of the premises on which such dead animal shall have been found be not the owner of such dead animal, the owner, when found, shall be liable for the cost of destroying or removing such animal as in this By-law aforesaid.

No pigs to be kept without permission within certain radius.

30. That no pigs shall be kept within that portion of the Municipality extending one quarter of a mile in each direction from the Post Office, excepting with the express permission of the Council.

Animals suffered to stray.

31. Any person who shall suffer any kind of swine, or any horse, ass, mule, sheep, goat, cow, or any other animal of a like nature belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, or public place shall on conviction forfeit and pay any sum not exceeding forty shilling nor less than five shillings for such and every animal so kept, suffered to stray or go about, or to be tethered, or depastured in any such street, road, or public place as aforesaid, and the owner or occupier of any house or premises or other place within the said Municipality, wherein any such horse, mule, ass, sheep, goat, cow, or other animal is kept, fed, milked, or used in any way whatsoever, shall within the meaning of these By-laws be deemed the owner of every such animal so bred, kept, suffered to stray, or to be tethered or depastured in such street or public place as aforesaid; the word "horses," shall be sufficient designation for any entires, geldings, mares, or foals, and the word "cattle," for any bulls, oxen, cows, or calves, when more than one is the subject of any information and summons under the provisions of these By-laws.

Powers of officers of Council to inspect butcher's shops, &c.

32. The Inspector of Nuisances, or other officer duly authorized by the Council, may, and is hereby empowered at all reasonable times, with or without assistants, to enter into and inspect any shop, building, stall or place kept or used for the sale of butcher's meat, and to examine any carcass, meat, or flesh, which may be therein, and in case any carcass, meat or flesh, appear to him to be intended for the food of mankind, and to be unfit for such food, the same may be seized, and if it appear to a Justice of the Peace upon the evidence of a competent person that any such carcass, meat, or flesh, is unfit for the food of mankind, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food, and the person or persons to whom such carcass, meat, or flesh belongs, or in whose custody the same is found, shall be liable to a penalty not exceeding ten pounds for every carcass or piece of meat or flesh so found.

Cleansing butcher's shambles.

33. For preserving the cleanliness of the said Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances or for any other officer or officers appointed by the Council from time to time, and when and as often as he or either of them shall see occasion, to visit and inspect the butcher's shambles, boiling-down establishments, tanneries, and fellmongery establishments in the said Municipality, and to give such directions concerning the cleansing the said shambles, tanneries, and establishments, both within and without, as to him shall seem needful; and any butcher, or the owner or occupier of any such shambles, tannery or establishment, who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds nor less than ten shillings.

Complaints respecting dirty premises.

34. Upon the complaint of any householder that the house premises, yards, closets or drains of the neighbouring or adjoining premises are a nuisance, or offensive, the Inspector of Nuisances or any other officer appointed by the said Council, shall make an inspection of the premises complained of; and the officer of the said Council shall have the full power without any other authority than this By-law, to go upon such premises for the aforesaid purpose, and any person who shall personally, or by any person in his employment or under his control, suffer any waste or stagnant water, or any muck filth, soil, or other offensive matter in any cellar or place,

within any dwelling-house or premises within the said Municipality, or shall in like manner suffer the contents of any water-closet, privy, or cesspool, to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound:—

Various obstructions and annoyances.

35. Every person who, in any street or other public place or passage within the said Municipality, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences, shall, on conviction for any and every such offence, forfeit and pay a penalty of not more than two pounds.

1. Every person who shall hoist or cause to be hoisted, or lower or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.
2. Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcass or any part of the carcass of any newly slaughtered animal without a sufficient and proper cloth covering the same, for the concealment from the public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.
3. Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon, or allow any tree or shrub overhanging the foot-path to the danger or annoyance of any person.
4. Every person who shall place any flower-pot in any upper window near to any street or public place without sufficiently guarding the same from being thrown down.
5. Every person who shall throw or cast from the roof or other part of the house or other building any slate, brick, part of a brick, wood, brush, or other material or thing (unless within a hoard or enclosure, when any house or building is being erected, pulled down, or repaired).
6. Every blacksmith, whitesmith, anchor-smith, nail-maker, metal-founder, limeburner, brickmaker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such windows and closing such aperture or placing a screen before the same every evening within one hour after sunset so as effectually to prevent the light from showing through the doorway, window, or aperture next or upon such street, lane or passage.
7. Every person who shall within the distance of one hundred yards from any dwelling-house burn any rags, bones, cork, or other offensive substance, to the annoyance of any inhabitant.
8. Every person who shall carry goods or any frame to the annoyance of any person upon the footway of any street or other public footway.
9. Every person who shall be the keeper of or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right-of-way or use of any private yard, alley, street, or any other place within the said Municipality.

Premises in state to endanger public health—Houses to be purified on certificate of two medical practitioners.

36. If upon the certificate of any two duly qualified medical practitioners it appears to the Council that any house or part thereof, or the premises occupied in connection therewith within the Municipality, is or are in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and the white-washing, cleansing, or purifying of any house or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious diseases, the said Council shall give notice in writing to the owner or occupier of such house, or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, or purify the same, as the case may require; and if the person to whom the notice is so given shall fail to comply therewith within such time as shall be specified in such notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

Offences against decency—Bathing prohibited within certain limits.

37. Any person who shall bathe near to or within view of any inhabited house, or of any bridge, street, road, or other place of public resort within the limits of the Municipality, between the hours of six o'clock in the morning and eight in the evening, shall on conviction forfeit and pay a sum not exceeding one pound nor less than ten shillings for every such offence.

Penalty on indecent exposure of the person.

38. Any individual who shall offend against decency by exposure of his or her person in any street or public place within the said Municipality, or on view thereof, shall, on conviction, forfeit and pay for every such offence a sum not exceeding ten pounds nor less than five pounds.

Throwing rubbish on private property without permission.

39. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Municipality without permission first obtained from the Municipal Council and the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than ten shillings.

Planting trees in streets.

40. The Council shall have the power to plant trees, shrubs, or plants in the streets and public ways of the Municipality, and any person wilfully or carelessly injuring or destroying any of such trees, shrubs, or plants, or any railing, fence, or thing protecting the same, shall on conviction forfeit and pay a sum not exceeding ten pounds, nor less than two pounds in addition to the value of the trees, shrubs, plants, railing, fence, or thing so injured.

PART V.

Noisome and offensive trades.

No noisome or offensive trade to be carried on to the injury of any person.

1. No person shall carry on any noisome or offensive trade within the said Municipality, so as to injure or be a nuisance as hereinafter stated to the inhabitants thereof.

Definition of noisome and offensive trade.

2. Any manufacture, trade, calling, or operation in the conducting, following, or carrying on of which, or in consequence of, or in connection therewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, or effluvia, or any large quantities of smoke, shall be evolved or discharged, which gas, vapour, effluvia, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Municipality, shall be considered a "noisome and offensive trade" within the meaning of these By-laws.

Complaint—Inquire and report—Order of Council thereon.

Notice to discontinue, &c.—Penalty.

3. Upon complaint in writing by any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, as to injure his or her health, or the health of any member of his family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises in which such trade is alleged to be so conducted, followed, or carried on as aforesaid, and of the premises, or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council; and if the said Council shall on the consideration of such report or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of and so being conducted, followed, or carried on as aforesaid, is a "noisome and offensive trade" within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time, not being less than thirty days, nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality, and if such trade shall not be discontinued as aforesaid, any person conducting, following, or carrying on such trade aforesaid, shall for the first offence forfeit and pay a sum not less than forty shillings nor more than five pounds, for a second offence a sum not less than five pounds nor more than twenty-five pounds, and for the third and every subsequent offence a sum of not less than ten pounds nor more than fifty pounds.

Mode of proceeding where noisome and offensive trade is about to be commenced—Penalty.

4. The like proceedings shall be taken as aforesaid, whenever there shall be a complaint as aforesaid, that any manufacture, trade, calling, or operation, is about to be commenced or entered upon, which is likely to prove "noisome and offensive" within the meaning of these By-laws, save and except the notice to be given as aforesaid, shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him or her, or them, not to commence or enter upon the same, or to take such measures as shall effectually and permanently prevent the same from becoming "noisome and offensive," within the meaning of these By-laws, to any resident within the Municipality, and any

person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way "noisome and offensive," within the meaning of these By-laws, shall for every such offence forfeit and pay a sum of not less than ten pounds nor more than fifty pounds.

Inspector of Nuisances may take legal proceedings.

5. The Inspector of Nuisances, or other person appointed by the Council, may take legal proceedings against any person or persons committing any offence or offences against any of the By-laws of the said Municipality.

Service of notice—Liabilities.

6. Service of any such notice, as aforesaid, upon the occupier or owner of any premises or land, wherein or whereon any such manufacture, trade, calling, or operation is being conducted, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said land or premises, shall be a good and sufficient service of such notice for all the purposes of these By-laws; and every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation within the meaning and for all the purposes of these By-laws.

Penalties to be paid over to Treasurer.

7. All penalties under any of these By-laws shall be paid over to the Treasurer of the said Municipality, to be appropriated as the Council may direct.

Interpretation of Mayor and Municipality.

8. Whenever in any of these By-laws the word "Mayor" is made use of it shall, unless the context shall indicate a contrary intention, be construed also to signify and include any Alderman lawfully acting for the time being in the place or stead of the Mayor; and whenever the word "Municipality" is made use of in the said By-laws it shall be understood to signify the "Municipality of Moss Vale."

PART VI.

Public Exhibitions.

Exhibitions, &c., to be licensed.

1. No exhibitions other than exhibitions licensed by the Colonial Secretary under the provisions of the Act 14 Vic. No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit

within the said Municipality; nor shall any bowling-alley, dancing-saloon, or other place of public amusement other than place licensed as aforesaid, or a place for temporary amusement hereinafter specially provided for, be used as such for hire or profit within the said Municipality, unless and until permission in writing be granted by the Mayor.

Penalty for exhibiting, &c., without license.

2. Every person holding or keeping any such exhibition or using any place within the said Municipality for public amusement as aforesaid, or causing, or permitting such place to be so used without such permission of such Mayor, shall forfeit and pay a sum not less than five shillings nor more than forty shillings for every day that such exhibition shall be so held or kept, or such place shall be so used for public amusement as aforesaid.

No exhibitions on Sundays, &c.

3. No such exhibition or place of public amusement as aforesaid shall be held or kept open or used for the purposes of such public amusement on Sundays, Christmas Day, or Good Friday; and every person offending against this By-law in this behalf shall, on conviction, forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

PART VII.

Polluting Water, Reservoirs, &c.

1. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other waterworks, belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein, any animal, whether alive or dead, or any rubbish, filth, stuff, or thing of any kind whatsoever, or shall cause or permit or suffer to run, or to be brought therein, the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper water, or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other waterworks as aforesaid, or shall do anything whatsoever whereby any water or waterworks belonging to the said Council, or under their management or control, shall be fouled, obstructed, or damaged, shall for the first offence forfeit and pay any sum not exceeding five pounds; for a second offence, any sum not less than ten shillings nor more than five pounds; and for the third and every subsequent offence, any sum not less than one pound nor more than twenty pounds.

(L.S.) N. HERBERT THROSBY,
Mayor.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF BROKEN HILL.—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 6th May, 1889.

BROKEN HILL MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Broken Hill, under the "Municipalities Act of 1867," having been confirmed by His Excellency, the Governor, with the advice of the Executive Council, are published in accordance with the provisions of the above-cited Act.

HENRY PARKES.

BY-LAWS made and passed by the Municipal District Council of Broken Hill, at a meeting of the said Council, held on the 30th day of January, 1889.

1. The ordinary meetings of the Council shall be held once a fortnight at such time and place as the Council shall determine, provided that when once the time and place of meeting has been determined, no alteration or change shall take place until a motion shall have been carried after a fortnight's notice of such intended change or alteration.

Election of Chairman in absence of Mayor.—Adjournment for want of quorum.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect, from among themselves, a Chairman for such meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down, and shall be recorded in the Minute Book.

Order of Business.

Business of Ordinary Meetings.

3. The following shall be the order of business at all meetings of the Council other than special meetings :—

- 1. The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
- 2. Petitions (if any) to be presented and dealt with.
- 3. Correspondence to be read, and, if necessary, ordered upon.
- 4. Reports from Committees and minutes from the Mayor (if any) to be presented and ordered upon.
- 5. Questions as to any matters under the jurisdiction or within the official cognizance of the Council, to be put and replied to; and statements as to any facts, matters or circumstances requiring attention by the Council or any of its Committees or officers to be made.

6. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.

7. Orders of the day to be disposed of as they stand on the business paper.

Business may be dealt with out of regular order.

Provided that it shall be competent to the Council at any time by resolution, without notice, to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section; also, and in like manner, to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at Special Meetings.

4. At special meetings of the Council the business, after the minutes shall have been read and verified, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor, or the Aldermen at whose instance such special meeting shall have been called, may have directed.

Business paper for Ordinary Meeting—how prepared.

5. The business paper for every meeting of the Council, other than a special meeting, shall be made up by the Council Clerk, not less than two nor more than three days before the day appointed for such meeting. He shall enter on such business paper a copy of the substance of every notice of motion, and of every requisition or order as to business proposed to be transacted at such meeting which he shall have received, or shall have been required or directed so to enter, in due course of law, and as hereinafter provided. Every such entry shall be made subject to the provisions of section 3 of this "Part" of these By-laws, in the same order as such notice, requisition, or direction shall have been received.

Business paper for Special Meeting.

6. The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Alderman calling such meeting.

Summons to Members.

7. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

8. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with, and such business paper so voted shall be a record of the Council.

Notices of motion, &c., to be numbered as received, and preserved until matter disposed of, unless withdrawn before business paper made up.

9. All notices of motion, and all requisitions from Aldermen, and directions from the Mayor as to the entry of any particular matters of business for the consideration of the Council at its then next or any future meeting, shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction, shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the minute book of the manner in which such matter has been so disposed of shall have been duly verified as required by section 3 of this "Part" of these By-laws: Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk shall be at liberty to withdraw the same at any time before the making up of the business paper.

After business paper made up, all notices, &c., to be the property of the Council.

10. After the business paper shall have been made up as aforesaid, all the said notices of motions, requisitions, and directions as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

*Motions and Amendments.**Motions—how to be moved.*

11. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed, shall be struck from such business paper, and be considered to have lapsed.

Absence of proposed mover.

12. No motion of which notice shall have been entered on the business paper, shall, except as hereinafter provided, be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motion to be seconded.

13. No motion in Council shall be discussed unless and until it be seconded.

Amendments may be moved.

14. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

15. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

16. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended question—further amendment may be moved thereon.

17. If any amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

18. If any amendment, either upon an original question or upon any question amended as aforesaid, shall be negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

19. No discussion shall be permitted on any motion for adjournment of the Council; and if, upon the question being put on any such motion, the same be negatived, the subject then under consideration, or the next in order on the business paper, or any other on such paper that may be allowed precedence, shall be discussed before any subsequent motion for adjournment shall be receivable.

Requisitions from Aldermen how to be dealt with.

20. Every requisition by an Alderman, that any particular matter of business be brought before the Council, shall be regarded and treated as a notice of motion by such Alderman that such business be taken into consideration by the Council. And he shall be called upon in due order to move that such business be so considered, or to make any other motion which he may think fit in reference thereto, which shall be consistent with the notice of such business, and with good order. And if such Alderman be absent, or, if being present and so called upon, he shall make no such motion, then it shall be open to any other Alderman to make such motion. And when any such motion shall have been made, it shall be dealt with in precisely the same manner as if notice thereof had been given, subject, however, to any objection which may exist as to its not being in accordance with the notice actually given of such business or with good order. And if no motion shall be made in reference to such business, the entry relating thereto shall be struck from the business paper.

*Orders of the Day.**Of what orders of the day shall consist.*

21. The orders of the day shall consist of any matters other than motions on notice, which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor or any committee of the Council shall have directed to be entered on the business paper for consideration.

How they are to be dealt with.

22. Section 20 of this "Part" of these By-laws shall be considered applicable to orders of the day. And the Alderman who has the usual charge of, or who has previously moved in reference to, the particular business to which any such order of the day relates, shall be the person called upon to move: Provided that as to any order of the day entered as aforesaid, by direction of the Mayor, such Mayor may arrange with any Alderman to move, and may in such case call upon the Alderman with whom he has so arranged.

*Petitions.**Petitions to be respectfully worded.*

23. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions—how received.

24. All petitions shall be received only as the petitions of the parties signing the same.

How petitions are to be dealt with.

25. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received, or that it be received and referred to one of the permanent Committees hereinafter mentioned; or that it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable, be considered in order.

*Correspondence.**Duties of Mayor as to correspondence.*

26. The Mayor shall have the same duty in reference to letters addressed to the Council, before directing the same to be read, as by section 23 of this "Part" of these By-laws is imposed upon Aldermen presenting petitions. The Mayor shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 25 to apply to letters.

27. Section 25 of this "Part" of these By-laws shall be considered as fully applicable to letters addressed to the Council as to petitions.

Letters sent not to be discussed, but every letter may be subject of motion.

28. No discussion shall be permitted in reference to any letters which have been written and sent by the Mayor or by any officer of the Council, and copies of which may be read to such Council: Provided, however, that any notice of motion, consistent with good order, may be entertained with reference to any such letters, whether read or not, or with reference to any letters addressed to the Council which the Mayor or presiding Alderman may not have ordered to be read as aforesaid.

*Reports from Committees and Minutes from the Mayor.**Form of report.*

29. All reports from Committees shall be written on foolscap paper with a margin of at least one-fourth of the width of such paper; and shall be signed by the Chairman of such Committee, or in his absence by some other member of the same.

Mayor's minute.

30. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance by a minute in writing. Every such minute shall be written upon paper of the same kind, and with the same margin as a report from a Committee, and shall be signed by such Mayor.

How reports, &c., are to be dealt with.—Duties of Chairman, &c., in certain cases.

31. No motion shall (unless as hereinafter provided) be permissible on the presentation of a report from a committee or a minute from the Mayor, except that the same be received, or that it be received and that its consideration stand in order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or if an order for the consideration of such report or minute shall have been entered among the orders of the day, such motion or order may, if otherwise unobjectionable, be moved or considered in due course. And whenever any such report or minute embodies any recommendation which cannot legally be carried out without any due notice, and it is nevertheless desirable that such report or minute shall be definitely ordered upon during the meeting of the Council at which such report or minute is presented, it shall be the duty of the Chairman, or member of such Committee signing such report, or of such Mayor, as the case may be, to give or transmit to the Council Clerk such a notice of motion, requisition, or direction as aforesaid, as will enable such Council Clerk to make the necessary entry on the business paper, and to give such due notice.

*Questions and Statements.**Limitations as to questions and statements.*

32. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of section 3 of this "Part" of these By-laws.

Notice to be given.

33. Sufficient notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and, if necessary, for a reference to other persons or to documents.

Answers not compulsory.

34. It shall not be compulsory upon any person questioned as aforesaid to answer the question so put to him.

Question to be put without argument, &c.

35. Every such question must be put categorically, without any argument or statement of fact.

Similar provision as to statements.

36. Every such statement must be made without argument.

No discussion on question, &c., rights of objection and of subsequent motion reserved.

37. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement, at the time when such question is put, or such reply or refusal to reply is given, or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice, as hereinbefore provided, of any matters properly arising out of or relating to any such question, or reply, or refusal to reply, or any such statement as aforesaid.

*Order of Debate.**Mode of addressing Council, &c.*

38. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way, or for any other purpose, address observations to the Council, shall, while so doing, stand up in his customary place (unless he shall be prevented from so doing by means of some bodily infirmity), and shall address himself to the Mayor, or other Chairman then presiding: Provided that in the case of a question, such question may, by permission of such Mayor or Chairman, be put directly to the Alderman or officer to be questioned, and may be replied to in like manner; but in every such case the question so put and the answer thereto shall be subject to every legal objection, on the ground of disorder or irrelevancy. And all members of the Council shall, on all occasions, when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted if in order.

39. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Limitations as to number of speeches, &c.

40. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion, and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than the mover of such original motion, shall have a right to speak once upon such motion, and on every amendment thereon. No Alderman shall speak oftener than once upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain, without adding any further observations than may be necessary for the purpose of such explanation.

Mover and seconder.

41. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Speaker not to digress, &c.

42. No Alderman shall digress from the subject under discussion, or shall make any personal reflection on, or impute improper motives to, any other Alderman.

Adjournment of debate.

43. A debate may be adjourned to a later hour of the day, or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned, shall be entitled to pre-audience on the resumption of the same.

Mayor to decide as to pre-audience.

44. If two or more Aldermen rise to speak at the same time the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

Aldermen may require questions to be stated, &c., under certain conditions.

45. Any Alderman may request the question or matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such question or matter which are readily accessible: Provided, however, that no such request or requisition shall be so made as to interrupt any other Alderman when speaking, or materially to interrupt the discussion. Also, that if any such request or requisition shall appear to the Mayor or Chairman not to have been made *bona fide* it shall not be complied with.

Mayor or Chairman not to move or second motion, &c., but may address Council thereon.

46. The Mayor or Chairman shall not move or second any motion or amendment, nor put any question, as provided for by section 3 of this "Part" of these By-laws, except as is further provided for by section 38 of the same. But such Mayor or Chairman shall have the same right as any other Alderman to speak once upon every such subject or amendment. The Mayor or Chairman shall rise when so speaking (unless prevented by some bodily infirmity from so doing), but shall be considered as still presiding.

*Questions of Order.**Mayor or Chairman to decide points of order.*

47. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final, except in so far as the same may be questioned, as in the manner hereinafter provided.

Acts of disorder.

48. Every member of the Council who shall commit a breach of any section of this "Part" of these By-laws, or who shall move or attempt to move any motion or amendment embodying any matter as to which the Council has no legal jurisdiction, or who shall in any other way raise or attempt to raise any question, or shall address or attempt to address the Council upon any subject which the said Council has no legal right to entertain or to discuss, or who shall use any other language which according to the common usage of gentlemen would be held disorderly, or who shall say or do anything calculated to bring the Council into contempt, shall be out of order.

Mayor, &c., may call Member to order.

49. The Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order, whenever, in the opinion of such Mayor or Chairman, there shall be a necessity for so doing.

Any Member may raise question of order.

50. Every member of the Council shall have the right of calling the attention of the Mayor or Chairman to any motion, amendment, statement, argument or observation moved, used, or made by any other member which such first-named member may consider out of order.

Mode of proceeding thereon.

51. A member called to order shall withdraw while the question of order is being discussed and decided upon, unless specially permitted to offer an explanation, retraction, or apology; but on obtaining such special permission such member may explain, retract, or apologise for the matter or remark alleged to have been out of order. And if such explanation, retraction, or apology be deemed satisfactory, no further discussion on the question of order shall be permitted. If any member, on being called to order, shall ask such permission to explain, retract, or apologise as aforesaid, the Mayor or Chairman may, of his own authority, grant or refuse such permission, as he may think fit, unless any member shall require the sense of the Council to be taken on this question. In such case it shall be the duty of the Mayor or Chairman to take the sense of the Council at once, and without discussion, as to whether such permission shall be granted. And when any such explanation, retraction, or apology shall have been made or offered by permission of the Mayor or Chairman, the latter shall in like manner decide, or, if required so to do, shall take the sense of the Council as to whether such explanation, retraction, or apology is considered sufficient. If such permission be refused, or if such explanation, retraction, or apology be considered insufficient, the question of order shall be considered and decided before any further business is proceeded with: Provided that if such Mayor or Chairman shall have decided the question of order before any member shall have required the sense of the Council to be taken in reference thereto, such question of order shall not be repeated: And provided further that nothing herein contained shall be held to affect the right of such Mayor or Chairman to decide finally, as hereinbefore provided, upon any such point of order, after the same shall have been discussed.

Decision of points of order.

52. The Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice, which he shall deem applicable to the case, without discussing or commenting upon the same.

Motions out of order to be rejected.—Members to explain, retract, or apologise, &c.

53. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be rejected; and whenever anything said or done in Council by any Alderman shall be similarly decided to be out of order, such Alderman shall be called upon by the Mayor or Chairman to make such explanation, retraction, or apology, as the case may require.

Penalties for persisting in disorderly conduct.

54. Any member of the Council who shall have been called to order, and who, after having been twice directed to withdraw as aforesaid, shall refuse to do so, or who shall persist in any line of conduct or argument, or of observations which shall have been decided as aforesaid to be disorderly, or who shall refuse to make such explanation, retraction, or apology as aforesaid, when required so to do, or who shall be guilty of any other act of disorder, as defined in section 48 of this "Part" of these By-laws, and shall refuse to make such explanation, retraction, or apology as a majority of the Aldermen then present shall consider satisfactory, shall be liable, on conviction, for the first offence, to a penalty of not less than ten shillings nor more than five pounds; and on second conviction for the like offence he shall be liable to a penalty of not less than one pound nor more than ten pounds; and on the third conviction, and for every further conviction for the like offence he shall be liable to a penalty of not less than two pounds nor more than twenty pounds.

Power of Council as to laying down general rules, &c.

55. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice, may, by motion on notice, respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar questions of order or of practice which may thereafter arise. Any rule or principle thus laid down shall be binding upon all parties, unless and until it be rescinded, but shall have no retro-active operation: Provided, however, that nothing herein contained shall be held to bind any Mayor or Chairman to put any motion to the Council which in his opinion is contrary to law.

*Mode of Voting.**How questions are to be put.*

56. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions—Penalty for refusing to vote.

57. Any Alderman shall be at liberty to call for a division; in such case the question shall be put first in the affirmative and then in the negative; and the Alderman shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for, and shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

*Protests.**Mode of protesting—Protests to be recorded, but may, under certain circumstances, be expunged.*

58. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council; notice of the intention so to protest must, however, be given at the meeting when such resolution is passed or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the minute-book, but if, in the opinion of the Council it be inconsistent with the truth, or disrespectfully worded, it may (by resolution or notice) be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

*Committees of the whole Council.**Rules applicable to business in Committee.*

59. The following sections of this "Part" of these By-laws shall (except as herein excepted) be taken to apply to the conduct of business in Committee of the whole Council, namely, sections 13, 14 (except that it shall not be necessary that any motion or amendment in Committee shall be seconded) 15, 16, 17, 18, 38, 39, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, and 57.

Disorderly conduct in Committee—Refusal to vote.

60. Whenever any member of the Council shall, while the Council is in Committee of the whole, be considered guilty of an offence against good order, within the meaning of section 54 of this "Part" of these By-laws, it shall be competent to any Alderman to move that the Council resume its sitting, and that such matter be reported; and if such motion be carried, such matter shall be reported accordingly, and an entry of such report shall be made in the minute-book; and whenever any Alderman shall have failed to vote on any occasion in Committee of the whole Council, as required by section 57 of this "Part" of these By-laws, the facts shall be reported to the Council, and such report on such facts shall be duly recorded in the Minute-book: Provided that in the case of an Alderman failing to vote as aforesaid, no special motion that the Council resume its sitting shall be necessary; but it shall be the duty of the Chairman of such Committee of the Whole, in making his report of the proceedings in such Committee, whenever such report may be made, to include in such report a statement of such failure to vote as aforesaid, and of the question as to which such Alderman has so failed to vote.

Decisions in Committee on points of order may be reported.

61. Whenever a decision upon any question of order shall have been given by the Chairman of a Committee of the whole Council, under the provisions of section 47 of this "Part" of these By-laws, any Alderman may move that such decision be embodied in the report to the Council of the proceedings in such Committee; and if such motion be carried, such decision shall be so embodied in such report, whenever the same shall be made.

How progress may be reported, &c.

62. Any Alderman may at any time during the sitting of a Committee of the whole Council move that the Chairman report progress (or no progress, as the case may be), and that leave be asked to sit again at a later period of the same day, or on any further day, or that no leave be asked to sit again; and if any such motion be carried, the Council shall resume its sittings, and a report shall be made accordingly; but no discussion shall be permitted on any such motion, and if the same be negatived, the subject then under consideration shall be discussed before another such motion shall be receivable.

Reports of proceedings in Committee.—Want of quorum in Committee.

63. All reports of proceedings in Committee of the whole Council shall be made to the Council *vice versa* by the Chairman of such Committee; and a report of such proceedings shall be made in every case, except when it shall be found, on counting the number of members during the sitting of any such Committee, that there is not a quorum present. In the latter case the sitting of the Council shall be resumed without any motion for that purpose and the proceedings in Committee shall be considered to have lapsed: Provided that in making of any such report as aforesaid it shall not be necessary to report any such proceedings *in extenso*, but only to state the result, general effect, or substance of such proceeding.

How reports are to be dealt with.

64. All such reports of proceedings in Committee of the whole Council shall be recorded in the minute-book; but except as hereinafter mentioned, no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council until a motion shall have been made and passed for such adoption or for the granting of such leave. And every such motion for the adoption of a report or for the granting of leave as aforesaid and the order of debate on such motion shall be subject to all the same rules as other motions in Council and the order of debate on such other motions: Provided, however, that where a report shall have been made under section 60 of this "Part" of these By-laws, of disorderly conduct in Committee, or under section 57 of this "Part" of these By-laws, of failure to vote on division, or of any decision in Committee upon any question of order, such report shall, so far as it relates to such facts, be regarded and recorded as a statement thereof; and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretext whatever.

Calls of the Council.

How call may be ordered.

65. A call of the Council may be ordered by any resolution, of which due notice shall have been given for the consideration of any motion or matter of business before such Council.

Such call compulsory in certain cases.

66. There shall, without any special order to that effect, be a call of the Council for the consideration of every motion which may be made under section 55 of this "Part" of these By-laws, and of every motion for the rescission of any resolution, order, or decision of such Council.

Mode of proceeding.

67. The call shall be made immediately before the motion or business for which such call has been ordered, or is required to be made by the last preceding section, shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all the members in their alphabetical order; each member present shall answer to his name as so called; and if any members are absent a record shall be made of such absence; but if leave of absence to any such member shall have previously been granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse, and of the reasons for the same.

Penalty for absence without legal excuse.—Further call when question adjourned.

68. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who, if absent, and not so excused, shall fail to show that by reason of extreme illness or any other sufficient cause he has been unable to send an excuse in writing as aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than ten shillings nor more than five pounds: Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such consideration; and the provisions herein as to penalties for absence, shall have reference to such further call. And if there shall be more than one adjournment, this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

Standing and Special Committees.

Standing Committees.

69. There shall be three Standing Committees, namely, a By-law Committee, a Committee for Works, and a Finance Committee. These Committees shall be re-appointed every year at the first meeting of the Council, which shall be held after the election of the Mayor.

Constitution of Standing Committees.

70. Each of the three Committees in the last preceding section shall consist of three members.

Mode of re-appointing Standing Committees.

71. The re-appointment of the three said Committees may, on resolution of the Council, be made by ballot. In such case, a list or lists of all the members of the Council shall be handed to each member then present, who shall mark against the name of each such member the title of the Committee to which, in his opinion, such member ought to belong. And the Mayor or Chairman shall thereupon examine such lists so marked, and shall declare the result. And if there shall be an equal number of votes for the appointment of any two or more members to any one of such Committees, such Mayor or Chairman shall decide which of such members shall be appointed to such Committee.

By-law Committee.

72. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the Municipality. They shall also watch over the administration of the By-laws, and of any statute of which the operation has been or may be extended to the Municipality, and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or statutes, and for the preservation of public health, order, and decency.

Committee for Works.

73. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, public reserves, and other public places under the care and management of the Council. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

74. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect, or to be likely to affect, the finances of the Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Special Committees.

75. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which, in the opinion of the Council, a Special Committee ought to be appointed; and no Standing Committee shall interfere with the performance of any duty which may, for the time being, have been entrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution after due notice, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein such members as in his opinion ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; and in the latter case, or if an amendment to the effect that such Special Committee be appointed by ballot be carried, each member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom, in his opinion, such Special Committee ought to be composed; and the Mayor or Chairman shall examine such list, and shall declare the result. And in the event of its becoming necessary, through an equality of votes, to decide as to which of two or more Aldermen shall serve on such Committees, such Mayor or Chairman shall so decide.

Chairman of Committee.

76. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee within seven days after their appointment.

Term of service in Committee.

77. Appointments to the By-law Committee, the Committee for Works, and the Finance Committee shall be for the whole municipal year. The appointment of every Special Committee shall be considered to endure until the duties for which such Committee have been appointed shall have been fully performed: Provided, however, that nothing herein contained shall be held to affect in any way the right of such Committee to remove any Chairman of such Committee, or to appoint another such Chairman in his stead, or to militate against the general provisions as to Committees in sections 108 and 110 of the Municipalities Act of 1867; and that so much of this By-law as relates to the appointment, powers, and duties of Committees, shall be read and interpreted in connection with such last-mentioned general provisions.

Committee meeting, how called.

78. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman, or any two members of such Committee.

Records of transactions in Committee.

79. The Chairman of each Standing Committee shall make or cause to be made in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Expenditure.

Except in emergent matters, cost of all work to be estimated before undertaken.

80. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Municipality shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Emergent matters and necessary current expenses—Expenses authorized to be reported—Outlay to be in accordance with orders of the Council.

81. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Committee for Works, or of the Mayor for repairs or emergent works, to the extent of five pounds.
2. By order of the Mayor for necessary current expenses, to the extent of two pounds.

Provided, that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting; such report to be signed by the Chairman of the Committee for works or the Mayor, as the case may be, by whom such outlay shall have been authorized. Also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council; and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence be thus authorized.

All claims to be examined and reported upon by Finance Committee.

82. All accounts and demands of money against or from the Council, shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with each claim—Salaries and wages to be payable on Mayor's order—Certificate to be attached to Report.

83. No payment shall be so ordered unless there shall be a certificate or memorandum from the Committee, from the Mayor, or from the office of the Council to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one, and has been duly authorised or inquired into. It shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled, or to report specially as to the reasons for its non-fulfilment, before recommending payment: Provided, however, that such special report as last herein mentioned may be embodied with the report by which payment of the amount in question is recommended: Provided also, that in cases of special expenditure under section 81 of this "Part" of these By-laws, the report directed by that section to be laid before the Council shall, if the outlay shall have been lawfully incurred, be deemed a sufficient certificate: And provided further, that in regard to salaries and wages of labour for officers, servants, and labourers, employed at fixed rates of payment by order of the Council, the certificate of the Mayor of the amount due to any such officer, servant, or labourer, and the order of such Mayor for the payment of such amount, shall be a sufficient authorization for such payment; and such certificates, memoranda, and authorizations shall be attached respectively to the reports from the Finance Committee on the payments or outlays to which such certificates, memoranda, or authorizations have reference.

Common Seal and Records of the Council.

Common Seal and press—how secured—Care of same.

84. The common seal and the press to which the same is attached shall be in the custody and care of the Council Clerk unless the Council shall otherwise determine.

When and how common seal to be used.

85. The common seal shall not be attached to any document without the signature of the Mayor, or in case of the absence or illness of such Mayor by two Aldermen, and countersigned by the Council Clerk.

How Books of Accounts are to be kept and Inspected.

86. The Treasurer shall keep such books of account and such records, statements, and memoranda of receipts and expenditure, in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of account, records, statements, and memoranda from time to time, to ascertain that the same are properly kept, and to report at once to the Council any act of neglect, or appearance of inefficiency which they may have discovered in the keeping of the same; also to report to the Council from time to time any changes which such Committee may think advisable in the mode of keeping the accounts.

Records of the Council defined.—Provisions for keeping of same.

87. The minute book, letter book, and all rate and assessment books, books of account, records, statements, and memoranda of receipts and expenditure, electoral rolls, and other records relating to elections, business papers, reports from Committees, minutes from the Mayor, petitions, letters on municipal business, addressed to the Council or to the Mayor or to any officer or servant of the Council, orders, reports, returns, and memoranda, relating to Municipal business, drawings, maps, plans, contracts, specifications, agreements, and all other books and papers connected with the business of the Council, shall be deemed records of the Council. All such records other than the minute book and other books, and other than electoral rolls and other records relating to elections, shall be numbered and filed in due order, and shall be duly registered by the Council

Clerk in a book to be kept by him for that purpose. Upon the face of every document thus registered, to which there is any reference to the minute book, there shall be a note of the page wherein it is so referred to. And when any order has been made by the Council, or a report has been brought up by any Committee thereof in reference to any document so registered as aforesaid, a note of such order or report shall be made upon such document. It shall be the duty of the By-law Committee to inspect the records from time to time to ascertain that the same are properly kept as aforesaid, and to report at once to the Council any act of neglect or appearance of inefficiency which they may discover in the keeping of such records.

Impression of seal not to be taken, &c., without leave of Council—Penalties.

88. No member or officer of the Council shall be at liberty to take any impression of the corporate seal, or to show, lay open, or expose any of the books or records of the Council to any person other than a member of the same, without leave from such Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable on conviction for the first offence to a penalty of not less than five shillings nor more than two pounds; for a second offence to a penalty of not less than one pound nor more than ten pounds; and for a third and every subsequent offence to a penalty of not less than five pounds nor more than twenty-five pounds.

Records not to be removed, &c.—Penalties.—Exceptional circumstances.—Receipt to be given in every case before document received.—Proviso as to use of records as matter of evidence.

89. Any person removing any such book or other record of the Council as aforesaid, from the Council Chamber, or the place where by direction of the Council such book or other record is usually kept, without leave for such removal having been first obtained from such Council, or without other lawful cause for such removal, as hereinafter provided, shall for every such offence be liable to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to effect the further liability of any person who shall have removed such book or other record as aforesaid, and shall not have returned the same, to prosecution for stealing such book or record, or to an action at law for detention of the same, as the circumstances of the case may warrant: Provided that leave for temporary removal of a book or other record may be granted to the Council Clerk or the Treasurer by the Mayor, in order that such Clerk or Treasurer may post up entries, prepare returns, or perform any other duty which it may be necessary that he should perform; also, that the Mayor, or the Chairman of any Committee, or any Alderman acting for any such Chairman, may temporarily remove any record necessary for the preparation of a minute or a report, or for the purposes of any prosecution or suit at law by, against, or at the instance of the Council; but in all such cases, such Clerk, Treasurer, Mayor, Chairman or Alderman, as the case may be, shall give a receipt under his hand for every document so removed, and every such receipt shall be carefully preserved among the records until the book or other record to which it refers shall have been returned, when such receipt shall be destroyed: And provided also, that the Mayor, Council Clerk, or other officer of the Council, who may be subpoenaed to produce any book or other record of the Council in a Court of Law, shall have the right to remove such book or other record for the purposes of obeying such summons, but shall return such book or record as speedily as may be, and shall before removing the same leave at the Council Chamber a receipt for such book or other record as aforesaid; and every such person so temporarily removing any book or other record of the Council as aforesaid, shall be legally responsible for the safe keeping and return of the same.

Penalty for defacing or destroying record.

90. Any person destroying, defacing, or altering any record of the Council, shall, for every such offence, be liable to a penalty of not less than five pounds nor more than fifty pounds.

Officers and Servants.

Notice to candidates in certain cases.

91. No appointment to any permanent office at the disposal of the Council, to which a salary or allowance of fifty pounds per annum, or a salary or allowance exceeding that amount, is attached, shall be made until public notice shall have been given, as hereinafter provided, inviting applications from qualified candidates for the same; the salary or allowance attached to such office shall in every case be fixed before such notice is given, and shall be stated in such notice.

Mode of appointment.

92. Every such appointment shall be made by ballot in such mode as may at the time be determined on, whenever there is more than one candidate for such permanent office.

Exceptional cases.

93. Nothing herein contained shall be held to prevent the employment, as may be from time to time found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the Municipal District.

Bonds for good conduct.

94. All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited with the attorney or the bankers of the Corporation, as the Council may order; and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of Council Clerk.

95. The Council Clerk, in addition to the duties which by the Municipalities Act of 1867, or by the present or any other By-laws thereunder he may be required to perform, shall be the Clerk of all Revision Courts held in the Municipal District under the provisions of the said Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council. He shall likewise have charge of all the records of such Council, except such books or documents as may (as hereinafter provided) be entrusted to any other officer, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor.

Duties of Treasurer, &c.

96. The Treasurer shall have charge of such books of account and other records of the Council as are mentioned in section 86 of these By-laws, and shall be responsible for the safe keeping of the same; any other officer of the Council may have any other records thereof committed to his charge by an order of the Council, and in such case shall be responsible for the safe keeping of such records.

Duties of other officers and servants.

97. The duties of all officers and servants of the Corporation shall be defined by such regulations as may from time to time and in accordance with law, be made as follows, viz.:—As to the duties of the Council Clerk and his assistants (if any)—by the Mayor. As to the Treasurer and all collectors of rates, bailiffs, bailiffs' assistants, and other officers and servants employed in and about the collection of revenue, whose superintendence is not hereinafter specially entrusted to any other Committee—by the Finance Committee. As to all surveyors, architects, clerks of works, overseers, inspectors of water supply, sewerage, or drainage, or other officers and servants employed in and about the public works of the Municipal District, and in the supply of water therefor, or the sewerage or drainage thereof, whose superintendence is not herein specially entrusted to any other Committee—by the Committee for Works. As to the Attorney for the Corporation, Inspector of Nuisances, and other officers and servants employed in and about the carrying out and enforcement of the general provisions of the Municipalities Act of 1867, and of any other statute of which the operation has been extended to the Municipal District, and of the By-laws for the general good government of such Municipal District, whose superintendence is not herein specially entrusted to any other Committee—by the By-law Committee. And as to librarians, managers of public institutions or reserves under the charge of the Council, and all other officers and servants employed in or about any matter over which the Council has control, and whose superintendence is not herein specially entrusted to any other Committee—the Mayor: Provided that all such regulations shall be in writing, and shall be in all cases laid before the Council at the first meeting thereof, which shall be holden after the making of any such regulations, and shall be in strict accordance with any such orders or directions as may have been at any time given by such Council touching the matters to which any such regulations may have reference.

Special powers of Mayor.

98. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such explanation, or information already given, and such return, statement, explanation, or information is on record as hereinbefore provided; or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanation or information may, except as hereinafter provided, be either rendered *viva voce*, or put into writing as the Mayor may direct.

How complaints against officers, &c., are to be dealt with.

99. All complaints against officers or servants of the Corporation, must be in writing, and must in every case be signed by the person or persons complaining. And no notice whatever shall be taken of any complaint which is not in writing, or is anonymous. All such complaints may be addressed to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same. And if any such complaint be made to the Council, or to any member or officer thereof, it shall be referred to and investigated by the Mayor before it shall be in any way (otherwise than by such reference) ordered upon or dealt with by such Council; Provided that every

report, explanation, and information which may be made or rendered in reference to every such complaint, shall be in writing. And such Mayor shall state in writing the result of every such investigation and his opinion as to what order (if any) ought to be made in connection therewith; and such complaint, with all reports, explanations, and information, as aforesaid, in connection therewith, and the Mayor's statement as aforesaid thereon, shall be laid before the Council, at the next meeting thereof, which shall be holden after the Mayor shall have made such statement, and shall be duly recorded: Provided further, that nothing herein contained shall be held to affect in any way the special power conferred on the Mayor by section 152 of the Municipalities Act of 1867, or any other special power which now is or hereafter may be conferred by statute upon such Mayor.

Miscellaneous.

Leave of absence.

100. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of the Council, adopted after due notice.

Subdivisions and change of property.

Change of occupier.—Subdivisions of property.

101. If the owner, tenant, or occupier of any property within the Municipal District of which he or she is assessed shall give up the possession of such property, he or she shall within seven days from the date of giving up the possession thereof deliver to the Council Clerk a notice in writing, showing and setting forth the name and address in full of the person to whom possession of such property has been given. And if any property shall be subdivided in the interval between one assessment and another, and let to two or more persons, the tenant or owner who previously occupied the whole of such property, or who is still in possession of a portion thereof, shall within seven days from the time of such subdivision being made deliver to the Council Clerk a notice in writing, showing and setting forth the area, the rent, and the names in full of the occupier or occupiers of such subdivisions. And any such owner, tenant, or occupier failing or neglecting to give such notice, as is herein required, shall on conviction forfeit and pay any sum not exceeding five pounds nor less than ten shillings for every such offence.

Motions for rescission of previous orders, &c.

102. Wherever a motion for the rescission of any order, resolution, or vote of the Council, shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been submitted to the Governor for confirmation, and may have been remitted to the Council, with suggested amendments of the same, or the passage, after due notice, as hereinbefore provided, and in due course of law of any By-law for the repeal or amendment of any other By-law.

Lapsed business.

103. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration may be ordered by resolution of the Council after due notice; and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Suits and prosecutions for penalties, &c.

104. Such suits or information for the enforcement of penalties for or in respect of breach of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute, the operation of which may have been extended to the Municipality, as may have been directed by the Council or by the By-law Committee, or by the Mayor, to be commenced or laid, shall be so commenced or laid as follows, namely:—When against a member of the Council, or an Auditor, or any officer of the Corporation—by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose; when against any other person, by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council or the By-law Committee, or the Mayor, as the case may be, on directing such suit or information as aforesaid; and no such suit shall be brought on information laid as aforesaid against any member of the Council, or Auditor, except by order of such Council; nor shall any similar proceedings be taken against any officer of the Council, except on the order of such Council, or of the Mayor, nor against any other person, except upon the order of the Council, or of the Mayor, or of the By-law Committee: And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on an express resolution of the Council; in any case where the bringing of such suit, or the laying of such information will be adverse to any previous direction by such Council; or where,

on the trial or hearing of any such suit or information, the same shall have been dismissed on the merits: Provided that in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

Mode of proceeding in cases not provided for.

105. In all cases not herein provided for resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Power to suspend, temporarily, certain portions of this By-law.

106. Any such section or sections of this "Part" of these By-laws, or any portion or portions of such sections or sections as are not hereinafter excepted, may be suspended by resolution, on notice at any meeting of the Council: Provided that there shall be a distinct statement in every such resolution, and in the notice of the motion whereon this same shall have been adopted, of the purpose for which such suspension is required, and that for every separate matter or business as to which such suspension is so required there shall be a separate resolution as aforesaid: And provided also that the following sections hereof shall never be suspended, nor shall any one of them, nor any portion of any such sections, be suspended on any pretence whatever, namely:—Sections 5, 6, 7, 8, 9, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 34, 38, 39, 42, 44, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 80, 81 to 90 inclusive, 94, 97, 98, 99, 100, 102, 104, and 105.

PART II.

COLLECTION AND ENFORCEMENT OF RATES.

Time and modes of collecting.

Rates under sec. 104 of the 31st Vic. No. 12, to be collected half-yearly.

1. All rates levied or imposed by the Council under the provisions of section 164 of the Municipalities Act of 1867, and for the purpose mentioned in the said section, shall be collected by half-yearly instalments. Each such instalment shall, as to every such rate and every such instalment thereof, be held to be due and payable on and after such days as the Council, shall by resolution appoint at the time of making or imposing such rate.

Special rates.

2. All rates levied or imposed by the Council under sections 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may, by resolution, at the time of making or imposing such rates, or any of them, have appointed.

Office hours.

3. All rates shall be paid at the Council Chambers during the hours appointed by the Council for that purpose.

Bailiff—how appointed.

4. The Bailiff of the Municipal District shall be appointed by the Council, and may at any time be removed by it.

Sureties for Bailiff.

5. The Bailiff shall find two sureties, to the satisfaction of the Council, to the extent of twenty-five pounds each, for the faithful performance of his duty, or a fidelity guarantee bond for fifty pounds (£50).

Duties of Bailiff.

6. It shall be the duty of the Bailiff to make levies by distraint for the recovery of rates in the manner hereinafter provided.

Warrant of distress.

7. All levies and distresses shall be made under warrant in the form of Schedule A hereunto appended, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

8. If the sum for which any such distress shall have been made shall not be paid, with costs as hereinafter provided, on or before the expiration of five clear days, the Bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises or at such other place within the said Municipal District as the said Bailiff may think proper to remove them to for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for and costs, as hereinafter provided, to the owner of the goods so sold on demand of such surplus by such owner.

Inventory.

9. At the time of making a distress the Bailiff shall make out a written inventory in the form of Schedule B hereto annexed, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained,

or to some person on his or her behalf, resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made, and the Bailiff shall deliver a copy of such inventory to the Council Clerk, who shall on demand made at any time within one month after the making of such distress deliver a copy thereof to the ratepayer.

Goods may be impounded.

10. The Bailiff on making a distress as aforesaid may impound or otherwise secure the goods and chattels so distrained of what nature and kind soever in such part of the land or premises chargeable with the rate or in such other place as shall be most fit and convenient for that purpose, and it shall be lawful for any person whomsoever, after the expiration of five clear days hereinafter mentioned, to come and go to and from such part of the land and premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy and in order to carry off and remove the same on account of the purchaser thereof.

Owner to direct order of sale.

11. The owner of any goods or chattels so distrained on may, at his or her option, direct and specify the order in which they shall be successively sold, and the said goods or chattels shall in such case be put up for sale according to such directions.

Proceeds of distress.

12. The Bailiff shall hand over to the Treasurer all proceeds of every such distress within forty-eight hours after having received the same.

Deputy.

13. The Bailiff may, with the sanction of the Mayor, or, in his absence, with the sanction of any two Aldermen of the Municipal District, authorized by writing under his hand, any person to act temporarily as his deputy; and the person so authorized shall have and exercise all powers of the Bailiff himself; but the Bailiff and his sureties shall in every such case be held responsible for the acts of such deputy.

14. The costs and charges for every levy and distress made under the By-laws shall be those specified in the Schedule hereunto annexed marked C.

Defaulters.

15. Every person not paying his or her rates as aforesaid upon the day or day so appointed for payment thereof shall be deemed a defaulter, and it shall be the duty of the Council Clerk to furnish the Mayor from time to time with a list of the names of all persons so in default.

Mayor to enforce payment.

16. It shall be the duty of the Mayor to take proceedings to enforce payment of all rates in default, either by action at law or by issuing warrants of distraint upon the goods and chattels of the defaulter.

SCHEDULE A.

I, Mayor of the Municipal District of Broken Hill, do hereby authorize you, the or Deputy Bailiff of the said Municipal District, to distrain upon the goods and chattels in the dwelling-house or in or upon the land or premises of situate at for being amount of rates due to the said Municipality, day of for the said dwelling-house, land, or premises (as the case may be), together with the costs of the distraint, and to proceed thereon for the recovery of the said rates and costs according to law. Dated this day of 18 Major.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Municipal District of dated, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of situate at within the said Municipal District, for being the amount of rates due to the said Municipal District to the day of Dated this day of 188 Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy where the sum is not more than £20	2	0
Above that sum, in addition for every £1	0	1
For making and furnishing copy of inventory	2	0
For man in possession, each day, or part of a day	5	0
For sale, commission, and delivery of goods, per pound on proceeds of the sale	1	0

PART III.

Preventing and Extinguishing Fires.
Fire or combustible materials, &c.

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible, or inflammable materials of any kind, in such a manner as to endanger contiguous buildings, shall, on conviction, for every such offence forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for forty-eight hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

2. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place, as or for the covering of any such stack any inflammable material, so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit on conviction for every such offence a penalty of not more than five pounds, and also shall remove such fence, stack, or covering within a reasonable time after such conviction. And any person failing to remove such fence, stack, or covering within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Fireworks.

3. Every person who shall light any bonfire, tar-barrel, or firework upon or within sixty yards of any public or private street, or any public place, or shall sell gunpowder, squibs, rockets, or other combustible matter by gas, candle, or other artificial light, shall forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

4. Every person who wilfully sets, or causes to be set on fire any chimney-flue, smoke-vent, or stove-pipe, herein called in common a "chimney" shall forfeit a sum not exceeding five pounds: Provided always that nothing herein contained shall exempt the person so setting, or causing to be set, on fire any chimney from liability to be informed against or prosecuted before any Criminal Court for such act as for an indictable offence.

PART IV.

Notices, Streets, and Public Places—Public Health and Decency, &c.

Mode of calling for tenders.

1. Whenever it is decided that any work shall be executed or any materials supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice, as hereinafter provided.

Drafts of intended By-laws.

2. A draft of every intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by such Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same; and public notice shall be given as hereinafter provided, that such draft is so lying for inspection.

How notices are to be published.

3. In all cases where public notice is or shall be required to be given by any By-law of any appointment, resolution, act, order, or regulation done, made, or passed, or proposed to be made, done, or passed by the Council, or by any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same twice in some newspaper circulating in the Municipal District.

Persons obstructing officers of the Council.

4. Any person or persons who shall obstruct any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing or performing, or going to perform, or returning from the performance of any duty or act under these By-laws, by using any threats, offensive language, hindrance, or insulting language towards the said officer, in any street, road, or other place within the said Municipal District, shall forfeit and pay for every such offence a penalty not exceeding twenty pounds nor less than two pounds.

New roads to be reported on.

6. No new public road, street, way, park, or other place proposed to be dedicated to the public, shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been formed by the proprietor or proprietors to the reasonable satisfaction of the

Committee for Works or other duly authorized officer, or until the said road, street, way, or park shall have been duly examined by the Committee for Works, or other duly authorized officer, and reported upon to the Council by such Committee or other duly authorized officer.

Dedication of new roads, &c.

6. If the Council shall determine to take charge of any such road, way, or other place as aforesaid, the plan or plans, so signed aforesaid, shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument dedicating such road, way, park, or other place to public use or recreation as aforesaid as may be considered necessary by the Council; any such further instrument of dedication shall also be preserved as a record of the Council.

Change of street levels.

7. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section, showing the proposed cuttings, to be exhibited at the Council Chambers for fourteen days, for the information and inspection of ratepayers, and shall notify, by advertisement in some newspaper circulating in the Municipal District, that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman, and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk, and such plan and section so signed and countersigned shall be a record of the Council.

Roads and Streets, and encroachments thereon, &c.

8. The Committee for Works, or the Surveyor of the Municipal District, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and foot ways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, and thoroughfares, recourse shall be had, when practicable, to the plans under which the land, with frontage to the road, street, lane, or thoroughfare in question shall have been sold or let. And it shall be the duty of such Committee for Works, or Surveyor, or other officer to place posts at the corners or intersections of such streets, roads, lanes, and thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of forty-two feet for the carriage-way and twelve feet for the foot-way on each side, where the road, street, lane or thoroughfare shall be sixty-six feet wide, and in proportion, and in the discretion of the Council in any such road, street, lane, or thoroughfare, or other public place of other width than sixty-six feet: Provided that there shall be no change of level in any such public road, street, lane, thoroughfare, or public place until the same shall have been submitted to and adopted by the Council as hereinafter provided: Provided further, that this By-law shall be read subject in all respects to "The Width of Streets and Lanes Act of 1891."

Kerbing, flagging, and tarpaving.

9. The Council of the Municipal District may cause the foot-way or path-way in front of any house or ground, along any street, private street, or lane within the Municipal District, to be kerbed and flagged or asphalted in such manner as the Council may think fit: that one-half the amount of the cost of kerbing be borne and paid by the owner of such house or ground, and one-half the expense of asphaltting be borne and paid by the said owner of such house or ground. Owners of property along Government roads within the Municipal District, where kerbed, shall have such flagging or asphaltting done free of cost. Such cost may be recovered from the owner of such house or ground in a summary way before any two Justices of the Peace: Provided also, that no proceeding for the recovery thereof shall be taken until at least one month after a requisition for payment of the amount, together with an account of the total expenditure, signed by the Council Clerk, has been delivered to such owner.

Erection of houses—fee for permission, &c.

10. No person shall be permitted to erect any house, shop, or other building, in any street, lane, or place within the said Municipal District without first serving three days' notice in writing on the Mayor or Council Clerk, or other duly authorized officer before commencing the same, stating his intention, and describing the proposed situation of the building or erection, and every owner of, and every contractor for such house, shop, or other building, or any part thereof, commencing to build or work thereon without such notice having been given, and shall at the time the said notice is given as aforesaid, pay unto the Council Clerk or other duly authorized officer, a fee of five shillings for permission to erect any fence, or any such house, shop, coach-house, stables, or other detached buildings to be so erected on any premises, street, lane, or other place within the said Municipal District, shall forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Pipes, gutters, &c.

11. It shall not be lawful for any person to carry by means of pipes, gutters, or other contrivances, any rain-water from the roof of his or her premises or house upon any of the foot-ways of any street or public place within the said Municipal District; and any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances when required to do so by any officer of the said Council, shall on conviction, forfeit and pay any sum not exceeding two pounds nor less than five shillings: Provided that the owner or occupier of any such premises or house may convey any such rain-water by means of pipes laid under the surface of any such foot-ways into the gutter adjoining the same, subject to the approval of the Committee for Works or other duly authorised officer.

No balcony, &c., to project.

12. With regard to buildings, hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, coping, parapet, overhanging eaves, cornice, windows, string-cornice, string-course, dressing, or other architectural decoration forming part of or attached to any external wall, to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding five pounds nor less than one pound, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than thirty feet wide: Provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice.

13. The Surveyor or other such officer or person may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence or other obstruction or encroachment in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall, in this case, be served either personally or at the usual or last-known place of abode of the person to whom such obstruction or encroachment in structure belongs, or who has erected the same, or caused it to be erected.

Council may remove encroachments.

14. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its own proper officer, and at the cost of the person so offending: Provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds, or at the Council's option, to proceed against the offender for breach of By-law, the penalty not to exceed twenty-five pounds nor be less than one pound; and in case of every successive offence the penalty, on conviction, not to be less than five pounds.

Or may proceed by action.

15. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council, either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-laws as aforesaid.

To apply also to obstructions by digging, &c.

16. The foregoing provisions shall be equally applicable to all obstructions by digging or excavations; and any person who shall wilfully obstruct or interfere with the Surveyor or other officer as aforesaid, or any person acting for or under him, or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Surveyor or officer, shall, on conviction, forfeit and pay a penalty of not less than two pounds nor more than twenty pounds.

Hoards or fences to be erected.

17. Every person intending to build or take down any building within the limits of the Municipal District, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done where any street or foot-way will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street with a convenient platform and hand-rail, if there be room enough to leave as a foot-way for passengers outside of such hoard or fence, and shall continue such hoard or fence, with such platform and hand-rail as aforesaid standing in good condition, to the satisfaction of the officer of the Council of the said Municipal District during such time as the public safety or convenience requires, and shall in all cases in which it is necessary, in order to prevent accidents, cause the same to be

sufficiently lighted during the night; and every such person who shall fail to put up such fence, or hoard, or platform with such hand-rail as aforesaid, or to continue the same respectively standing in good condition as aforesaid during the period of such building or taking down, or who shall not, while the said hoard or fence is standing, keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the officer of the Council of the said Municipality within a reasonable time afterwards, shall for every such offence be liable to a penalty not exceeding forty shillings for every day such default is continued.

No turf, gravel, &c., to be removed from streets without permission.

18. Any person who shall form, dig, or open any drain, or sewer, or remove or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material, in or from any part of the carriage or foot-way of any street or other public place within the said Municipal District, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage any such carriage or foot-way shall, on conviction, forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Holes to be enclosed.

19. Any person or persons who shall dig or make, or cause to be dug or made, any hole, or leave, or cause to be left, any hole, adjoining or near to any street or public place within the said Municipal District for the purpose of making any vault or vaults, or the foundation or foundations to any house or other building, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner to the satisfaction of the Committee for Works of the said Municipal District, or shall keep up or cause to be kept up and continued any such enclosure for any time which shall be longer than shall be absolutely necessary in the opinion of the said Committee, and shall not place lights upon each side of the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than forty shillings nor exceeding five pounds.

Open spaces and steps adjoining the foot-ways to be enclosed under penalty.

20. Every owner or occupier of any house, building, premises or land within the said Municipal District, having any entrance area, garden, or other open space, on any vacant building lot, waterhole, or excavated space, adjoining the foot-way of any street or public place in such Municipal District, shall protect and guard the same by good and sufficient paling fence, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land, having any steps adjoining the foot-way of any such street or public place shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and repassing; and on failure thereof every such owner or occupier shall, as often as he shall be convicted of such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds. And every such owner or occupier as aforesaid who shall fail to erect such rails, fences, or other enclosures as aforesaid, within seven days after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Wells to be covered over—Penalty.

21. Every person who shall have a well or underground tank, used for domestic or other purpose, situated between his or her dwelling-house or the appurtenances thereof, and any road, street, or foot-way within the limits of the said Municipal District, or at the side of, or in any yard or place open or exposed to such road, street, or foot-way, shall cause such well to be securely and permanently covered over; and if any person, having such well or underground tank as aforesaid, shall fail to cover over and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall on conviction forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open or uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs, &c.

22. The Committee for Works, or any officer or person acting under the authority of such Committee, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Trees in streets.

23. Any ratepayer may, with the consent and approval of the Council, be at liberty to plant trees on any street, lane, or thoroughfare within the Municipal District for the benefit of such Municipal District.

24. The Council shall have power to plant trees in the streets and public ways of the Municipal District, and any person injuring or destroying any of such trees, or any railing or fence protecting the same, shall on conviction forfeit and pay a penalty of not more than ten pounds nor less than two pounds in addition to the value of the tree, railing, or fence so injured or destroyed.

Drawing or trailing timber, &c.

25. Any person who shall haul or draw, or cause to be hauled or drawn, upon any part of any street or public place within the said Municipal District, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or trail upon any part of such street or public place, to the injury thereof; or to hang over any part of such vehicle or barrow, so as to occupy or obstruct the street beyond the breadth of the said vehicle or barrow, shall, upon conviction, forfeit and pay for every such offence a sum of not more than forty shillings, nor less than five shillings over and above the damages occasioned thereby.

Driving carriages, &c., on foot-ways, and throwing filth, &c.

26. Any person who shall throw, cast, or lay, or shall cause permit, or suffer to be thrown, cast or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing, on or upon the carriage-way or foot-way of any street or other public place in the said Municipal District, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal, in or so near to any such street or other public place as that any blood or filth shall run or flow upon or over, or be on any or either of any such carriage or foot-way; or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said foot-ways of any such street or public place, any waggon, cart, dray, sledge, or other carriage, or any wheel, wheelbarrow, handbarrow, or truck, or any hogshend, cask, or barrel, or shall wilfully lead, drive, or ride, any horse, ass, mule, or other beast upon any such foot-way, shall, upon conviction, forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound for each such offence; and should the person in charge of such waggon, cart, dray, or other vehicle, refuse to give his name and address, the owner of the same may be prosecuted under this By-law for causing a breach of the same.

Placing carriages, goods, &c., on foot-ways, &c.—Not removing when required.—Replacing the same after removal.—Not to prevent awnings being erected in front of shops.

27. Any person who shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, show-board (or lings or otherwise), basket, wares, merchandises, casks, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed any pipe, barrel, cask, or vessel, in or upon or over any carriage or foot-way in any street or public place within the said Municipal District, or shall set out, lay, or place, or shall cause or procure, permit or suffer, to be set or placed, laid, or placed, any coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or other carriage upon any such carriage-way, except for the necessary time of loading or unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage, or if any person shall set or place, or cause to be set or placed, in or upon or over any such carriage or foot-way any timber, stone, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as herein directed) or any other matters or things whatsoever, or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or other building or premises, over any part of any such foot-way or carriage-way, or over any area of any house or other building or premises, or any other matter or thing from and on the outside of the front or any other part of any house or other building or premises over or next unto any such street or public places, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances, or other proper officer of the Council, or if any person who having, in pursuance of any such requisition as aforesaid, removed, or caused to be removed, any such stall-board, show-board, chopping-block, basket, wares, merchandises, casks, goods, coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, carriage,

timber, stones, bricks, lime, meat, offal, or other matters or things, shall at any time thereafter again set, lay, or place, expose, or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-board, show-board, chopping-block, basket, wares, merchandises, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheelbarrow, handbarrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid), in, upon, or over any such carriage or foot-way of or next unto any such street or public place as aforesaid, shall upon conviction for every such offence forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound: Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house in such manner as that such awning shall be at least seven feet above the height of the foot-way, and that the posts be placed close to the kerb-stone or outer edge of such foot-way.

Obstructing public pathways.

28. If the owner or occupier of any land situate on the side of any street or road in this Municipal District shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any foot-path or foot-way on the side of any such street or road, and on demand made by the Council, shall not cut, lop, or cause to be lopped, all such trees, shrubs, or plants, to the height of ten feet at the least, the said Council, by their servants, labourers, and workmen, may cut, or cause to be cut or lopped, all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, plants, or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council, or their servants, labourers, or workmen in the due execution of the power given in this behalf, by virtue of the Municipalities Act of 1867, every person so offending, shall, on conviction, for every such offence, forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Stop, night-soil, &c., to be conveyed away only at certain hours.

29. Any person or persons who shall drive, or cause to be driven, any cart or other carriage with any night-soil or ammoniacal liquor therein, through or in any street or public place within the said Municipal District, between the hours of five o'clock in the morning and ten o'clock at night, or shall fill any cart or other carriage so as to turn over or cast any night-soil, ammoniacal liquor, slop, mire, or channel dirt or filth, in or upon any such street or public place, or shall deposit night-soil, ammoniacal liquor, or other offensive matter, nearer to any street, road, or dwelling-house, than shall be directed by the said Council, or by the Inspector of Nuisances; or shall remove night-soil or other offensive matter otherwise than in properly covered and water-tight carts or other vehicles; or shall cause any vehicle used for this purpose to stand on any premises nearer to any road, street, or dwelling-house, than shall be directed by the said Council or the said Inspector of Nuisances, shall for every such offence forfeit and pay any sum not exceeding five pounds; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such cart or carriage in which such night-soil or other offensive matter shall be put or placed, any also the employer of the person so offending, shall be liable to and forfeit and pay such penalty as aforesaid.

Riding on drays, careless driving, &c.

30. If the driver of any waggon, wain, cart, or dray of any kind, shall ride upon any such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse and driver, or guided with reins only, excepted); or if the driver of any carriage whatsoever shall wilfully be at such a distance from such carriage, or in such a situation whilst it shall be passing upon such street, that he cannot have the direction and government of the horse or horses, or cattle drawing the same; or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever, meeting any other carriage, shall not keep his waggon, cart, dray, or coach, or other carriage, on the left or near side of the road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care upon such street; or by negligence or misbehaviour, prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every such driver or person so offending, shall upon conviction forfeit and pay any sum not exceeding forty shillings.

Riding or driving furiously, &c.

31. Any person who shall ride or drive through or upon any street or public place within the said Municipal District, so negligently, carelessly, or furiously, that the safety of any other person shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

To prevent the danger from the rapid driving and riding round the corners or across the intersection of any streets.

32. Every person who shall ride or drive any animal or animals, whether attached to any vehicle or not, at more than a walking pace round the corners formed by the junction of any public or private street with any other street, or across the intersections of any of the streets, or along or across any bridge, shall for every offence forfeit and pay upon conviction a penalty not exceeding ten pounds.

To prevent the lighting of fires in the open air.

33. Without the written permission of the Mayor, it shall not be lawful for any person to make or keep, or cause or permit to be made or kept, within sixty feet of any dwelling or building, a fire in the open air, unless such fire be made and kept in a fire-place or other enclosure fitted with a chimney and securely built and formed of stone, brick, or metal, sufficiently screened from the action of the wind, and from time to time kept in full repair; and no such fire shall be so made until the sufficiency and proper position of such fire-place or other enclosure, and the sufficiency of such fitting, building, and screening as aforesaid shall have been certified by the surveyor in writing under his hand; and every person who shall offend against these provisions, or any or either of them, shall forfeit and pay for every such offence a sum not less than ten shillings and not exceeding five pounds.

Blasting rock.

No rock to be blasted without notice to the Council Clerk.

34. Any person who shall be desirous of blasting any rock within one hundred yards of any street or public place, or dwelling-house in the said Municipal District, save and except on mineral leases for mining purposes shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person shall blast, or cause to be blasted, any rock within the limits aforesaid, without giving such notice, or shall not conform to the directions given to him by the said Council Clerk, he or she shall on conviction forfeit and pay for every such offence any sum not less than one pound nor more than twenty pounds.

Discharging firearms, &c.

35. Any person who shall discharge any firearms without lawful cause, or let off any fireworks or other explosive matter in or near to any road or street, shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Driving horses, &c.

36. No person shall be permitted to drive horses, sheep, or cattle on any part of the Municipal District, except Concord Road, and anyone infringing this By-law, shall on conviction forfeit and pay a penalty not exceeding five pounds for every offence.

Public Property.

Injuring or extinguishing lamps.

37. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipal District, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

As to damaging buildings.

38. Any person who shall damage any public building, toll-gate, toll-bar, toll-board, wall, parapet, fence, sluice-bridge, culvert, sewer, water-course, or other public property within the said Municipal District, shall pay the costs of repairing the same; and if such damage be wilfully done, shall forfeit and pay a sum not exceeding twenty pounds nor less than five pounds.

Affixing placards on walls, &c.

39. If any person or persons shall paste, or cause to be pasted, or otherwise affix any placard or other paper, or chalk or paint, upon any wall, fence, culvert, kerbstone, pathway, head-rail, or any other property of the Council shall forfeit and pay for every such separate offence a sum not exceeding five pounds nor less than one pound.

Damaging trees.

40. Any person who shall wilfully, and without the authority of the Council, cut, break, bark, root-up, or otherwise destroy, or damage the whole or any part of any tree, sapling, shrub, or underwood, growing in or upon any street or place under the management of the Council, shall forfeit any sum not exceeding ten pounds nor less than one pound.

Nuisances.

Dead animals, &c., not to be thrown into any public watercourse, &c.

41. Any animal who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning, into any public water-course, sewer, water-hole, river, creek, road, or pathway; or who shall suffer slope, suds, or filth of any kind to flow from his or her premises into any such water-courses, waterhole, river, creek, or canal, or who shall permit or suffer any such slope, suds, or filth to flow from his or her premises over any of the foot-ways or streets of the Municipal District, or shall permit or cause, by means of pipes, shoots, channels, or other contrivances, filth of any kind whatsoever to flow into any public watercourse, waterhole, river, creek, or canal; or shall obstruct or divert from its channel any sewer or water-course, river, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than two pounds.

Dead animals—Mode of removal.

42. If any animal shall die in any part of the said Municipal District, and the owner of such animal, or the occupier of the place, if private property, where such animal shall have died, shall not cause such animal to be immediately destroyed by fire, or so effectually removed and disposed of, that no nuisance can possibly result therefrom in any part of the said Municipal District, he shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than two pounds.

Dead animals on road or street, &c.

43. If any animal shall die on any road, street, or public place within the said Municipal District, or within half a mile of any road, street, or public place, or of any dwelling-house, and the owner of such animal, or the occupier of the place, if private property, where such animal shall have died, shall not immediately cause such animal to be effectually removed and disposed of as aforesaid, or destroyed as aforesaid on the spot where it shall have died if a quarter of a mile from any dwelling-house; or if such spot shall not be a quarter of a mile from any dwelling-house, if such owner or occupier shall not immediately cause such animal to be effectually removed as aforesaid, or to be removed to some place not less than a quarter of a mile from any dwelling-house, and there destroyed as aforesaid, every such owner or occupier shall for every such offence forfeit and pay any sum not exceeding ten pounds nor less than two pounds.

Power of Inspector as to dead animals on private premises.

44. The Inspector of Nuisances, or any other officer appointed by the said Council of the said Municipal District, with his assistant, may at any hour enter upon any premises or place within the said Municipal District where any animal has died, and require the owner or occupier of such premises or place immediately to destroy such animal by fire, and if necessary to remove the same for that purpose, as such Inspector of Nuisances or other officer appointed by the said Council shall direct, or otherwise forthwith effectually to remove and dispose of the same as aforesaid, in default of which it shall be lawful for any one or more of such officers to cause such animal to be removed for that purpose, and every owner or occupier of such premises or place failing, neglecting, or refusing to comply with such requisition shall forfeit and pay any sum not exceeding thirty pounds nor less than three pounds.

Dead animals, in certain cases, to be removed at cost of Municipality.

45. If any animal shall die in any public street or place within the said Municipal District, and the owner or any person having charge of such animal cannot at the time be found or ascertained, it shall be immediately removed by the Inspector of Nuisances, or other officer appointed by the said Council, and destroyed in the manner aforesaid, at the cost of the said Municipal District.

Swine not to be kept.

46. Any person who shall keep, breed, or feed any kind of swine, in any house, building, yard, garden, or other hereditament situate and being within one mile from the Post Office shall on conviction forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings.

47. Any person who shall allow any horse, ass, mule, sheep, goat, cow, or any other animal of a like nature, belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, or public place, shall on conviction, forfeit and pay any sum not exceeding forty shillings nor less than five shillings, for such and every animal so suffered to stray or go about.

Cleaning butchers' shambles, slaughter-houses, &c.

48. For preserving the cleanliness of the said Municipal District and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council from time to time, and when and as often as he or either of them shall see occasion, to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, and fellmongering establishments, in the said Municipal District, and to give such direc-

tions concerning the cleansing of the said shambles, slaughter-houses, tanneries, and establishments, both within and without as to him shall seem needful; and any butcher, or the owner or occupier of any such shamble, slaughter-house, tannery or establishment, who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds nor less than ten shillings.

Complaints respecting dirty premises, &c.

49. Upon the complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other officer appointed by the said Council shall make an inspection of the premises complained of; and the officer of the said Council shall have the full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose; and any person who shall personally, or by any person in his employment or under his control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter, in any cellar or place within any dwelling-house or premises within the said Municipal District, or shall in like manner suffer the contents of any water-closet, privy, or cesspool to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound.

Various obstructions and annoyance.

50. Every person who, in any street or other public place or passage within the said Municipal District, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences, shall on conviction for any and every such offence forfeit and pay a penalty of not more than two pounds:—

- (1.) Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered goods of any description from any opening in any house, fronting any street or public place, and close to the foot-way thereof, without sufficient and proper ropes and tackling.
- (2.) Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcass or any part of the carcass of any newly slaughtered animal, without a sufficient and proper cloth covering the same, for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.
- (3.) Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon, or allow any tree or shrub overhanging the footpath, to the danger or annoyance of any person.
- (4.) Every person who shall place any flower-pot in any upper window, near to any street or public place, without sufficiently guarding the same from being thrown down.
- (5.) Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or building is being erected, pulled down, or repaired).
- (6.) Every person who shall, within the distance of one hundred yards from any dwelling-house, burn any rags, bones, cork, or other offensive substance, to the annoyance of any inhabitant.
- (7.) Every person who shall carry goods or any frame to the annoyance of any person upon the foot-way of any street or other public foot-way.
- (8.) Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right-of-way or use of any private yard, alley, street, or any other place within the said Municipal District.

Premises in state to endanger public health.

Houses to be purified on certificate of two medical practitioners.

51. If, upon the certificate of any two duly qualified medical practitioners, it appear to the Council that any house, or part thereof, or the premises occupied in connection therewith, within the limits of the said Municipal District, is in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, or purifying of any house, or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, or purify the same, as the case may require; and if the person to whom notice is so given shall fail to comply therewith, within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

PART V.

Noisome and Offensive Trades.

No noisome or offensive trades to be carried on to injury of any inhabitants.

1. No person shall carry on any noisome or offensive trade within the said Municipal District, so as to injure or be a nuisance, as hereinafter stated, to the inhabitants thereof.

Complaint.—Inquire and report.—Order of Council thereon.—Notice to discontinue, &c.—Penalty.

2. Upon complaint in writing by any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder, and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on as aforesaid, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council. And if the said Council shall, on the consideration of such report, or after any such further inquiry, as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation, so complained of, and so being conducted, followed, or carried on as aforesaid, is a "noisome or offensive trade" within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive, within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipal District. And if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid, within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid, shall for the first offence forfeit and pay a sum not less than forty shillings nor more than five pounds; for a second offence a sum of not less than five pounds nor more than twenty-five pounds; and for the third and every subsequent offence a sum of not less than ten pounds nor more than fifty pounds.

Mode of proceeding when "noisome and offensive trade" is about to be commenced.—Penalty.

3. The like proceedings shall be taken as aforesaid whenever there shall be a complaint as aforesaid that any manufacture, trade, calling, or operation, is about to be commenced or entered upon which is likely to prove "noisome and offensive" within the meaning of these By-laws, save and except the notice to be given as aforesaid, shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, or to take such measures as shall effectually and permanently prevent the same from becoming "noisome or offensive" within the meaning of these By-laws, to any resident within the Municipal District. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way "noisome and offensive" within the meaning of these By-laws, shall for every such offence forfeit and pay a sum of not less than ten pounds nor more than fifty pounds.

Service of notice.—Liabilities.

4. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person of the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation, within the meaning and for all the purposes of these By-laws.

PART VI.

Public Exhibitions, &c.

Exhibitions, &c., to be licensed.

1. No exhibition, other than exhibitions licensed by the Colonial Secretary under the provisions of the Act 14th Victoria No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit within the said Municipal District, nor shall any bowling-

alley, dancing saloon, or other place of public amusement other than a place licensed as aforesaid, or a place for temporary amusement hereinafter specially provided for, be used as such, for hire or profit, within the said Municipal District, unless and until the same shall be duly registered as hereinafter prescribed.

Temporary license by Mayor.—Penalty for exhibiting, &c., without license.

2. It shall be lawful for the Mayor, by writing under his hand, and without charge, to permit any such exhibition as aforesaid (other than an exhibition requiring to be licensed by the Colonial Secretary under the said Act), and which shall not be held or kept for more than one week, and in like manner to allow any place within the said Municipal District to be used for purposes of public amusement other than entertainments requiring to be licensed as aforesaid for not more than one week; Provided that it shall be incumbent upon such Mayor to inquire strictly as to the nature of such proposed exhibition or amusement before granting such permission, and to refuse such permission if it shall appear that such proposed exhibition or amusement is of such a nature as to require to be licensed by the Colonial Secretary as aforesaid, or if there shall be reasonable cause for believing that such exhibition or amusement will be likely to entail any violation of public decency, to endanger the public peace, or to be a nuisance to any inhabitant of the Municipal District. Every person holding or keeping any such exhibition, or using any place within the said Municipal District for public amusement as aforesaid, or causing or permitting such place to be so used, without such permission of such Mayor, shall forfeit and pay a sum not less than five shillings nor more than forty shillings for every day that such exhibition shall be so held or kept, or such place shall be so used for public amusement as aforesaid.

Public buildings, &c., to be registered.

3. Every occupier of any building or ground in which any exhibition is held or kept, or any public amusement conducted as aforesaid, shall in each year register at the office of the Council such building or ground, together with the situation and description thereof, and of the exhibition proposed to be held or kept, or the public amusement proposed to be conducted as aforesaid, in or upon such building or ground, and the name of such occupier. And every person who causes, and every occupier of any such building or land who permits, any such exhibition to be held or kept, or any public amusement to be conducted for a longer period than one week, in or on any such building or land not being registered for the purpose, or without such certificate of registration as hereinafter mentioned having been obtained for the same, shall forfeit for every such offence any sum not less than one pound nor more than twenty pounds.

Certificates of registration, &c.

4. The Council, upon the written application of any such occupier as aforesaid, stating the particulars aforesaid, and if, upon inspection by the proper officer, the building or land shall have been found to be secure and proper for the purpose stated, and if the proposed exhibition or amusement shall not be such as to require a license from the Colonial Secretary as aforesaid, and shall not be thought likely to entail any violation of public decency, or to endanger the public peace, or to be a nuisance to any inhabitants of the said Municipal District, the said Council shall cause the aforesaid premises to be registered in a registry book to be kept for that purpose, and shall thereupon grant to the applicant a certificate of such registration of such premises. And the said Council may at any time and for any of the causes hereafter mentioned, suspend for a stated period the effect of or cause of any such registration, and shall forthwith give notice of such suspension or cancellation to the occupier of the registered building or land; and during such suspension, or after such cancellation, such premises shall be deemed to be unregistered in respect of the purpose mentioned in the certificate of registration, and such certificate shall be of no force or virtue.

Inspection.

5. The proper officer of the Council may at all reasonable times enter into or upon and inspect any such registered building or land.

No exhibitions, &c., on Sundays, &c.

6. No such exhibition or place of public amusement as aforesaid shall be held or kept open or used for the purposes of such public amusements on Sunday, Christmas Day, or Good Friday, and every person offending against this By-law in this behalf shall on conviction forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

Registration fee.—Time for which registration shall be in force.

7. For every such registration as aforesaid the occupier of the building or land so registered shall pay to the Council Clerk, for the benefit of the said Municipal District, a fee of one pound; and every such registration, whenever the same may be made, shall be in force until the thirty-first day of December then next ensuing and no longer.

PART VII.

Sewerage and Drainage.

No private sewers to be made to communicate with the public sewers without notice.

1. It shall not be lawful for any person, without notice to the Council, or otherwise than according to such plans and directions as such Council may make and give, to make or branch any private drain or sewer into any of the public drains sewers, or channels, or into any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer into any of the said public drains or sewers, or into any drain or sewer communicating or to communicate therewith, without such notice, or otherwise than as aforesaid, every person so offending shall for every such offence forfeit and pay any sum not exceeding fifty pounds.

Proprietors of private sewers, &c., to repair and cleanse same.

2. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council, at the costs and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed, according to the direction of the said Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds.

Drains for discharge of surface water from land.

3. Every owner or occupier of land in, adjoining to, or near any street, if such land shall be so situated that surface or storm water from or upon the same shall overflow or shall tend naturally, if not otherwise discharged, to overflow any foot-way of such street, shall, within seven days next after the service of notice by the Council for that purpose, construct and lay from such point upon such land being near to the foot-way, as shall be specified in such notice by plan appended or otherwise, and higher in level than the bottom of the channel at the outer edge of the foot-way to the said channel, and through, under, and transversely to the foot-way, and keep in good condition such covered drain or trunk, as and subject to the inspection of the Council or its proper officers; and in default of compliance with any such notice within the period aforesaid, or with the provisions of this section, such owner or occupier shall forfeit any payment not exceeding five pounds. And if within seven days after such conviction such owner or occupier shall still have failed to comply with such notice, or be otherwise in default, as aforesaid, he shall forfeit and pay any sum not less than one pound nor more than ten pounds; and for every further such offence he shall forfeit and pay any sum not less than two pounds nor more than twenty pounds. And every such owner or occupier who shall still have made default as aforesaid for more than seven days after such second or any future conviction, shall be held guilty of a further offence within the meaning of this section.

These By-laws were made and passed by the Municipal Council of Broken Hill, and the Seal of the Municipality was authorized to be affixed thereto, on the thirtieth day of January, one thousand eight hundred and eighty-nine.

(t.s.)

R. PIPER,

Mayor.

GUTHBERT ALLISON,
Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.
(BOROUGH OF PADDINGTON—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 3rd June, 1889.

PADDINGTON MUNICIPALITY.—BY-LAWS.

THE following amended and additional By-laws, made by the Council of the Borough of Paddington under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BOROUGH OF PADDINGTON.
Amended By-law.

BY-LAW No. 2, Part I, is cancelled, and the following By-law substituted for same:—

Unless otherwise ordered, the Council shall meet for the despatch of business at the hour of half-past 7 p.m. on every alternate Monday, unless such day shall happen to be a public holiday; in the latter case the meeting shall be held on such other day as the Mayor shall appoint.

Additional By-law.

With regard to buildings hereafter to be built or rebuilt within the Borough of Paddington, it shall not be lawful for any awning, verandah, portico, balcony, coping, parapet, overhanging eaves, cornice, windows, string cornice, string course, dressing, or other architectural decoration forming part of or attached to any external wall to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding five pounds nor less than one pound, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than 30 feet wide: Provided also, that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Passed by the Municipal Council of the Borough of Paddington, on Tuesday, 16th April, 1889.

GEO. E. BLACKMORE,
Council Clerk.

(v.s.) CHARLES HELLYRICH,
Mayor.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF PADDINGTON—ADDITIONAL BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 25th July, 1889.

PADDINGTON MUNICIPALITY.—ADDITIONAL BY-LAWS.

The following additional By-laws, made by the Council of the Borough of Paddington under the "Municipalities Act of 1867," having been confirmed by his Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

SEWERAGE BY-LAWS made under the "Municipalities Act of 1867."

Drainer's and Plumber's License.

1. Any person intending to undertake any drainage or plumbing work in this Borough must be licensed by this Council every year, such license to commence from 1st July, 1889, obtainable upon application, accompanied by a certificate signed by two competent persons, and upon payment of a fee of 6s. per annum.

Drains to remain open until after inspection.

2. All drains shall remain uncovered until inspected by the Foreman of Works of the Borough, or officer of the Sewerage Department, and approved by him. Any work covered over before inspection shall be re-opened for that purpose; and any drainer refusing to open the trenches will be liable to a penalty not exceeding two pounds, and shall further be liable, at the discretion of the Borough of Paddington, to be deemed to be ineligible to do any such work in the Borough.

Drainer liable for accidents.

3. The drainer will be liable for all accidents arising from neglect on his part in providing night-lights and proper hoarding for any trenches he may require to make, or for want of proper scaffolding or other timbering.

Street to be properly repaired after drain is laid.

4. The drainer shall take care that the portion of the streets and footpaths opened by him shall be left in the same state of repair as he found them, by the street being properly made up and the trench being well rammed and filled in. The ballast must be hand packed, and the metal evenly spread over it; and where kerbing and guttering or asphaltting may be disturbed, the same must be carefully and substantially relaid to the satisfaction of the said Foreman of Works. And if the

same is not done satisfactorily at the request of the said Foreman of Works, the said Borough may carry out the work at the drainer's expense; and the drainer shall also forfeit and pay for the offence a sum not less than two pounds nor more than five pounds.

Accidents to pipes.

5. Accidents to water, sewer, or gas pipes caused by drainer must be at once reported to the proper authorities, and immediate steps taken to have repairs effected, under a penalty of a sum not exceeding two pounds.

Hoarding licenses.

6. Hoarding licenses must be obtained from the Borough of Paddington before streets or lanes can be opened for drainage.

Liability of Plumbers or Drainers offending against By-laws.

7. Any plumber or drainer offending against any of these By-laws is liable to a fine of ten pounds (£10), besides being responsible for any damage or trespass occasioned by his transgression, together with having to show cause why his license should not be suspended or cancelled.

Notice to be given before connecting.

8. Before connecting any premises to main or branch sewers, application must be made to the Council Clerk of the Borough of Paddington.

Made and passed by the Municipal Council of the Borough of Paddington, at a meeting held on the 10th day of June, 1889.

(L.S.) CHARLES HELLMRICH,
GEO. E. BLACKMORE, Mayor.
Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.
 (BOROUGH OF CAMPERDOWN—BY-LAW.)

 Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

 Colonial Secretary's Office,
 Sydney, 3rd June, 1889.

CAMPERDOWN MUNICIPALITY.—BY-LAW.

The following By-law, made by the Council of the Borough of Camperdown under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

 BY-LAW UNDER THE MUNICIPALITIES ACT OF 1867.

No. 96A. That in all cases where the Council places an underground drain adjacent to private property, the occupier, lessee, or owner of such property shall, within seven days next after the service of notice by the Council, connect with such underground drain under the supervision and to the satisfaction of the Council's officer; and in event of non-compliance, the said occupier, lessee, or owner of such property shall be liable to a penalty of not less than one pound nor more than five pounds, and the said Council shall have power to connect with the aforesaid drain.

Made and passed by the Council of the Borough of Camperdown, this second day of April, in the year of our Lord one thousand eight hundred and eighty-nine.

(s.) B. MORGAN,
 Mayor.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF BROUGHTON CREEK AND BOMEDERRY—ADDITIONAL BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.Colonial Secretary's Office,
Sydney, 26th June, 1889.**MUNICIPALITY OF BROUGHTON CREEK AND BOMEDERRY.—ADDITIONAL BY-LAW.**

THE following additional By-law, made by the Council of the Municipal District of Broughton Creek and Bomederry under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF BROUGHTON CREEK AND BOMEDERRY.

ADDITIONAL BY-LAW made by the Municipal Council of Broughton Creek and Bomederry, providing for the safety of the public and prevention of danger.

Drivers of vehicles to carry lights.

Drivers of all vehicles plying within the Municipal District shall be required to carry lights between sunset and sunrise, and any person failing to do so shall be liable to a fine of not less than two shillings and sixpence or more than two pounds.

Made and passed by the Municipal Council of Broughton Creek and Bomederry, this 11th day of May, 1889.

(L.S.) EDWARD N. WHITEMAN,
Mayor.

HENRY TAYLOR,
Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.
(BOROUGH OF ST. LEONARDS—BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 25th July, 1889.

ST. LEONARDS MUNICIPALITY.—BY-LAW.

THE following By-law, made by the Council of the Borough of St. Leonards under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAW adopted by the Council of the Borough of St. Leonards, this twenty-first day of May, one thousand eight hundred and eighty-nine:—

ANY person desirous of opening any street, roadway, lane, or footpath within this Borough for the purpose of laying service-pipes for water, or drain-pipes, or for any other purpose whatsoever, shall before doing so give notice to the Council Clerk, at his office, and receive from him a permit for same, and pay therefor a fee of two shillings and sixpence. In every case where the footpath has been laid the full width thereof with asphalt or other paving, an extra fee of two shillings and sixpence must be paid. Any person failing to comply with any of the provisions of this By-law shall upon conviction forfeit and pay a sum not exceeding forty shillings nor less than five shillings, in addition to the fees herein imposed.

Sealed with the Corporate Seal, by order of the Council, this twenty-third day of May, one thousand eight hundred and eighty-nine,—

W. BARNETT SMITH, Council Clerk.

(L.S.) FRANCIS PUNCH,
Mayor.

1880.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF INVERELL—ADDITIONAL BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 20th August, 1880.

INVERELL MUNICIPALITY.—ADDITIONAL BY-LAWS.

The following additional By-laws, made by the Council of the Municipal District of Inverell, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF INVERELL.—ADDITIONAL BY-LAWS TO PART VI.

48. Every person who shall within the said Municipality sound or play upon any musical instrument, or sing, or make any unreasonable noise in any public street, lane, or place situate therein, or near any house therein, after having been required by any householder resident in such street, lane, or place, or by any officer of the Municipal Council for the said Municipality or any police constable to desist from so doing, either on account of any serious illness of any inmate of such house or for any other reasonable cause, shall for every such offence forfeit and pay any sum not exceeding ten pounds.

49. Every person who shall within the said Municipality sound or play upon any musical instrument, or sing, or make any noise whatever in any public street, lane, or place situate therein or near to any such street, lane, or place so as to create a public nuisance, or so as to unreasonably disturb or annoy passengers in or upon such street, lane, or place, or so as to endanger the traffic therein, shall for every such offence forfeit and pay any sum not exceeding ten pounds.

50. Every such person who shall within the said Municipality, hold, lead, or take part in any meeting or procession in any public street, lane, or place situate therein so as to cause or assist in causing the said meeting or procession to be a public nuisance, or to wrongfully obstruct or endanger the traffic in such street, lane, or place, shall for every such offence forfeit and pay any sum not exceeding ten pounds.

Passed by the Municipal Council for the Municipal District of Inverell, this 18th day of March, 1880.

HENRY PLUMLEY, Council Clerk.

(L.S.) T. K. B. MAYNE,
Mayor.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.
(MUNICIPAL DISTRICT OF PARKES—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 27th August, 1889.

PARKES MUNICIPALITY.—BY-LAWS.

The following By-laws, made by the Council of the Municipal District of Parkes under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF PARKES.

BY-LAWS for regulating the Cricket Ground and other reserves under the control of the Parkes Municipal Council.

1. No person shall damage any trees, shrubs, plants, buildings, or fences in the cricket ground or other reserves.
2. No person shall carry firearms through the cricket ground or other reserve, or bathe or fish in any water in any reserve under the control of this Council, without permission being granted by the Council.
3. All dogs found within the cricket ground will be removed, and the owner prosecuted for any damage done by such dog; and all goats found in the cricket ground or other reserve, without the owner thereof first having obtained permission of the Council, will be destroyed, and the owner shall make compensation for any damage done.
4. Any person convicted of offending against any portion of the foregoing By-laws will be liable to a penalty of not more than ten pounds (£10) nor less than ten shillings (10s.)
5. The Council will have power to issue grazing rights and determine the number and description of stock which each holder of a grazing right shall have the right to depasture on the cricket ground, park, recreation ground, or any other reserve under the control of the Council.
6. Any person who shall wilfully let or knowingly suffer to enter upon the said cricket ground or any other fenced reserve under the control of the Council, any animals, without written authority of the proper officer of the Council, shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding ten pounds (£10) nor less than one pound (£1).
7. Any person pulling down, destroying, defacing, or in any way interfering with any notice, placard, or any fence or other erection or construction thereon, in any park, recreation ground, reserve, or other public place, without the authority of the Council, shall upon conviction of every such offence be liable to a penalty of not more than ten pounds (£10) nor less than one pound (£1).

The foregoing By-laws were adopted at a general meeting of Council held on the third day of June, 1889.

J. W. FLETCHER,
Council Clerk.

(I.S.) JOHN A. ROSE,
Mayor.

1889.

NEW SOUTH WALES.

MUNICIPALITIES.
(BOROUGH OF NEWCASTLE—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 2nd October, 1889.

BOROUGH OF NEWCASTLE.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Newcastle under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

Drainer's license.

1. No person to undertake any drainage work in this Borough unless he be licensed by the Council every year, such license to commence from 1st February, obtainable on application, accompanied by a certificate from two competent persons, and upon payment of a license fee of 10s. per annum.

Drainers liable for accidents.

2. The drainer will be liable for all accidents arising from neglect on his part in providing lights and proper hoarding for any trenches he may require to make, or for want of proper scaffolding or other timbering.

Drains to remain open till after inspection.

3. All drains shall remain uncovered until inspected by the City Engineer or other officer appointed in that behalf, and approved by him, who shall attend such inspection within three hours after notice. Any work covered up before such inspection shall be reopened for that purpose, and any drainer refusing to open up the trenches will be liable to a penalty not exceeding two pounds, or to have his license cancelled by the Council.

Permission to drain.

4. Before commencing any works connected with the underground drainage or sewerage scheme of the Borough, the licensed drainer shall submit an application in writing, stating specifically the premises he intends draining, the situation of same, and also the owner's and occupier's name or names, upon receipt of which the City Engineer shall give to the applicant a permit to connect up to the main street drains, subject to his supervision and inspection, but the connection to the main drain will be made by the Council's employees.

Street to be properly repaired after drain is laid.

5. The drainer shall take every care that the portion of the street or footpath opened up by him shall be left in the same state as he found it; the trench must be well rammed and filled in, the ballast must be hand packed, and the metal grate spread over it, and where any kerbing, guttering, asphaltting, or pavements have been disturbed, the same must be carefully

and substantially relaid to the complete satisfaction of the Council's officers; and in the event of the work not being carefully carried out at request of the Council's officers, the Council may perform the work at the licensed drainer's risk and expense, and the drainer shall also forfeit and pay for the offence a sum not less than five shillings nor more than five pounds.

How drains to be laid.

6. All drain-pipes must be laid as directed below the surface of the roadway and gutters to an even grade, and all joints, bonds, and elbows must be well and fully luted with strong, clean, and well-tempered cement or pugged clay, as directed, free from dirt or rubbish, both inside and outside the premises.

Pipes for drainage.

7. All house pipes may be constructed of cast-iron or glazed earthenware pipes of best quality, free from cracks, distortion, or damage of any kind.

Sinks for house and yard slops, &c.

8. Proper sinks, traps, or yard gullies, according to type drawings, shall be constructed to receive all kitchen and house slops, and drained to the sewer. All yard gullies, traps, sinks, or other openings are to be stench-trapped. All connections with brick sewer shall be provided with approved traps, and stoneware pipes, except where otherwise specified, shall be used for all drains. Any existing drains may be made use of subject to the approval of the City Engineer.

Permit for connections.

9. Connections to existing main sewerage pipes shall be made with great care, so that the pipes are not injured in any way at all; the cutting of the pipe to form connection will be made by the Council's workmen upon payment of the sum of 3s., but the drainer will have to carefully open up and fill in after the Council's workmen have affixed the main connection. The cutting in kerb will also have to be paid for in advance at the rate of 3s. per hole.

Fees to be paid.

10. For every certificate under the By-laws, there shall be paid to the the Town Clerk the following fees :—

	s.	d.
For every licensed drainer	10	0
For plan of drainage including inspection and survey	5	0
For every subsequent alteration or addition to the drainage of the building	2	6
For every copy of plan of drainage.....	2	6
For every hole cut through kerb or main pipe.....	3	0

Liability of drainers.

11. Any drainer offending against any of these By-laws is liable to a penalty not exceeding ten pounds nor less than five shillings, besides being responsible for any damage or trespass occasioned by his transgression, together with having to show cause why his license should not be suspended or cancelled.

Penalties not before mentioned.

12. Where no penalty is mentioned, every person committing a breach of these By-laws shall for every such offence be liable to a penalty of a sum not exceeding ten pounds nor less than five shillings; and any person obstructing any officer in the

discharge of any duty imposed or in the exercise of any privilege conferred, shall be liable to a penalty not exceeding five pounds nor less than one pound.

SCHEDULE.

31 VICTORIA No. 12.

Drainer's Certificate No.

Name
Address

This certificate is in force from _____ to _____
Given and registered at the Council Chambers, Newcastle, this _____ day of _____, A.D. 1889.

Mayor.
Town Clerk.

Made and passed by the Council of the Borough of Newcastle, this twelfth day of August, in the year of our Lord one thousand eight hundred and eighty-nine.

(L.S.) HENRY BUCHANAN,
Mayor.

EDWARD S. HOLLAND,
Town Clerk.

1889.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(MUNICIPALITY OF KEMPSEY--BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 13.

Colonial Secretary's Office,
Sydney, 31st January, 1889.

KEMPSEY MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Kempsey, under the "Nuisances Prevention Act, 1875", having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Act.

GEORGE R. DIBBS.

BY-LAWS UNDER THE NUISANCES PREVENTION ACT OF 1875.

BY-LAWS of the Borough of Kempsey for the suppression of certain nuisances prejudicial to public health, and for improving the sanitary conditions of the Borough, in accordance with the provisions of the Nuisances Prevention Act, 1875.

1. Every person about to erect a closet or form a cesspit shall, before he commence any such work, give to the Council Clerk seven days' notice in writing of his intention and of the proposed position of such closet or cesspit, and in default thereof, or in case of his commencing such work without such notice he shall be liable to a penalty not exceeding ten pounds.

2. No closet shall be erected or cesspit formed except in such position as shall be approved of by the Council, or by the Inspector of Nuisances or other officer appointed by the Council.

3. No cesspit shall be built under any dwelling-house nor at a less distance than 20 feet therefrom, if the area will permit, nor less than 12 in any case, nor in such position that the same cannot be emptied without the contents thereof being carried through any dwelling-house.

4. No cesspit shall be less than 3 feet 6 inches in diameter in the clear by 4 feet deep, and every such pit shall be laid with single brick, the closet or superstructure to be placed two-thirds over the pit so as to leave one-third of an opening for cleaning out, such opening to be covered with a slab or stone. Any person who desires to cement the pit and make it watertight shall be at liberty to do so.

5. Every closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide and 4 feet 6 inches long, and shall be provided with a door capable of being fastened on the inside, and shall have ventilating holes 4½ inches wide.

6. When two or more closets adjoin each other there shall be a brick or stone dividing wall of not less than 4½ inches in thickness between every two closets, and each wall shall extend from the bottom of the cesspit through the roof of the closet, so as to effect a complete separation.

7. A separate closet shall be provided for every tenement, and a breach of this By-law shall make the owners or occupiers of any premises upon which there shall be a joint closet liable to a penalty not exceeding five pounds.

8. In dwelling-houses where the number of persons who shall ordinarily sleep therein shall exceed twelve, the capacity of the cesspit shall be increased by 4 cubic feet for every person beyond the number of twelve, or else a separate closet shall be provided for every twelve persons or fraction of twelve persons.

9. In schools, or factories, or other places of business, where a number of persons exceeding twelve shall reside, to be occupied or employed, one closet shall be provided for every twenty persons, with the capacity of not less than 80 cubic feet, and separate closets shall be provided for each sex.

10. If any alterations shall be requisite in the opinion of the Inspector of Nuisances or any other officer appointed by the Council in that behalf for preserving public health or decency in the case of any existing cesspit or closet, the owner or occupier of such premises shall receive twenty-one days' notice to remove or alter the same; and if he fail to do so, and the Council shall adjudge such cesspit or closet to be either injurious to the health or opposed to decency by exposure or otherwise, the same shall be altered by such Inspector of Nuisances or other officer, and the cost of such alterations shall be paid by the owner or occupier of the premises whereon the same shall be.

11. The place of deposit for night-soil shall be in such locality as may be from time to time determined upon by the Council, and no night-soil shall be deposited in any other locality within the Municipality except as allowed by the Council.

12. Until otherwise provided by the Council, all night-soil shall be removed from cesspits by the servants of, or contractors with, the Council, in water-tight covered vehicles, between the hours of eleven o'clock in the evening and five o'clock in the morning.

13. Until and unless otherwise provided by the Council, all night-soil shall be disposed of by burying it in the earth.

14. In case the Council shall sell or give away any night-soil, the same shall be removed in the same manner as above provided, and on being removed from the vehicles in which it

is carried it shall be deodorized by chemicals, or in some other manner, or covered with earth, so as to prevent any offensive smell arising therefrom.

15. Any person desirous of erecting an earth-closet shall be at liberty to do so; but all night-soil shall be removed therefrom once in seven days, if required by the Inspector; and every person having such a closet, and occupying premises where the inmates do not exceed twelve in number, shall be at liberty to use the night-soil from such earth-closet on his own premises, provided that he shall occupy a clear area of not less than 2 rods; but if any nuisance shall arise therefrom such person shall be liable to a penalty not exceeding five pounds.

16. Any person having a cesspit, cemented or otherwise, shall be at liberty to use the night-soil on his own premises, provided the owner occupies a clear area of not less than 2 rods and the inmates do not exceed twelve in number; and if any nuisance shall arise from the disposal of the night-soil such person shall be liable to a penalty not exceeding five pounds.

17. No person shall be at liberty to use on his premises any night-soil brought from elsewhere.

18. The owner or occupier of any house, building, passage, yard, or premises, within this Municipality, shall cause the yard or ground adjoining or belonging thereto to be kept in a cleanly condition and so as not to be a nuisance or injurious to health.

19. Any person allowing night-soil from any closet to fall into the street shall forfeit and pay a sum not exceeding twenty pounds nor less than ten pounds.

20. Any person wilfully allowing filth of any kind, or accumulation thereof, or any substance or substances from which noxious effluvia arises, to remain upon his premises, shall be liable to a penalty not exceeding ten pounds.

21. It shall be the duty of the Inspector of Nuisances to report without delay the existence of any nuisance arising from live or dead animals of any kind or species within the Borough, and to give notice to the owner or owners thereof, or the owner or occupier of the premises upon which such animals may be, to remove and destroy the same (if very offensive) within a period of six hours; and if not removed or destroyed within that period, to cause the removal and destruction of the said nuisance without delay, and the owner or owners thereof, or the owners or occupiers of the premises in default, and on conviction thereof before any two Justices of the Peace, in each case shall forfeit and pay any sum not exceeding ten pounds and not less than forty shillings, in addition to all legal and other expenses incurred in the proceedings and in the removal and destruction of said nuisances.

22. If at any time the cesspit or dry-earth closet on any premises shall overflow, the owner or occupier shall, within twenty-four hours, give notice to the Inspector of Nuisances, otherwise such owners or occupiers shall be liable to a penalty not exceeding ten pounds.

23. The Council may recover, and the owner or occupier of the premises shall pay, such sums for the emptying of cesspits as may be decided upon from time to time by resolution of the Council.

24. The Inspector of Nuisances shall be furnished annually with a list, copied from the Rate Books of the Council, showing the names of owners and occupiers of all household property or business premises within the Borough, the list to be furnished within three months after the filing up of the said Rate Book in each year.

25. The Inspector of Nuisances shall be provided by the Council with a supply of printed forms of notices or other documents (as by the Act prescribed) from time to time when required for service upon the owners or occupiers of premises.

26. The Inspector of Nuisances shall obtain from the contractor or night-man a list showing the names of occupiers or owners of premises where water-closets have been emptied, and the situation of such premises, and shall submit the said list to the Council quarterly, viz., the end of March, June, September, and December, in each year, with a view of carrying out the 10th section of the "Nuisances Prevention Act."

27. The Inspector of Nuisances shall report to the Mayor for the time, or to any authorized officer of the Council, where any water-closet is connected with any drain or sewer, and take such action as may be directed by the said Mayor or officer with a view of carrying out the purposes of the Act.

28. It shall be the duty of the Inspector of Nuisances to report the existence of any gutter, drain, or filthy premises that may be brought under his notice, and take such action as may be directed by the Mayor or other authorized officer of the Council, in accordance with the provisions of the "Nuisances Prevention Act."

29. It shall be the duty of the Inspector of Nuisances to furnish the Council every three months with a list of the persons who have been proceeded against and fined for nuisances within the Borough, together with the dates and amounts of such fines respectively.

30. The owner or occupier of any premises within the Municipality, or any other person who shall erect upon his premises any closet or cesspit, otherwise than in accordance

with these By-laws, or who shall refuse to comply with the provisions of any of the preceding By-laws, or who shall commit any breach thereof, shall (in cases where no special penalty is provided) forfeit and pay a penalty not exceeding five pounds.

31. All words occurring in these By-laws, and which also occur in the "Nuisances Prevention Act 1875" shall have the like meanings assigned to them as are provided in the 4th section of the said Act.

BY-LAWS for regulating the removal and deposit of night-soil.

In pursuance of the powers given in and by the "Nuisances Prevention Act 1875," to Municipalities in the Colony of New South Wales to which the provisions of the said Act shall have been extended, the Borough Council of Kempsey do hereby order that the following shall be the By-laws to be observed for regulating the removal and deposit of night-soil from closets and cesspits within the said Borough:—

Interpretation.

1. By these By-laws "night-men" means and includes any and every person employed by the Council to remove or assist in removing night-soil from cesspits or earth closets, whether as servants of the Council or as contractors thereunder, or as servants of such contractor. "Night-cart" means any vehicle used by any night-man for the purpose aforesaid. "Depôt" means a depôt for the deposit of night-soil.

Night-soil depôts.

2. Such depôts as shall from time to time be named by resolution of Council shall be depôts for the disposal of night-soil.

Unauthorized persons not to act as night-men.

3. No persons shall act as night-men or drive any night-cart within the limits of the Borough of Kempsey unless such person be authorized so to do by the said Council.

Certificate.

4. Such authority shall be evidenced by a certificate, under the hand of the Mayor or Council Clerk, which shall contain the name and place of abode of the holder, and shall be duly numbered and registered; such certificate shall be according to the form in the Schedule to these By-laws.

Revocation of certificate.

5. Any such certificate may be revoked, cancelled, or suspended at the will of the said Council, and thereupon such authority shall cease.

Change of abode to be notified.

6. Any authorized night-man changing his place of abode shall, within two days after so doing, attend the Council Clerk, who shall note the change upon his certificate and register the same.

Certificate to be carried and produced.

7. Every night-man whilst engaged in removing night-soil, or in driving any night-cart, shall carry with him his certificate, and shall produce the same when required by any officer of the Council, or member of the Police Force of New South Wales. No night-man shall, on any pretence, part with or lend his certificate to any other person.

Night-carts to be numbered, registered, and properly lighted.

8. All night-carts shall be numbered and registered by the Council Clerk, and shall be examined by the Inspector of Nuisances or other officer appointed in that behalf, who shall certify to the Council Clerk if the same be fit for use. Every night-cart shall have its number, with the words "night-cart" conspicuously painted on the near or off side in letters of white on a black ground. Every contractor's night-cart shall have, in addition, the owner's name and address so painted, and every night-cart whilst in use shall carry two lighted lamps, with the number legibly painted on the glass of each, and such lamps shall be affixed, the one to the front and the other to the back of the cart.

Night-carts to be made water-tight and covered.

9. Every night-cart or vessel used in the business of a night-man shall be kept by the owner thereof water-tight and free from leakage, and shall be provided with a proper covering, so as to effectually prevent the dropping, splashing, slopping, or spilling of anything carried therein.

Hours for emptying cesspits, &c.

10. No person shall empty any privy, cesspool, or remove any night-soil within the Borough, or shall use or drive, or permit or suffer to be used or driven, any night-cart or other vehicle for that purpose, except between the hours of eleven o'clock at night and five o'clock in the morning, or shall put, place, leave, spill, or cast out any night-soil in or upon any of the streets or public places of the said Borough, or shall not carefully sweep up and cleanse every place in which any offensive matter is slopped or spilled. Provided that before commencing such work it shall be the duty of the night-man to report his intention so to do to the Inspector at least twelve hours before commencing such work.

Night-soil shall not be brought into the Borough.

11. No person shall bring or convey any night-soil to any depot within the limits of the said Borough from any place beyond the said limit.

Night-soil to be buried.

12. Every night-man shall, upon arriving with his cart at the depot, make or cause to be made a pit or trench 5 feet in depth and of sufficient length and width to allow of a deposit of night-soil 1 foot 6 inches in depth; and all night-soil shall be buried in accordance with the agreement for the removal and depositing of the same between the contractor and the Council, and no offensive matter shall be permitted or placed in any place but that provided by the Council.

13. For every certificate under these By-laws there shall be paid to the Council Clerk the following fees :-

	£	s.	d.
For every night-cart	1	0	0
For every master's certificate	0	10	0
For every labourer's certificate	0	10	0

Particulars to be given at Inspector's office.

14. Every licensed night-man, when he shall use any night-cart or vessel for the removal of any night-soil or other offensive matter, shall, within twelve hours after the performance of such work, report to the Inspector or other officer appointed in that behalf, at his office, the name of the occupier of the premises

and the name of the street in which such premises is situated where he has been so employed, and also state the place where the contents of such night-cart or vessel were deposited.

For every offence against any of the provisions of these By-laws the offender shall, upon conviction, forfeit and pay a penalty not exceeding twenty pounds nor less than twenty shillings.

SCHEDULE.

Borough of Kempsey--Nightman's Certificate No.

39 Victoria No. 14.

Name.

Address.

Employed as [contractor, labourer, or driver.]

This certificate is in force from , to

Given and registered, at the Council Chambers, in the Borough of Kempsey, this 18th day of December, A.D. 1888.

(t.s.) JAMES W. WILSON,
H. P. MACCLIN, Mayor.
Council Clerk.

1889.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.
(MUNICIPALITY OF SILVERTON—BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 31st January, 1889.

SILVERTON MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Silvertou, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

GEORGE R. DIEBS.

MUNICIPAL DISTRICT OF SILVERTON.—BY-LAWS.

BY-LAWS made and passed by the Council of the Municipal District of Silvertou for carrying out the provisions of the "Nuisances Prevention Act, 1875."

Closets—Distance from building.

1. All closets, earth-closets, privies, cesspools, and cesspits within the Municipal District of Silvertou shall be constructed and kept so as not to be a nuisance or injurious to health, and so that there shall be no overflow or soakage therefrom; in no case where practicable shall a cesspit or cesspool be situated within 25 feet from any dwelling.

Cesspits not to be made.

2. On and after the date of this By-law becoming law there shall not be formed, dug, or excavated any earth below the surface for the purpose of making any cesspit, cesspool, or other opening for the receptacle of nightsoil, unless by or with the permission of the said Council. All closets made or constructed after this By-law becoming law shall be so fitted with a movable receptacle or pan, and such as are usually known as earth-closets, unless the consent of the said Council be given to construct other than an earth-closet.

3. A separate closet shall be provided for every dwelling-house, and when two or more closets adjoin each other there shall be a properly-constructed dividing wall between each closet, commencing at the floor and terminating at the roof. Each hotel shall be provided with at least two public closets and one or more properly-constructed urinals, which shall be erected in such situations as the Inspector shall approve of.

Council to remove contents—Contract fees.

4. The contents of cesspits, privies, or earth-closets shall be removed in properly-constructed carts, and the said Council is hereby empowered to enter into any contract with any person for the due performance of any or all matters connected with the removal and deposit of nightsoil, and may make regulations respecting any such contracts.

5. When any existing closet, cesspit, or similar appliance of any kind, shall, in the opinion of the said Council's officer, be injurious to public health, or be or become a nuisance or opposed to common decency, the owner or owners thereof

shall, upon receiving seven days' notice from the said Council or from the Inspector of Nuisances, make such alterations as may be ordered within the time prescribed by such notice. Any owner or occupier neglecting or refusing to comply with the terms of such notice, the Council shall and may have the required alterations carried out at the cost and expense of the said owner or occupier thereof.

Depôt.

6. The said Council may, with the consent of the Governor, from time to time, by regulations, appoint a depôt or depôts within the said Municipality wherein the contents of closets, cesspools, cesspits, and other offensive matter shall be deposited, and may use or cause to be used such disinfectants as may appear necessary, so that the existing matter shall not be a nuisance or injurious to health.

Water-tight carts.

7. The contents of cesspools, cesspits, privies, earth-closets, or other receptacles for nightsoil, shall be removed in properly constructed water-tight carts, by persons who have been duly authorized and licensed for the performance of such work by the said Council; any person infringing this part of the By-law shall, on proof thereof, be subject to a penalty for every such offence of not less than ten shillings, nor more than five pounds.

Closets to be kept clean.

8. All privies, earth-closets, or other receptacles wherein nightsoil may be deposited, shall be kept in such a state of cleanliness so as not to be a nuisance or injurious to health; and no householder or resident shall allow or permit any such premises to be a nuisance or offensive to neighbouring householders or residents, under a penalty of not less than one pound.

9. No person other than the duly appointed servants or contractors of the Council to be allowed to remove the contents of any cesspit, privy, or closet-pan, and such work of cleansing closets or privies to be done between 11 o'clock p.m. and 6 o'clock a.m.

Deodorant to be kept in closet.

10. The occupier of every house, building, or other tenement, on or in which the privy or closet belonging thereto, which shall not be provided with a cesspit, shall at all times

cause to be kept in such privy or closet a supply of dry powdered earth, ashes, charcoal, lime, or some other material efficient and sufficient for deodorising the nightsoil which may be deposited in any box, pan, or bucket, or other receptacle in such privy or closet, to be immediately on the deposit thereof covered with a quantity of dry powdered earth, or such other deodorising material as aforesaid, sufficient to thoroughly and effectually deodorise the contents of such bucket, pan, or other receptacle, under a penalty of not less than ten shillings, nor more than ten pounds.

Authorized nightmen only allowed.

11. Licensed nightmen for the removal of night-soil shall, under the direction of the Inspector of Nuisances for the time being, or their officer or officers, appointed by the said Council, make a trench on the depot fixed upon by the said Council for the purpose of depositing therein all nightsoil that shall from time to time be taken thereto; and the whole of such nightsoil shall as deposited be covered with earth so as to prevent any nuisance to arise therefrom; and any nightman or other person who shall deposit nightsoil either on the appointed depot or any other land within the said Municipal District without covering or otherwise deodorising the same shall be liable to a penalty of not less than ten shillings.

Closets so made that cleansing can be done outside of dwelling-house.

12. Every cesspool, cesspit, or earth-closet shall be in such a position that the same may be emptied without the contents thereof being carried through any dwelling-house.

13. Any person or persons desirous of substituting earth or pan closets for or in lieu of any existing cesspit, cesspool, or privy, shall be at liberty so to do on giving notice in writing to the Inspector of Nuisances, who shall under his hand give permission in writing for such substitution; no existing cesspool, cesspit, or other receptacle shall be covered over, filled up or otherwise abandoned without the consent in writing of the Inspector of Nuisances.

Notice to be given of intention to construct.

14. Any person or persons who intend to construct any privy or closet shall give notice in writing to the Inspector of Nuisances for the time being of their intention so to do, and the said Inspector shall within forty-eight hours inspect the premises on which such is intended to be constructed, and if in accordance with this By-law and the Nuisances Prevention Act shall give the necessary permission for the construction of such closet; any person constructing a closet or other receptacle for the deposit of nightsoil without giving such notice and receiving such permission shall upon conviction thereof be liable to a penalty of not less than ten shillings.

The foregoing By-laws as amended were made and passed at a meeting of the Municipal Council of Silverton, held this sixth day of December, 1888.

(L.S.) CHAS. A. RING,

Mayor.

A. L. TAIT, Council Clerk.

1889.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(BOROUGH OF EAST ORANGE—BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 9th May, 1889.

EAST ORANGE MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of East Orange, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the provisions of the above-cited Act.

HENRY PARKES.

BOROUGH OF EAST ORANGE.

NUISANCES PREVENTION ACT.

BY-LAWS for carrying out the "Nuisances Prevention Act, 1875."

1. That the dry-earth closet system be adopted throughout the Borough of East Orange, and in accordance with the following By-laws:—

2. There shall not be formed, dug, or excavated any earth below the surface for the purpose of making any cesspit, cess-pool, or other opening for the receptacle of night-soil or urine, except as hereinafter provided by By-law No. 20.

3. All closets made or constructed after these By-laws becoming law shall be made or fitted with a movable receptacle or pan, and such as are usually known as earth-closet pans, and as hereinafter described.

4. Every person about to erect a closet shall, before commencing any such work, give to the Town Clerk seven days' notice in writing of his intention, and of the proposed position of such closet, and in default thereof, or in case of his commencing such work without such notice, he shall be liable to a penalty not exceeding five pounds (£5).

5. No closet shall be erected or formed except in such position as shall be approved of by the Council or by the Inspector of Nuisances or other officer appointed by the Council.

6. Every closet shall be built with walls seven (7) feet high, and shall be not less than three feet six inches (3 feet 6 inches) wide, internal measurement, and not less than four feet six inches (4 feet 6 inches) long, internal measurement, shall be ventilated and be provided with a floor or doors capable of being fastened from inside, and shall have a water-tight roof.

7. When two or more closets adjoin, there shall be a dividing wall constructed from floor to roof, so as to effect a complete separation and complete privacy.

8. Every closet shall be provided with a water-tight box made of galvanized iron 26 gauge, having suitable handles, the measurement of which box shall not be less than one cubic foot, and shall not exceed two cubic feet.

9. The Council on receipt of any written application, stating special reasons, may permit the use of a larger box.

10. The closet pan in all cases shall be easy of access and removal from the closet, and stops and guides shall be provided for placing the box in proper position.

11. The occupier of every house, building, or other tenement in which the dry-earth closet is adopted shall at all times cause to be kept in such privy or closet a supply of dry powdered earth, ashes, charcoal, lime, or some other material efficient and sufficient for deodorizing the night-soil deposited therein, and shall cause all such night-soil which may be deposited in any pan or receptacle in such privy or closet to be, immediately on the deposit thereof, covered with a sufficient quantity of dry powdered earth or such other deodorizing material as aforesaid, and sufficient to thoroughly and effectually deodorize the contents of such pan or receptacle.

12. A separate closet shall be provided for every tenement, and a breach of this By-law shall make the owners or occupiers of any premises upon which there shall be a joint closet liable to a penalty not exceeding five pounds.

13. In dwelling-houses where the number of persons who shall ordinarily sleep therein shall exceed twelve, a separate closet shall be provided for every twelve persons or fraction of twelve.

14. In schools, or in factories, or other places of business where a number of persons exceeding twelve shall reside or be occupied or employed, one closet shall be provided for every twenty persons, and separate closets shall be provided for each sex.

15. When any existing closet, cesspit, cesspool, or similar appliance of any kind shall, in the opinion of the Council or their duly appointed officer, be injurious to public health, or be or become a nuisance or opposed to common decency, the owner or owners or occupiers thereof shall, upon receiving seven (7) days' notice from the Council, or from their duly appointed officer for that purpose, make such alterations as may be ordered by the said Council or by such officer, within the time prescribed by such notice. In the case of any owner or occupier neglecting or refusing to comply with the terms of such notice, the Council shall and may have the required alterations carried out at the cost and expense of the said owners or occupiers thereof, and in case of neglect or refusal to pay such expense after demand, the same shall and may be recovered in the manner provided by the "Nuisances Prevention Act, 1875."

16. Any person or persons desirous of substituting earth or pan closets for or in lieu of any existing cesspit, cesspool, or privy, shall be at liberty so to do on giving notice to the Council, who may give permission in writing for such substitution; no existing cesspit, cesspool, or other receptacle shall be covered over, filled up, or otherwise abandoned without the consent in writing of the Council.

17. Existing cesspits shall, when abandoned, or when condemned by the Council, on the report of the Inspector of Nuisances, be emptied and cleansed with lime and the pits filled up with dry earth, and the closet converted into dry-earth closet, in accordance with these By-laws.

18. No cesspit, cesspool, or privy shall have connected therewith, or attached thereto, any pipe or other appliance capable of being used for the purpose of discharging or removing the contents of such cesspit, cesspool, or privy, upon or under the surface of any adjoining ground, or into any drain or sewer, or into any other place or places whatsoever. Any person or persons wilfully violating this part of the By-laws in any respect shall be liable to and forfeit and pay a penalty of not less than ten shillings nor more than ten pounds.

19. Every person shall be at liberty, with the sanction of the Mayor, to use on his own premises all night-soil collected therefrom, by burying the same at least one foot in the earth; but if any nuisance shall arise therefrom, he shall be liable to a penalty of not less than one pound (£1) and not more than five pounds (£5).

20. The place of deposit for night-soil, urine, or other fecal matter shall be in such locality as may be from time to time determined upon by the Council; and no night-soil, urine, or other fecal matter shall be deposited in any other locality.

21. Until otherwise provided by the Council, the contents of all cesspits, cesspools, privies, pans, urinals, or other receptacles for night-soil, urine, or other fecal matter or waste, shall be removed only by the servants of or contractors with the Council, and in water-tight covered vehicles, between the hours of 11 o'clock p.m. and 5 o'clock a.m.

22. The Council is hereby empowered to enter into any contract or contracts with any person or persons for the due performance of any or all matters concerned or connected with the removal and disposal of night-soil, urine, or other fecal matter or waste, and may make regulations from time to time as to them may seem necessary respecting such contract or contracts, and may also, by like regulations, determine the price which the owner or owners or occupants of any premises shall pay or be liable to pay the said Council for emptying and cleansing, or causing to be emptied and cleansed and disposed of, the contents of their cesspits, cesspools, privies, pans, or other receptacles for night-soil, urine, or other fecal matter or waste as aforesaid; and the said Council may sue for and recover from the owner or occupiers of such premises as aforesaid such charges as may have been fixed by the said Council duly assembled by resolution or otherwise.

23. The Inspector of Nuisances or other officer appointed by the Council may visit and inspect any premises or do any work authorized by these By-laws and the "Nuisances Prevention Act, 1875," on all days except Sundays and public holidays, between the hours of 10 a.m. and 4 p.m., and 11 p.m. and 5 a.m.

24. Any person allowing night-soil, urine, or other fecal matter or waste to fall into any street, right-of-way, water-channel, gutter, creek, river, or reservoir, or in any public or private place (except as herein provided for) shall forfeit and pay a penalty not exceeding twenty pounds nor less than two pounds for every such offence.

25. All earth-closets, cesspits, pans, ashpits, or receptacles wherein night-soil, urine, or other fecal matter, or yard sweepings, or house refuse, or waste may be deposited, shall be kept in such a state of cleanliness so as not to be a nuisance or injurious to health; and no householder, or owner, or resident shall allow or permit any such premises to be a nuisance or offensive to neighbouring householders or residents under a penalty of not less than one pound for each offence. The owner or occupier of any house, building, passage, yard, cesspit, or premises within the Municipality shall cause the same and every part thereof to be kept in a cleanly condition, and so as not to be a nuisance or injurious to health.

26. The owner or occupier of any premises within the Municipality, or any other person who shall have to erect upon his premises any closet otherwise than in accordance with these By-laws, or who shall refuse or neglect to comply with the provision of any of the preceding By-laws, or who shall commit any breach thereof, shall, in cases where no special penalty is provided, forfeit and pay a penalty not exceeding five pounds; and any person not being duly authorized by the Council who shall remove any night-soil or empty any cesspit or earth closet pan, or other receptacle for fecal matter or house waste, except as provided for by these By-laws, shall be liable to a penalty not exceeding for the first offence five pounds, and for every subsequent offence ten pounds.

Made and passed by the Municipal Council of the Borough of East Orange, this 20th day of March, in the year of our Lord one thousand eight hundred and eighty-nine.

(L.S.) JOSIAH PARKER,
Mayor.

W. LAMBOCK, JR., Council Clerk.

1889.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(BOROUGH OF BURWOOD—BY-LAW.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, str. 18.

Colonial Secretary's Office,
Sydney, 3rd June, 1889.

BURWOOD MUNICIPALITY.—BY-LAW.

THE following By-law, made by the Council of the Borough of Burwood under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAW of the Borough of Burwood made under and for carrying into effect the provisions of the "Nuisances Prevention Act, 1875":—

That all night-soil pans within the Borough be attended to by the Council's contractor. Any person neglecting to conform thereto shall be liable to a penalty not exceeding five pounds nor less than one pound.

Passed at a meeting of the Burwood Council held on Monday, the 15th April, 1889.

(L.S.) J. H. WRIGHT,
Mayor.

W. REDFEARN,
Council Clerk.

1889.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(BOROUGH OF WOOLLAHRA—BY-LAW.)

 Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

 Colonial Secretary's Office,
 Sydney, 18th June, 1889.
WOOLLAHRA MUNICIPALITY.—BY-LAW.

THE following By-law, made by the Council of the Borough of Woollahra, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the provisions of the above-cited Act.

HENRY PARKES.

The following By-law was passed by the Borough Council of Woollahra, on the 8th day of April, 1889.

No person shall be at liberty to use, deposit, or bury, or permit to be used, deposited, or buried on his own premises, or on those of any other person, any night-soil or other offensive matter without first obtaining written permission from the Borough Council; and such permission may at any time be revoked by the Council or Mayor. Any person guilty of a breach of this By-law shall be liable to a penalty not exceeding twenty pounds.

 (l.s.) JNO. C. NEILD,
 Mayor.

1889.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF RYDE—BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 26th June, 1869.

RYDE MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Ryde, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the provisions of the above-cited Act.

HENRY PARKES.

BY-LAWS for the Municipal District of Ryde, for carrying into effect the provisions of the "Nuisances Prevention Act, 1875."

1. That the dry-earth closet system be adopted exclusively throughout the Municipal District of Ryde. Any persons infringing the provisions of this By-law shall forfeit and pay a penalty of not less than one pound nor more than three pounds.

2. Every person who shall be about to erect a closet, shall, before he commence to erect such closet, deliver to the Council Clerk of the abovenamed Municipal District, a notice in writing of the intention of such person to erect such closet, and of the place or position in which such closet is to be erected; and if any person shall commence to erect any closet within the said Municipal District without having given such notice in writing as aforesaid, and before the expiration of seven days after the delivery of such notice (except by the written authority of the Inspector of Nuisances for the said Municipal District, or other officer for the time being appointed by the Council thereof on their behalf), he shall forfeit and pay a penalty of not less than ten shillings nor more than two pounds.

3. No person shall erect or commence to erect any closet except in such place or position as shall be approved of by the Inspector of Nuisances or other officer as aforesaid; and any person who shall erect or commence to erect any closet without having obtained the approval of the said Inspector or other officer, or in any other place or position other than the place or position approved of by the said Inspector or other officer as aforesaid, shall forfeit and pay a penalty of not less than ten shillings nor more than forty shillings. Any person who shall feel aggrieved by the decision of such Inspector or other officer may appeal against the same to the Council.

4. Every closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide and 4 feet 6 inches long, shall be provided with a door capable of being fastened inside, and must be provided with a pan 14 inches square, unless permission be given by the Council in writing to use a pan of other dimensions; and every person who shall erect any closet not in accordance with this By-law, or use pans of other dimensions than those specified, shall forfeit and pay a penalty of not less than ten shillings nor more than forty shillings, and shall be compelled to remove the same within one month of receipt of notice to that effect, or be liable to a further penalty of not more than five pounds.

5. When two or more closets adjoin each other, there shall be a sufficient dividing wall not less than 9 inches in thickness between every two closets, and such wall shall extend to the roof of the closets so as to effect a complete separation; and if any person shall erect any two or more closets adjoining each other and not in accordance with this By-law, he shall forfeit and pay a penalty of not less than ten shillings nor more than forty shillings.

6. A separate closet shall be provided for each tenement; and any person offending against the provisions of this By-law shall forfeit and pay a penalty of not less than one pound nor more than three pounds.

7. In schools, factories, or other places of business where a number of persons exceeding twelve shall ordinarily reside or be employed or occupied, a sufficient number of pans shall be provided for those employed or occupied (the number required to be decided by the Inspector of Nuisances), and separate closets shall be provided for each sex. Every owner, occupier, or tenant of any such school, factory, or other place of business, and every other person who shall offend against this By-law shall forfeit and pay a penalty of not less than one pound nor more than five pounds.

8. If any alteration shall be requisite in the opinion of the Inspector of Nuisances or other officer appointed by the Council in their behalf for preserving public health or decency in the case of any existing closet, and the Council shall adjudge such closet to be injurious to health or opposed to decency by exposure or otherwise, and the owner shall not make the necessary alterations after receiving fourteen days' notice from the Council Clerk, it shall be lawful for the Inspector of Nuisances or other officer appointed by the Council to remove the said nuisance; and any expense incurred thereby may be sued for and recovered in a summary way before any two or more Justices of the Peace.

9. The place of deposit for night-soil shall be in such locality, as may be from time to time determined upon by the Council.

10. Until otherwise provided for by the Council, all night-soil shall be removed from closets by contract, in water-tight covered vehicles, between the hours of 10 o'clock at night and 5 o'clock in the morning; and if any person shall remove any night-soil in any other manner or at any other time than as provided by this By-law (except by permission in writing from the Council), he shall forfeit and pay a penalty of not less than one pound nor more than three pounds.

11. In case the Council shall sell or give away any night-soil, the same shall be removed in the same manner and between the same hours as provided for in the foregoing By-laws, and on being removed from the vehicles in which it is carried, shall be deodorized by chemicals or in some other effective manner, or covered with earth so as to prevent any offensive smell arising therefrom; and if any offensive smell shall arise therefrom, the person or persons to whom the said night-soil shall have been sold or given shall forfeit and pay a penalty of not less than one pound nor more than five pounds.

12. The Inspector of Nuisances or other officer appointed by the Council may visit and inspect any premises, or do any work authorized by the Nuisances Prevention Act, 1875, therein, on all days except Sundays and public holidays, between the hours of 10 o'clock in the morning and 4 o'clock in the afternoon; and if any person shall hinder or obstruct any Inspector of Nuisances or other officer as aforesaid upon any such visitation or inspection or in the doing or performing any work, he shall forfeit and pay a penalty of not less ten shillings nor more than forty shillings.

13. All night-soil shall be removed once in seven days, or oftener if necessary, and buried in the earth; and every person infringing or not complying with this By-law shall forfeit and pay a penalty of not less than one pound nor more than five pounds.

14. No owner, occupier, or lessee of land shall use on premises owned, occupied, or leased by him any night-soil taken from the earth-closet on such premises, unless he shall

have obtained permission in writing from the Council to do so; and, in the event of his doing so without the aforesaid permission, he shall forfeit and pay a penalty of not less than one pound nor more than five pounds.

15. All expenses incurred by the Council in emptying any closets shall be repaid to the Council by the owner or occupant of the premises whereon such closet is situated, within one week after a written demand of the amount made by the Council or Inspector of Nuisances shall have been served upon him; otherwise, the same may be recovered in a summary way before any two or more Justices of the Peace.

16. The Inspector of Nuisances shall furnish the Council with a monthly return showing the number of closets emptied and the amount due and payable for each closet, together with the amount of arrears due for emptying the same; he shall collect the amounts so due and payable quarterly, and pay all moneys received by him to the Council Clerk at least once in every month, or as may be determined upon by the Council.

17. Any person owning or occupying one or more acres of land may, on obtaining permission from the Council, bury the night-soil from the closet on his premises on such land: Provided the same be done to the satisfaction of the Inspector of Nuisances.

Passed by the Municipal Council of the Municipal District of Ryde, on the 18th day of May, 1888, and the corporate seal attached.

W. SMOY, Council Clerk.

(I. S.) JAMES ROSS,
Mayor.

1889.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF MANLY—BY-LAW.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 13.

Colonial Secretary's Office,
Sydney, 25th July, 1889.

MANLY MUNICIPALITY.—BY-LAW.

THE following By-law, made by the Council of the Municipal District of Manly under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAW made by the Municipal Council of Manly, to be substituted for Section 18 of Part IX of the Manly Municipal By-laws of 1889:—

18. No person shall be at liberty, without the permission of the Council, to use on his own premises any night-soil; and in the event of his so doing he shall be liable to a penalty of not less than two pounds nor more than ten pounds.

The Seal of the Municipal District of Manly was affixed in our presence, this 30th day of May, 1889,—

(L.S.) JOHN CAMERON,

THOS. CHAS. HAYLOCK, Council Clerk.

Mayor.

1889.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF CASINO—BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 20th August, 1889.

CASINO MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Casino, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

CASINO MUNICIPALITY.—BY-LAWS UNDER THE NUISANCES PREVENTION ACT, 1875.

THE Council of the town of Casino, do, by virtue of the authority vested in them by the "Nuisances Prevention Act, 1875," hereby make and establish the following By-laws for the regulation of nuisances within the Municipality of Casino, gazetted 1st June, 1888, and generally for carrying into effect the provisions and purposes of the said Act.

1. That underground cesspools for the reception of night-soil being injurious to the public health, shall be done away with, and any existing underground cesspits shall therefore be emptied and be filled with dry earth and quick-lime on or before the 21st May, 1889. Any person refusing or neglecting to empty or fill up any such cesspit in accordance with this By-law shall be liable to a penalty not exceeding ten pounds nor less than five pounds.

2. On and after the 21st May, 1889, no person or persons shall dig, make, or construct, or cause or permit to be dug, made, or constructed on any premises within the boundaries of the Municipality any open closet or cesspit for the deposit of faecal matter, and all closets or privies from and after the said date shall be constructed and made on the dry-earth system only; and any person or persons offending against any of the provisions of this By-law shall be liable to a penalty not exceeding ten pounds nor less than one pound.

3. No person shall cover up, or cause or permit to be covered or filled up, any existing cesspit with earth or other material, unless and until the same shall be properly emptied, and also inspected by the Inspector of Nuisances; and any person or persons offending against this By-law shall be liable to a penalty not exceeding five pounds nor less than one pound.

4. A separate closet shall be provided for every tenement. In schools and factories, where a number of persons shall attend or be employed, separate closets, with a door to fasten on the inside, shall be provided for each sex, and a separate closet shall be provided for every thirty persons so attending or employed. In hotels a separate closet for every ten bedrooms shall be provided. All closets hereafter to be built shall be constructed of

4½-inch brickwork or approved sawn timber. Where two or more closets adjoin each other there shall be a dividing brick wall or wood partition lined on both sides of stud between each, of not less than 4½ inches in thickness to effect a complete separation; and any person offending against any of the provisions of this By-law shall incur a penalty not exceeding ten pounds nor less than two pounds, and a like penalty for every succeeding seven days.

5. Every closet shall be built at least 7 feet high from the floor to the wall-plate of the roof, and shall not be less than 3 feet 6 inches wide and 4 feet 6 inches long, internal measurement, and shall be provided with a door capable of being fastened from the inside, and shall have ventilating pipes or holes 4½ inches wide or a louvre, under a penalty not exceeding five pounds nor less than one pound.

6. Every earth-closet, whether already built or hereafter to be built, shall be provided with a box or earth compartment, and provided where necessary with a scoop for each occupant to throw in stored dry earth, ashes, or some other material efficient and sufficient for deodorizing the night-soil through the seat into the iron pan or pail, and shall have a supply of dry earth, ashes, or some other material efficient and sufficient for deodorizing, constantly in or within easy access of such closet; and in case of any breach or neglect of this By-law the occupier or owner of the premises respectively shall be liable to a penalty of not less than one pound nor more than ten pounds.

7. If in the opinion of the Inspector of Nuisances any alteration is required in existing cesspits or closets, he shall report the same to the Council, which shall determine what alteration is necessary for the preservation of health or decency, and such alteration shall forthwith be made by the owner or occupier of the premises after receiving fourteen days' notice to that effect, under a penalty of not exceeding five pounds nor less than one pound.

8. If at any time the earth-closet pan in any premises shall overflow or become a nuisance, the owner or occupier shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

9. All closets shall be supplied with iron pans, each pan shall be supplied with two side handles, and shall not be more than fifteen inches in depth, and not more than fifteen inches in diameter, and of the pattern to be approved by the Council; such pans to be kept in good order to the satisfaction of the Inspector of Nuisances. Any owner or occupier committing a breach of this By-law shall be liable to a penalty of not more than two pounds nor less than ten shillings.

10. No person shall be permitted to connect any closet or urinal with any drain, water-course, or sewer, without the sanction of the Council; and any person so offending shall be liable to a penalty not exceeding twenty pounds nor less than one pound.

11. The night-soil shall be removed by contract in properly constructed carts, between such hours as the Council shall determine; and the contractor will be held responsible for the careful conveyance of the night-soil to the appointed depôt, and shall dispose of the same as directed. For any breach of the conditions of this By-law he shall be liable to a penalty not exceeding ten pounds nor less than two pounds.

12. If the night-soil or any portion thereof shall be sold or given away by the Council the person removing the same shall do so only at such times and in such manner as not to cause a public nuisance, and the person purchasing or obtaining it, and so dealing or disposing of it as to cause a nuisance, shall be liable to a penalty not exceeding ten pounds nor less than two pounds.

13. The Inspector of Nuisances shall have the power to visit and inspect any premises on any lawful day, between the hours of 10 a.m. and 4 p.m., and any person refusing admittance, or obstructing, or hindering such inspector in the discharge of his duty shall incur a penalty not exceeding five pounds nor less than one pound.

14. No closet shall be erected, or commenced to be erected, except in such place or position as shall be approved by the Council or the Inspector of Nuisances; and any person being guilty of a breach of this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

15. Persons requiring their closets emptied shall send written notice to the Council or the Inspector of Nuisances (unless otherwise provided for); and any person causing a nuisance from the careless use of such pan or its contents shall be liable to a penalty not exceeding five pounds nor less than one pound.

16. No person shall use or permit to be used on the premises occupied or used by him or her, any night-soil, unless written permission so to do shall have been first obtained from the Municipal Council, or the Inspector of Nuisances of the Municipality; and any person offending against any of the provisions of this By-law shall be liable on conviction to a penalty of not less than two pounds nor more than five pounds.

17. The Inspector of Nuisances or other properly appointed officer of the Council shall have power to visit at all times all night-soil depôts, or places at which night-soil may be deposited, for the purpose of inspecting the same; and any person or persons interfering with, obstructing, or resisting the above-named officer in the execution of his duty shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

18. Written notice must be given to the Council or the Inspector of Nuisances by all persons about to construct new, or alter existing closets, to enable the Inspector to visit and report on the same, under a penalty for neglect not exceeding five pounds nor less than one pound; and closets constructed without such notice being given must be removed or altered if judged necessary by the Council, under a further penalty not exceeding ten pounds nor less than ten shillings.

19. The Council shall from time to time fix the charges to be made for emptying and removing night-soil from closets at least once a week, or oftener as may be necessary in the opinion of the Inspector of Nuisances.

20. All notices required to be given under these By-laws shall be signed by the Inspector of Nuisances, and countersigned by the Council Clerk of the Municipality of Casino for the time being, and may be served personally on the person for whom such notice is intended, or left at his last known place of abode or business in Casino, or sent through the post addressed to such person at such last known place of abode or business in Casino aforesaid.

Made and passed by the Municipal Council of Casino, this 21st day of May, in the year of our Lord one thousand eight hundred and eighty-nine.

(L.S.) F. B. GULLEY,
Mayor.

G. M. ELLIOTT,
Council Clerk.

1889.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF MANLY—BY-LAW.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 25th July, 1889.

MANLY MUNICIPALITY.—BY-LAW.

THE following By-law, made by the Council of the Municipal District of Manly under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAW made by the Municipal Council of Manly, to be substituted for Section 18 of Part IX of the Manly Municipal By-laws of 1889:—

18. No person shall be at liberty, without the permission of the Council, to use on his own premises any night-soil; and in the event of his so doing he shall be liable to a penalty of not less than two pounds nor more than ten pounds.

The Seal of the Municipal District of Manly was affixed in our presence, this 30th day of May, 1889,—

(L.S.) JOHN CAMERON,
Mayor.

THOS. CHAS. HAYLOCK, Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF MANLY—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 26th January, 1889.

MANLY MUNICIPALITY.—BY-LAWS.

THE following By-laws made by the Council of the Municipal District of Manly, under the "Municipalities Act of 1867," and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Acts.

GEORGE R. DIBBS.

PART I.

PROCEEDINGS OF THE COUNCIL AND COMMITTEES—PRESER-
VATION OF ORDER AT COUNCIL MEETINGS.—DUTIES OF
OFFICERS AND SERVANTS, &c.*By-laws repealed.*

1. All existing By-laws of the Council of the Municipal District of Manly, published in the Government Gazette from time to time prior to the adoption of the following, shall be and are hereby repealed.

*Meetings of the Council.**Ordinary Meetings.*

2. The Council shall meet for the despatch of business at such times and days as may be by resolution appointed.

*Election of Chairman in absence of Mayor.—Adjournment for want of
quorum.*

3. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman, to act during the absence of the Mayor. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down and recorded in the minute book.

*Order of Business.**Business of ordinary meetings.*

4. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Petitions (if any) to be presented and dealt with.
3. Correspondence to be read, and, if necessary, ordered upon.
4. Reports from Committees and minutes from the Mayor (if any) to be presented and ordered upon.

5. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to; and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the Committee or officers to be made.

6. Matters which have been specially ordered to be placed on the business paper by the Mayor.

7. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.

8. Orders of the day to be disposed of as they stand on the business paper.

Business may be dealt with out of regular order.

Provided that it shall be competent to the Council at any time by resolution, without notice, to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section; also, and in like manner, to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

5. At special meetings of the Council the business, after the minutes shall have been read and verified, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor, or the Alderman at whose instance such special meeting shall have been called, may have directed.

Business paper for ordinary meeting—how prepared.

6. The business paper for every meeting of the Council, other than a special meeting, shall be made by the Council Clerk, or other person acting as his substitute, not less than forty-eight nor more than seventy-two hours before the day appointed for such meeting. He shall enter on such business paper a copy of the substance of every notice of motion and of every requisition or order as to business proposed to be transacted at such meeting which he shall have received, or shall have been required or directed so to enter, in due course of law, and as hereinafter provided. Every such entry shall be made subject to the provisions of section 4 of this "Part" of these By-laws, in the same order as such notice, requisition, or direction shall have been received.

Business paper for special meeting.

7. The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Aldermen calling such meetings.

Summons to members

8. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

9. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper so noted shall be a record of the Council.

Notices of motion, &c., to be numbered as received, and preserved until matter disposed of, unless withdrawn before business paper made up.

10. All notices of motion, and all requisitions from Aldermen, and directions from the Mayor as to the entry of any particular matters of business for the consideration of the Council at its then next or any future meeting, shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the minute book of the manner in which such matter has been disposed of shall have been duly verified as required by section 1 of clause 4 of this "Part" of these By-laws: Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk shall be at liberty to withdraw the same at any time before the making up of the business paper.

After business paper made up, all notices, &c., to be the property of the Council.

11. After the business paper shall have been made up as aforesaid, all the said notices of motions, requisitions, and directions, as to which entries have been made thereon, shall be the property of the Council and shall not be withdrawn, altered, or amended without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

*Motions and Amendments.**Motions—how to be moved.*

12. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper; and if not so moved or postponed shall be struck from such business paper, and be considered to have lapsed.

Notice to be given.

13. Four clear days' notice of every motion intended to be made in the Council, shall be given to the Council Clerk, to enable him to place the same on the business paper.

Motion to be seconded.

14. No motion in Council shall be discussed unless and until it be seconded.

Amendments may be moved.

15. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon; but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

16. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

17. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended question—further amendment may be moved thereon.

18. If an amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved

19. If any amendment, either upon an original question or upon any question amended as aforesaid, shall be negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

20. No motion for adjournment of the Council shall be discussed. If seconded, such motion shall be put at once. If negatived, no similar motion shall be permitted to be made until half an hour has elapsed after putting the one that has been negatived, and the subjects on the business paper shall be proceeded with in order.

*Orders of the Day.**Of what orders of the day shall consist*

21. The orders of the day shall consist of any matters other than motions on notice which the Council shall at a previous meeting thereof have directed to be taken into consideration, or any Committee of the Council shall have directed to be entered on the business paper for consideration.

*Petitions.**Petitions to be respectfully worded.*

22. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions—how received.

23. All petitions shall be received only as the petitions of the parties signing at the same time.

How petitions are to be dealt with.

24. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received, or that if it be received and referred to one of the permanent Committees hereinafter mentioned, or to some special Committee appointed to consider and report on the same; or that if it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable, be considered in order.

*Correspondence.**Duties of Mayor as to correspondence.*

25. The Mayor shall have the same duty in reference to letters addressed to the Council, before directing the same to be read, as by section 22 of this "Part" of these By-laws is imposed upon Aldermen presenting petitions. The Mayor shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 24 to apply to letters.

26. Section 24 of this "Part" of these By-laws shall be considered as fully applicable to letters addressed to the Council as to petitions.

*Report, from Committees and Minutes from the Mayor.**Form of Report.*

27. All reports from Committee shall be written on foolscap paper with a margin of at least one-fourth of the width of such paper, and shall be signed by the Chairman of such Committee, or, in his absence, by some other member of same.

Mayor's minute.

28. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance, by a minute in writing. Every such minute shall be written upon paper of any kind, and with the same margin as a report from a Committee, and shall be signed by such Mayor.

How reports, &c., are to be dealt with.—Duties of Chairman, &c., in certain cases.

29. No motion shall (unless as hereinafter provided) be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or if an order for the consideration of such report or minute shall have been entered among the orders of the day, such motion or order may, if otherwise unobjectionable, be moved or considered in due course. And whenever any such report or minute embodies any recommendation which cannot legally be carried out without due notice, and it is nevertheless desirable that such report or minute shall be definitely ordered upon during the meeting of the Council at which such report or minute is presented, it shall be the duty of the Chairman or member of such Committee signing such report, or of such Mayor, as the case may be, to give or transmit to the Council Clerk, such a notice of motion, requisition, or direction as aforesaid, as will enable such Council Clerk to make the necessary entry on the business paper, and to give such due notice.

Report on Finance Committee on payment of accounts.

30. The adoption of the report of the Finance Committee on the payment of accounts shall take precedence of every other report.

Questions and Statements.

Limitations as to questions and statements.

31. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of section 34 of this "Part" of these By-laws.

Notice to be given.

32. Twenty-four hour's notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and, if necessary, for a reference to other persons or to documents: Provided, however, that nothing herein contained, shall prevent any question being put and answered without notice, by the permission of the Mayor and Council.

Answer not compulsory.

33. It shall not be compulsory upon any person questioned as aforesaid to answer the question so put to him.

Question to be put without argument, &c.

34. Every such question must be put categorically, without any argument or statement of fact.

Similar provision as to statements.

35. Every such statement must be made without argument.

No discussion on question, &c.—Rights of objection and of subsequent motion reserved.

36. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement, at the time when such question is put, or such reply or refusal to reply is given, or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice, as hereinbefore provided, of any matters properly arising out of or relating to any such question, or reply, or refusal to reply, or any such statement as aforesaid.

Order of Debate.

Mode of addressing the Council, &c.

37. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or any discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way or for any other purpose address observations to the Council, shall, while so doing, stand up in his customary place (unless he shall be prevented from doing so by reason of some bodily infirmity), and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may, by permission of such Mayor or Chairman, be put directly to the Alderman or officer to be questioned, and may be replied to in like manner; but in every such case the question so put and the answer thereto shall be subject to every legal objection, on the ground of disorder or irrelevancy. And all members of the Council shall, on all occasions when in such Council, address and speak of each other by their official designations, as Mayor, Chairman or Alderman, as the case may be.

Speaker not to be interrupted if in order.

38. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Limitation as to number of speeches, &c.

39. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion, and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than mover of such original motion, shall have a right to speak once upon such motion and on every amendment thereon. No Alderman shall speak upon any question other than upon a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain, without adding any further observation than may be necessary for the purpose of such explanation.

Mover and seconder.

40. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Limited time of speaking on motion or amendment.

41. No Mayor, Chairman, or Alderman shall speak upon any motion or amendment for a longer time than ten minutes except by permission of the Council.

Speaker not to digress, &c.

42. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, or impute improper motives to any other Alderman.

Adjournment of Debate.

43. A debate may be adjourned to a later hour of the day, or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-audience on the resumption of the same.

Mayor to decide as to pre-audience.

44. If two or more Aldermen rise to speak at the same time, the Mayor or Alderman shall decide which of such Aldermen shall be first heard.

Alderman may require questions to be stated, &c., under certain restrictions.

45. Any Alderman may request the question or matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such question or matter which are readily accessible: Provided, however, that no such request or requisition shall be so made as to interrupt the discussion. Also, that if any such request or requisition shall appear to be Mayor or Chairman not to have been made *bona fide*, it shall not be complied with.

Mayor or Chairman may move or second motion, &c., and may address Council thereon.

46. The Mayor or Chairman may propose or second any motion, and such Mayor or Chairman shall have the same right as any other Alderman to speak once upon every such subject or amendment. The Mayor or Chairman shall rise when so speaking (unless prevented by some bodily infirmity from so doing), but shall be considered as still presiding.

Questions of Order.

Mayor or Chairman to decide points of order.

47. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final, except in so far as the same may be questioned, as in the manner hereinafter provided.

Acts of Disorder.

48. Every member of the Council who shall commit a breach of any section of this "Part" of these By-laws, or who shall move or attempt to move any motion or amendment embodying any matter as to which the Council has no legal jurisdiction, or who shall in any other way raise or attempt to raise any question, or shall address or attempt to address the Council upon any subject which the said Council has no legal right to entertain or to discuss, or who shall use any language which, according to the common usage of gentlemen, would be held disorderly, or who shall say or do anything calculated to bring the Council into contempt, shall be out of order.

Mayor, &c., may call Member to order.

49. The Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order whenever, in the opinion of such Mayor or Chairman, there shall be a necessity for so doing.

Any Member may raise question of order.

50. Every member of the Council shall have the right of calling the attention of the Mayor or the Chairman to any motion, amendment, statement, argument, or observation moved, used, or made by any other member which such first-named member may consider out of order.

Mode of proceeding thereon.

51. A member named by the Mayor or Chairman as being disorderly, shall withdraw while the question of order is being discussed and decided upon, unless specially permitted to offer an explanation, retraction, or apology; but on obtaining such special permission such member may explain, retract, or apologise for the matter or remark alleged to have been out of order. And if such explanation, retraction, or apology be deemed satisfactory, no further discussion on the question of order shall be permitted. If any member, on being called to order, shall ask such permission, to explain, retract, or apologise as aforesaid, the Mayor or Chairman may, of his own authority, grant or refuse such permission, as he may think fit, unless any member shall require the sense of the Council to be taken on this question. In such case it shall be the duty of the Mayor or Chairman to take the sense of the Council at once, and without discussion, as to whether such permission shall be granted. And when any such explanation, retraction, or apology shall have been made or offered by permission of the Mayor or Chairman, the latter shall in like manner decide, or, if required so to do, shall take the sense of the Council as to whether such explanation, retraction, or apology is considered sufficient. If such permission be refused, or such explanation, retraction, or apology be considered insufficient, the question of order shall be considered and decided before any further business is proceeded with:

Provided that if such Mayor or Chairman shall have decided the question of order before any member shall have required the sense of the Council to be taken in reference thereto, such question of order shall not be reopened: And provided further that nothing herein contained shall be held to affect the right of such Mayor or Chairman to decide finally, as hereinbefore provided, upon any such point of order, after the same shall have been discussed.

Decision of points of order.

52. The Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice, which he shall deem applicable to the case, without discussing or commenting upon the same.

Motion out of order, to be rejected.—Members to explain, retract, or apologise, &c.

53. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be rejected; and whenever anything said or done in Council by any Alderman shall be similarly decided to be out of order, such Alderman shall be called upon by the Mayor or Chairman to make such explanation, retraction, or apology, as the case may require.

Penalty for persisting in disorderly conduct.

54. Any member of the Council who shall have been named by the Mayor or Chairman as being disorderly, and who, after having been twice directed to withdraw as aforesaid, shall refuse to do so, or who shall persist in any line of conduct or argument or of observations which shall have been decided as aforesaid to be disorderly, or who shall refuse to make such explanation, retraction, or apology as aforesaid, when required so to do, or who shall be guilty of any other act of disorder, as defined in section 48 of this "Part" of these By-laws, and shall refuse to make such explanation, retraction, or apology as a majority of the Aldermen then present shall consider satisfactory, shall be liable, on conviction for the first offence, to a penalty of not less than ten shillings nor more than five pounds; and on second conviction for the like offence he shall be liable to a penalty of not less than one pound nor more than ten pounds; and on the third conviction and for every further conviction for the like offence he shall be liable to a penalty of not less than two pounds nor more than twenty pounds.

Power of Council to dissent from ruling.

55. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice, may, by immediate motion, respectfully worded, invite the Council to dissent from such decision: Provided, however, that nothing herein contained shall be held to bind any Mayor or Chairman to put any motion to the Council which, in his opinion, is contrary to law.

Mode of Voting.

How questions are to be put.

56. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions.—Penalty for refusing to vote.

57. Any Alderman shall be at liberty to call for a division; in such case the question shall be put first in the affirmative and then in the negative; and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for, and shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

Protests.

Mode of protesting.—Protest to be recorded, but may, under certain circumstances, be expunged.

58. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council; notice of the intention so to protest must, however, be given at the meeting when such resolution is passed, or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the minute book; but if, in the opinion of the Council, it be inconsistent with the truth, or disrespectfully worded, it may (by resolution on notice) be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

Rules applicable to business in Committee.

59. The following sections of this "Part" of these By-laws shall (except as is herein excepted) be taken to apply to the conduct of business in Committee of the whole Council, namely—sections 15 (except that it shall not be necessary that any motion or amendment in Committee shall be seconded), 16, 17, 18, 19, 36, 37, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, and 57.

Disorderly conduct in Committees.—Refusal to vote.

60. Whenever any member of the Council shall, while the Council is in Committee of the Whole, be considered guilty of an offence against good order within the meaning of section 51 of this "Part" of these By-laws, it shall be competent to any Alderman to move that the Council resume its sitting, and that such matter be reported; and if such motion be carried such matter shall be reported accordingly, and an entry of such report shall be made in the minute book; and whenever any Alderman shall have failed to vote on any occasion in Committee of the whole Council, as required by section 57 of this "Part" of these By-laws, the facts shall be reported to the Council, and such report on such facts shall be duly recorded in the minute book: Provided that in the case of an Alderman failing to vote as aforesaid, no special motion that the Council resume its sitting shall be necessary, but it shall be the duty of the Chairman of such Committee of the Whole, in making his report of the proceedings in such Committee, whenever such report may be made, to include in such report a statement of such failure to vote as aforesaid, and of the question as to which such Alderman has so failed to vote.

Decisions in Committee on points of order may be reported.

61. Whenever a decision upon any question of order shall have been given by the Chairman of a Committee of the whole Council, under the provision of section 47 of this "Part" of these By-laws, any Alderman may move that such decision be embodied in the report to the Council of the proceedings in such Committee; and if such motion be carried, such decision shall be so embodied in such report, whenever the same shall be made.

How progress may be reported, &c.

62. Any Alderman may at any time during the sitting of a Committee of the whole Council move that the Chairman report progress (or no progress, as the case may be), and that leave be asked to sit again at a later period of the same day, or on any further day; or that no leave be asked to sit again; and if any such motion be carried, the Council shall resume its sittings, and a report shall be made accordingly; but no discussion shall be permitted on any such motion, and if the same be negatived, the subject then under consideration shall be discussed before another such motion shall be receivable.

Reports of proceedings in Committee.—Want of quorum in Committee.

63. All reports of proceedings in Committee of the whole Council shall be made to the Council, and to the Chairman of such Committee; and a report of such proceedings shall be made in every case, except when it shall be found on counting the number of members during the sitting of any such Committee, that there is not a quorum present. In the latter case the sitting of the Council shall be resumed without any motion for that purpose, and the proceedings in Committee shall be considered to have lapsed; Provided that in making of any such report as aforesaid it shall not be necessary to report any such proceedings in *extenso*, but only to state the result, general effect, or substance of such proceeding.

How reports are to be dealt with.

64. All such reports of proceedings in Committee of the whole Council shall be recorded in the minute book; but except as hereinafter mentioned, no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council until a motion shall have been made and passed for such adoption or for the granting of such leave. And every such motion for the adoption of a report or for the granting of leave as aforesaid and the order of debate on such motion shall be subject to all the same rules as other motions in Council and the order of debates on such other motions: Provided, however, that where a report shall have been made under section 60 of this "Part" of these By-laws of disorderly conduct in Committee, or under section 57 of this "Part" of these By-laws, of failure to vote on division, or of any decision in Committee upon any question of order, such report shall, so far as it relates to such facts, be regarded and recorded as a statement thereof; and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretext whatever.

Calls of the Council.

How call may be ordered.

65. A call of the Council may be ordered by any resolution of which due notice shall have been given for the consideration of any motion or matter of business before such Council.

Mode of proceeding.

66. The call shall be made immediately before the motion or business for which such call has been ordered shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all members in their alphabetical order; each member present shall answer to his name as so called; and if any members are absent a record shall be made of such absence; but if leave of absence to any such members shall have previously been granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse and of the reasons for the same.

Penalty for absence without legal excuse.—Further call when question adjourned.

67. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who, if absent, and not so excused, shall fail to show that by reason of extreme illness or any other sufficient cause he has been unable to send an excuse in writing as aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than ten shillings nor more than five pounds: Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such consideration; and the provisions herein as to penalties for absence shall have reference to such further call. And if there shall be more than one adjournment this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

*Standing and Special Committees.**Standing Committees.*

68. There shall be five Standing Committees, namely—a By-law Committee, a Committee for Works, a Finance Committee, a Parks Committee, and a Committee for General Purposes. These Committees shall be reappointed every year, at the first meeting of the Council which shall be held after the election of the Mayor.

Constitution of Standing Committees.

69. Each of the Committees shall consist of the whole Council, three to form a quorum.

By-law Committee.

70. The By-law Committee shall prepare for the consideration of the Council, drafts of all such By-laws as may be required for the good government of the Borough. They shall also watch over the administration of the By-laws and of any statute of which the operation has been or may be extended to the Borough, and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or statutes, and for the preservation of public health, order, and decency.

Committee for Works.

71. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges and reserves under the care and management of the Council. They shall inquire and report from time to time, as directed, as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

72. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to effect, or be likely to effect, the finances of the Borough, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Parks Committee.

73. The Parks Committee shall have the care, custody, and control of all public reserves and other public places under the care and the management of the Council; and all works ordered or sanctioned by the Council to be made therein shall be under their general direction. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Committee for General Purposes.

74. The Committee for General Purposes shall take cognizance of every matter, subject, or question within the jurisdiction of the Council not coming within the province of one or other of the before-mentioned Standing Committees, and

shall from time to time inquire into and report upon any such subject, matter, or question as they may think necessary, or as they may be directed by resolution of the Council to inquire into and report upon.

Special Committees.

75. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which in the opinion of the Council a Special Committee ought to be appointed. And no Standing Committee shall interfere with the performance of any duty which may for the time being have been entrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution of the Council; and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein such members as, in his opinion, ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; and in the latter case, or if an amendment to the effect that such Special Committee be appointed by ballot be carried, each member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom, in his opinion, such Special Committee ought to be composed; and the Mayor or Chairman shall examine such list, and shall declare the result. And in the event of its becoming necessary, through an equality of votes, to decide as to which of two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committees.

76. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee, within seven days after their appointment.

Term of Service in Committees.

77. Appointments to the By-law Committee, the Committee of Works, the Finance Committee, and the Parks Committee shall be for the whole municipal year. The Chairman of these four Committees as appointed to or removed from the Chairmanship of the same, shall be thereby and without any further order regarded as having been appointed to or removed from the Committee for General Purposes. The appointment of every Special Committee shall be considered to endure until the duties for which such Committee have been appointed shall have been fully performed: Provided, however, that nothing herein contained shall be held to affect in any way the right of such Committee to remove any Chairman of such Committee, or to appoint another such Chairman in his stead, or to militate against the general provisions as to Committees in sections 100 and 110 of the Municipalities Act of 1877; and that so much of this By-law as relates to the appointment, powers, and duties of Committees shall be read and interpreted in connection with such last-mentioned general provisions.

Committee Meeting, how called.

78. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman or any two members of such Committee.

Records of transactions in Committee.

79. The Chairman of each Standing Committee shall make or cause to be made, in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Expenditure.

Except in emergent matters, cost of all work to be estimated before undertaken.

80. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Borough shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Emergent matters and necessary current expenses.—Expenses authorized to be reported.—Outlay to be in accordance with orders of the Council.

81. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Committee for Works, or of the Mayor and one member of such Committee, for repairs or emergent works, to the extent of five pounds.
2. By order of the Mayor for necessary current expenses, to the extent of ten pounds.
3. By order of the Mayor and any two Aldermen, or without the Mayor, or any four Aldermen, for any emergent purpose, to the extent of five pounds.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting; such report to be signed by the Chairman of the Committee of Works, or the Mayor, or the Mayor and Aldermen, or the Aldermen without the Mayor, as the case may be, by whom such outlay shall have been authorized. Also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council, and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence be thus authorized.

All claims to be examined and reported upon by Finance Committee.

82. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with each claim.—Salaries and wages to be payable on Mayor's order.—Certificate to be attached to report.

83. No payment shall be so ordered unless there shall be a certificate memorandum from the Committee, Mayor, or officer of the Council to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one, and has been duly authorized or inquired into. It shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled, or to report specially as to the reasons for its non-fulfilment, before recommending payment. Provided, however, that such special report as last herein mentioned may be embodied with a report by which payment of the amount in question is recommended. Provided also, that in cases of special expenditure under section 81 of this "Part" of these By-laws, the report directed by that section to be laid before the Council shall, if the outlay shall have been lawfully incurred, be deemed a sufficient certificate. And provided further, that in regard to salaries and wages of labour for officers, servants, and labourers employed at fixed rates of payment, by order of the Council, the certificate of the Mayor of the amount due to any such officer, servant, or labourer, and the order of such Mayor for the payment of such amount, shall be a sufficient authorization for such payment; and such certificates, memoranda, and authorizations shall be attached respectively to the reports from the Finance Committee on the payments or outlays to which such certificates, memoranda, or authorizations have reference.

Common seal and records of the Council.

Common seal and press, how secured.—Care of same.

84. The common seal and the press to which the same is attached shall be secured by a cover or box, which, except when such seal and press are in use, shall be kept locked. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor and the other by the Council Clerk. Such common seal and press shall be in the custody and the care of the Council Clerk.

When and how common seal to be used

85. The common seal shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or, in case of the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

How books of account are to be kept and inspected

86. The Council Clerk shall keep such books of account and such records, statements, and memoranda of receipts and expenditure in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of account, records, statements, and memoranda from time to time, to ascertain that the same are properly kept, and to report at once to the Council any act of neglect or appearance of inefficiency which they may have discovered in the keeping of the same; also, to report to the Council from time to time any changes which such Committee may think advisable in the mode of keeping the accounts.

Records of the Council defined.—Provisions for proper keeping of the same.

87. The minute-book, letter-book, and all rate and assessment books, books of account, records, statements, and memoranda of receipts and expenditure, electoral rolls and other records relating to elections, business papers, reports from Committees, minutes from the Mayor, petitions letters on municipal business, addressed to the Council or to the Mayor, or to any officer or servant of the Council, orders, reports, returns, and memoranda relating to municipal business, drawings, maps, plans, contracts, specifications, agreements, and all other books and papers connected with the business of the Council, shall be deemed records of the Council. All such records other than the minute-book and other books, and other than electoral rolls and other records

relating to elections, shall be numbered and filed in due order, and shall be duly registered by the Council Clerk in a book to be kept by him for that purpose. Upon the face of every document thus registered, to which there is any reference in the minute-book, there shall be a note of the page wherein it is so referred to. And when any order has been made by the Council, or a report has been brought up by any Committee thereof, in reference to any document so registered as aforesaid, a note of such order or report shall be made upon such document. It shall be the duty of the By-law Committee to inspect the records from time to time to ascertain that the same are properly kept as aforesaid, and to report at once to the Council any act of neglect or appearance of inefficiency which they may discover in the keeping of such records.

Impression of seal not to be taken, &c., without leave of Council.—Penalties

88. No member or officer of the Council shall be at liberty to take any impression of the corporate seal, or to show, lay open, or expose any of the books or records of the Council to any person other than a member of the same, without leave from such Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable on conviction for the first offence to a penalty of not less than five shillings nor more than two pounds, for a second offence to a penalty not less than one pound or more than ten pounds, and for a third and every subsequent offence to a penalty of not less than five pounds or more than twenty-five pounds.

Records not to be removed &c.—penalties.—Exceptional circumstances.—Receipt to be given in every case before document received.—Proviso as to use of records as matter of evidence.

89. Any person removing any such book or other record of the Council as aforesaid, from the Council Chamber, or the place where by direction of the Council such book or other record is usually kept, without leave for such removal having been first obtained from such Council, or without other lawful cause for such removal, as hereinafter provided, shall for every such offence be liable to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to effect the further liability of any person who shall have removed such book or other record as aforesaid, and shall not have returned the same, to prosecution for stealing such book or record, or to an action at law for detention of the same, as the circumstances of the case may warrant. Provided that leave for temporary removal of a book or other record may be granted to the Council Clerk by the Mayor, in order that such Clerk may post up entries, prepare returns, or perform any other duty which it may be necessary that he should perform; also, that the Mayor, or the Chairmen of any Committee, or any Alderman acting for any such Chairman, may temporarily remove any record necessary for the preparation of a minute or a report, or for the purposes of any prosecution at suit at law by, against, or at the instance of the Council; but in all such cases such Council Clerk, Mayor, Chairman, or Alderman, as the case may be, shall give a receipt under his hand for every document so removed, and every such receipt shall be carefully preserved among the records until the book or other record to which it refers shall have been returned, when such receipt shall be destroyed. And provided also, that the Mayor, Council Clerk, or other officer of the Council, who may be subpoenaed to produce any book or other record of the Council in a Court of law shall have the right to remove such book or other record for the purpose of obeying such summons, but shall return such book or record as speedily as may be, and shall, before removing the same, leave at the Council Chamber a receipt for such book or other record as aforesaid; and every such person so temporarily removing any book or other record of the Council as aforesaid shall be legally responsible for the safe keeping and return of the same.

Penalty for defacing or destroying record.

90. Any person destroying, defacing, or altering any record of the Council shall for every such offence be liable to a penalty of not less than five pounds nor more than fifty pounds.

Officers and Servants.

Notice to candidates in certain cases.

91. No appointment to any permanent office at the disposal of the Council, to which a salary or allowance of fifty pounds per annum, or a salary or allowance exceeding that amount, is attached, shall be made until public notice shall have been given, as hereinafter provided, inviting applications for qualified candidates for the same; the salary or allowance attached to such office shall in every case be fixed before such notice is given, and shall be stated in such notice.

Mode of appointment.

92. Every such appointment shall be made by ballot in such mode as may at the time be determined on, whenever there is more than one candidate for such permanent office.

Exceptional cases.

93. Nothing herein contained shall be held to prevent the appointment by the Council, without advertisement, of any salaried officer or servant of the Corporation to any other permanent office or employment at the disposal of the Council to which no further salary is attached; or to prevent the appointment in like manner of any such officer or servant to any other office or employment of which the duties require only occasional attention, and are to be paid by allowances proportionate to the extent of such duties; or to prevent any similar appointment or employment by the Mayor or by any Committee or officer of the Council under the authority of any By-laws; or to prevent the employment as may be from time to time found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the Borough.

Bonds for good conduct.

94. All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited with the Council Clerk or the Bankers of the Corporation, as the Council may order; and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of Council Clerk.

95. The Council Clerk, in addition to the duties which, by the Municipalities Act of 1867 or by the present or any other By-laws thereunder, he may be required to perform, shall be the Clerk of all Revision Courts held in the Borough under the provisions of the said Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council. He shall likewise have charge of all the records of such Council, except such books or documents as may by order of the Council (as hereafter provided) be entrusted to any other officer, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor; and shall, when ordered by the Mayor or Finance Committee, make a half-yearly return of the revenue and expenditure.

Duties of Treasurer, &c.

96. Any officer of the Council, other than the Council Clerk, may have any records of the Council, other than those mentioned in section 84 of this "Part" of these By-laws, committed to his charge by an order of the Council, and he shall in such case be responsible to the Council for the safe keeping of such records.

Duties of other officers and servants.

97. The duties of all officers and servants of the Corporation shall be defined by such regulations as may, from time to time, and in accordance with law, be made, as follows, viz:—As to the duties of the Council Clerk other than those under section 95 of this "Part" of these By-laws, and his assistants (if any)—by the Mayor or Council. As to the duties of the Council Clerk under section 86 of this "Part" of these By-laws, of all collectors of rates, bailiffs, bailiffs' assistants, and other officers and servants employed in and about the collection of revenue, whose superintendence is not hereinafter specially entrusted to any other Committee—by the Finance Committee. As to all surveyors, architects, clerks of works, overseers, inspectors of water supply, sewerage, or drainage, or other officers and servants employed in and about the public works of the Borough, and in the supply of water therefor, or the sewerage or drainage thereof, whose superintendence is not herein specially entrusted to any other Committee—by the Committee of Works. As to the attorney for the Corporation, Inspector of Nuisances, and other officers and servants employed in and about the carrying out and enforcement of the general provisions of the Municipalities Act of 1867, and of any other statute of which the operation has been extended to the Borough, and of the By-laws for the general good government of such Borough, whose superintendence is not herein specially entrusted to any other Committee—by the By-law Committee. As to managers, overseers, workmen, and other officers and servants employed in and about any public reserves and other public places under the care and management of the Council—by the Parks Committee. And as to librarians, managers of public institutions under the charge of the Council, and all other officers and servants employed in or about any matter over which the Council has control, and whose superintendence is not herein specially entrusted to any other Committee or to the Mayor—by the Committee for General Purposes: Provided that all such regulations shall be in writing, and shall be in all cases laid before the Council at the first meeting thereof, which shall be holden after the making of any such regulations, and shall be in strict accordance with any such orders or directions as may have been at any time given by such Council touching the matters to which any such regulations may have reference.

Special powers of Mayor.

98. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or

servant as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, explanation, or information is so on record as hereinafore provided; or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statements or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing and shall be recorded. All such explanation or information may, except as hereinafter provided, be either rendered *vis à voce* or put into writing, as the Mayor may direct.

How complaints against officers be dealt with.

99. All complaints against officers or servants of Corporation must be in writing, and must in every case be signed by the person or persons complaining; and no notice whatever shall be taken of any complaint which is not in writing, or is anonymous. All such complaints may be addressed to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the case before the Council, shall have power to investigate the same. And if any such complaint be made to the Council or to any member or officer thereof, it shall be referred to, and investigated by the Mayor before it shall be in any way (otherwise than by such reference) ordered upon or dealt with by such Council: Provided that every report explanation, and information which may be made or rendered in reference to every such complaint shall be in writing. And such Mayor shall state in writing the result of every such investigation, and his opinion as to what order (if any) ought to be made in connection therewith; and such complaints, with all reports, explanations, and information as aforesaid, in connection therewith, and the Mayor's statement as aforesaid thereon, shall be laid before the Council at the next meeting thereof which shall be holden after the Mayor shall have made such statement, and shall be duly recorded: Provided, further, that nothing herein contained shall be held to affect in any way the special power conferred upon the Mayor by section 152 of the Municipalities Act of 1867, or any other special power which now is, or hereafter may be, conferred by statute upon such Mayor.

Miscellaneous.

Leave of Absence.

100. No leave of absence shall be granted to the Mayor or to any Aldermen, otherwise than by a resolution of the Council adopted after due notice.

Motions for rescission of previous orders, &c.

101. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been submitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same, or the passage, after the notice as hereinafore provided, and in due course of law, of any By-law for the repeal or amendment of any other By-law.

Lapsed Business.

102. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration may be ordered by resolution of the Council, after due notice; and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Suits and prosecutions for penalties, &c.

103. Such suits or information for the enforcement of penalties for or in respect of breach of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute the operation of which may have been extended to the Borough, as may have been directed by the Council, or by the By-law Committee, or by the Mayor, to be commenced or laid, shall be so commenced or laid, as follows, namely:—When against a member of the Council or an Auditor, or any officer of the Corporation—by the Council Clerk unless such Council Clerk shall be the officer to be proceeded against and in such case by any other officer named by the Council for that purpose; when against any other person, by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted, and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council, or the By-law Committee, or the Mayor, as the case may be, on directing such suit or information as aforesaid; and no such suit shall be brought or information laid as aforesaid against any member of the Council or Auditor, except by order of such Council; nor shall any similar proceedings be taken against any officer of the Council, except on the order of such Council or of the Mayor, nor against any other person, except upon the order of the Council, or of the Mayor, or of the By-law

Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on an express resolution of the Council, in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where, on the trial or hearing of any such suit or information, the same shall have been dismissed on the merits: Provided that in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

Mode of calling for tenders.

104. Whenever it is decided that any work shall be executed, or any materials supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice, as hereinafter provided.

Drafts of intended By-laws.

105. A draft of every intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by such Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same; and public notice shall be given as hereinafter provided that such draft is so lying for inspection.

How notices are to be published.

106. In all cases where public notice is or shall be required to be given by any By-law of any appointment, resolution, act, order, or regulation done, made, or passed, or proposed to be made, done, or passed by the Council, or by any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same twice in some newspaper circulating in the Borough.

Persons obstructing officers of the Council.

107. Any person or persons who shall obstruct any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing or performing, or going to perform, or returning from the performance of any duty or act under these By-laws, by using any threats, offensive language, hindrance, or insulting language, towards the said officer, in any street, road, or other place within the said Borough, shall forfeit and pay for every such offence a penalty not exceeding twenty pounds nor less than two pounds.

Mode of proceeding in cases not provided for.

108. In all cases not herein provided for, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Power to suspend, temporarily, certain portions of this Part of these By-laws.

109. Any such section or sections of this "Part" of these By-laws, or any portion or portions of such sections or section as are not hereinafter excepted, may be suspended by resolution on notice at any meeting of the Council: Provided that there shall be a distinct statement in every such resolution, and in the notice of the motion whereon the same shall have been adopted, of the purpose for which such suspension is required, and that for every separate matter or business as to which such suspension is so required, there shall be a separate resolution as aforesaid: And provided also that the following sections hereof shall never be suspended, nor shall any one of them nor any portion of any such sections, be suspended on any pretence whatever, namely:—Sections, 6, 7, 8, 9, 10, 21, 22, 24, 25, 26, 27, 28, 29, 30, 33, 37, 38, 41, 42, 44, 47, 49, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 79, 80 to 89 inclusive, 91, 92, 93, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106 and 107.

PART II.

Collection and Enforcement of Rates.—Times and modes of Collection.

Rates under sec. 164 of the 31st Vic. No. 12 to be collected half-yearly.

1. All rates or levies imposed by the Council under the provisions of section 164 of the Municipalities Act of 1867, and for the purposes mentioned in the said section, shall be collected by annual or half-yearly instalments, as the Council shall from time to time direct, and shall be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rate.

Special rates.

2. All rates levied or imposed by the Council under sections 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may, by resolution, at the time of making or imposing such rates, or any of them, have appointed.

Office hours.

3. All rates shall be paid at the Council Chambers during the hours appointed by the Council by resolution from time to time for that purpose.

Defaulters.

4. Every person not paying his or her rates as aforesaid within thirty days after the day so appointed as aforesaid for payment thereof, shall be deemed a defaulter, and it shall be the duty of the Council Clerk to furnish the Mayor with a list of the names of all persons so in default.

Mayor to enforce payment.

5. It shall be the duty of the Mayor either to issue distress warrants against all such persons so in default as aforesaid, and to cause such warrants to be enforced, or to cause such defaulters to be sued for the amount of such rates in a Court of competent jurisdiction.

Enforcement by distress.

Bailiff.

6. A bailiff shall, when found necessary, be appointed by the Mayor.

Bailiff's sureties.

7. The bailiff shall find two sureties to the satisfaction of the Mayor, to the extent of £25 each, for the faithful performance of his duty.

Duty of bailiff.

8. It shall be the duty of the bailiff to make all levies by distress for the recovery of rates in the manner hereinafter provided.

Warrant of distress.

9. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

10. If the sum for which any such distress shall have been made shall not be paid, with costs as hereinafter provided, on or before the expiration of five days, the bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises or at such other place within the said Borough as the bailiff may think proper to remove them to for such purpose; and shall pay over the surplus (if any) that may remain, after deducting the amount of the sum distrained for, and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

Inventory.

11. At the time of making a distress, the bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the bailiff shall give a copy of the inventory to the ratepayer on demand, at any time within one month after making such distress.

Goods may be impounded.

12. The bailiff, on making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same, on account of the purchaser thereof.

Owner to direct order of sale.

13. The owner of any goods or chattels so distrained upon shall at his or her option, direct and specify the order in which they shall be successively sold; and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

14. The bailiff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Costs.

15. There shall be payable to the bailiff for the use of the Council, for every levy and distress made under this By-law, the costs and charges in the Schedule hereto annexed marked C.

SCHEDULE A.

Warrant of distress.

I, , Mayor of the Municipal District of , do hereby authorize you , the bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of , situate at , for , being the amount of rates due to said Municipality to the day of , for the said dwelling-house (or land or premises, as the case may be) and to proceed thereon for the recovery of the said rates according to law. Dated this day of , 188 . Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Municipal District of , dated , distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of , situate at within the said Municipality, for , being the amount of rates due to the said Borough to the day of . Dated this day of , 188 .

SCHEDULE C.

Costs.

Table with 2 columns: Description of costs and Amount in s. d. (shillings and pence). Rows include: For every warrant of distress (2 0), For serving every warrant and making levy where the sum is not more than £20 (2 0), Above that sum, in addition for ever £1 (0 1), For making and furnishing copy of inventory (2 0), For man in possession, each day, or part of a day (5 0), For sale, commission, and delivery of goods, per pound on proceeds of the sale (1 0).

PART III.

Preventing and Extinguishing Fires.

Fire or combustible materials, &c.

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable materials of any kind in such a manner as to endanger contiguous buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for forty-eight hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Setting fire to matter without notice.

2. Any person who shall wilfully set fire to any inflammable matter whatever in the open air, within five yards of any dwelling house or other building, or boundary or dividing fence, within the said Municipality, without having given notice in writing to the occupiers of the lands or premises adjoining the lands or premises upon which such matter shall be, of his intention so to do, or shall wilfully set fire to such inflammable matter as aforesaid between the hours of six in the afternoon of any day and six in the morning of the following day, shall for every such offence forfeit a sum not exceeding five pounds nor less than one pound.

Fireworks.

3. Every person who shall light any bonfire, tar-barrel, or firework, upon or within ten yards of any public or private street, or any public place, or shall discharge any firearms without lawful cause within one thousand yards of any dwelling within the boundaries, shall forfeit a sum not exceeding five pounds.

4. If any chimney catch or be on fire, the person occupying or using the premises in which such chimney is situated shall forfeit a sum not exceeding forty shillings: Provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the Stipendiary Magistrate before whom the case is heard that such fire was in no wise owing to the omission or carelessness, whether with respect to cleanse such chimney or otherwise, of himself or his servant.

Burning shavings, &c., in the streets.

5. Any person who shall burn any shavings, rubbish, or any other matter or thing, in any road, street, lane, or public place within the said Municipality, shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

PART IV.

Streets and public places.—Public health and decency, &c.

New roads to be reported upon.

1. No new public or intended public road, street, lane, way, park, reserve, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, lane, way, park, reserve, or other place as aforesaid shall have been levelled by the proprietor or proprietors to the reasonable satisfaction of the Committee of Works or some officer of the Council duly authorized in that behalf, or until the said road, street, lane, way, park, reserve, or other place as aforesaid shall have been duly examined by the Committee of Works or such duly authorized officer as aforesaid, and reported upon to the Council by such Committee or duly authorized officer as aforesaid.

Plan of proposed new roads, &c., to be deposited.

2. Whenever any proprietor or proprietors of land within the Municipality shall upon any road, street, lane, or way, or lay out any park, reserve, or other place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, lane, way, park, reserve, or other place, he, she, or they shall furnish the Council with a plan or plans, signed by himself, herself, or themselves, showing clearly the position and extent of such road, street, lane, way, park, reserve, or other place as aforesaid.

Dedication of new roads, &c.

3. If the Council shall determine to take charge of any such road, street, lane, way, park, reserve, or other place as aforesaid, the plan or plans, so signed as aforesaid, shall be preserved as a record or records of the Council; and the proprietor or proprietors as aforesaid shall execute such further instrument dedicating such road, street, lane, way, park, reserve, or other place to public use or recreation as aforesaid as may be considered necessary by the Council: and such further instrument or dedication shall also be preserved as a record of the Council.

Roads and streets, and encroachments thereon, &c.

4. The Committee for Works, or the Surveyor of the Municipality, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, ways, and thoroughfares, and the carriage and foot ways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, ways, and thoroughfares, recourse shall be had, when practicable, to the plans under which the land, with frontage to the road, street, lane, way, or thoroughfare in question, shall have been sold or let. And it shall be the duty of such Committee for Works, or Surveyor, or other officer or person as aforesaid, to place, or cause to be erected, posts at the corners or intersections of such streets, roads, lanes, and thoroughfares, whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way and 12 feet for the foot-way on each side, where the road, street, lane, way, or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council in any such road, street, lane, way, or thoroughfare, or other public place of other width than 66 feet: Provided that there shall be no change of level in any such public road, street, lane, thoroughfare, or public place until the same shall have been submitted to and adopted by the Council as hereinafter provided: Provided further, that this By-law shall be read subject in all respects to "The Width of Streets and Lanes Act of 1881."

Change of street levels.

5. Whenever it may be deemed necessary to alter the level of any such public road, street, lane, way, or thoroughfare as aforesaid, the Committee for Works shall cause a plan and section, showing the proposed cuttings, to be exhibited at the Council Chamber for fourteen days, for the information and inspection of ratepayers, and shall notify, by advertisement in some newspaper circulating in the Municipality that such plan is so open to inspection. At a subsequent meeting of the Council, the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk. And such plan and section so signed and countersigned shall be a record of the Council.

Foot-way or path-way, when flagged or asphalted, not to be interfered with without permission.

6. Whenever the foot-way or path-way in front of any house or the ground, along any road, street, private street, or lane within the Municipality has been flagged or asphalted by the Council, the same and the asphalt or flagging thereon shall not be removed, taken up, or otherwise interfered with by any person whomsoever without the permission of the Mayor or Committee for Works first being had and obtained. And every person removing, taking up, or otherwise interfering with such foot-way or path-way, or the flagging or asphalt thereon,

without first obtaining the permission of the Mayor so to do, and every person wilfully or maliciously injuring or destroying such foot-way or path-way, or the asphaltting or flagging thereon, shall on conviction forfeit and pay for every such offence any sum not exceeding ten pounds and not less than five shillings.

Erection of house—fee for permission, &c.

7. Every person intending to erect or put up any fence, house, shop, or other erection or building, in or upon the building line of any road, street, lane, passage, thoroughfare, place, or premises within the Municipality, shall, either by himself or by his contractor, serve or cause to be served seven days' notice in writing on the Mayor or Council Clerk or other duly authorized officer before commencing the same, stating his intention, and describing the proposed situation of the proposed fence, house, shop, or other erection or building, and shall at the time the said notice is given as aforesaid, pay unto the Council Clerk or other duly authorized officer a fee of five shillings for permission to erect any such fence, or any such house, shop, or other erection or building; and every owner of every such fence, house, shop, or other erection or building who shall, by himself or his contractor, commence to put up or erect any such fence, house, shop, or other erection or building, without having first given such notice as aforesaid, or without having paid such fee as aforesaid, shall be liable to forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Pipes, gutters, &c.

8. It shall not be lawful for any person to carry, by means of pipes, gutters, or other contrivances, any rain-water from the roof of his or her premises or house upon any of the foot-ways of any road, street, lane or public place within the Municipality. Any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances when required so to do by any officer of the said Council, shall on conviction forfeit and pay any sum not exceeding twenty shillings nor less than five shillings: Provided that the owner or occupier of any such premises or house may convey any such rain-water by means of pipes laid under the surface of any such foot-ways into the gutter adjoining the same, and subject to the approval of the Committee for Works or some officer of the Council duly authorized in that behalf.

No balcony, &c., to project.

9. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any verandah, portico, or balcony to project beyond the building line of any street, road, lane, or thoroughfare, except with the consent of the Council first obtained; nor shall any balcony or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding two pounds nor less than one pound, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street, road, or thoroughfare less than 30 feet wide: Provided also, that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice.

10. The Surveyor or other officer or person duly authorized by the Council in that behalf may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, passage, thoroughfare, or public place under the charge of the Council. Notice shall in this case be served either personally, or at the usual or last known place of abode of the person to whom such obstruction or encroachment in structure belongs, or who has erected the same or caused it to be erected.

Council may remove encroachments.

11. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its Overseer of Works or other proper officer duly appointed in that behalf, and at the cost of the person so offending (provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds), or at the Council's option, to proceed against the offender for the breach of this By-law, the penalty for the first offence not to exceed twenty-five pounds nor to be less than one pound; and in case of the second and every successive offence, the penalty on conviction not to be less than two pounds nor more than twenty-five pounds.

Or may proceed by action.

12. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council, either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment.

To apply also to obstructions by digging, &c.

13. The foregoing provisions shall be equally applicable to all obstructions by digging or excavations; and any person who shall wilfully obstruct or interfere with the Overseer of Works or other officer of the Council as aforesaid, or any person acting for or under him or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Overseer of Works or other such officer as aforesaid, shall on conviction forfeit and pay a penalty of not less than two pounds nor more than twenty pounds.

Hoards or fences, to be erected.

14. Every person intending to build or take down any building within the limits of the Municipality, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done, where any street, road, passage, thoroughfare, or public place, or any part thereof will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street with a convenient platform and hand-rail, if there be room enough to leave as a foot-way for passengers outside of such hoard or fence, and shall continue such hoard or fence, with such platform and hand-rail as aforesaid standing in good condition, to the satisfaction of the Overseer of Works or other officer of the Council of the Municipality duly appointed in that behalf, during such time as the public safety or convenience requires, and shall in all cases in which it is necessary, in order to prevent accidents, place lights on each side of the said hoards or fences, and keep the same burning from sunset to sunrise; and every such person who shall fail to put up such fence, or hoard, or platform with such hand-rail as aforesaid, or to continue the same respectively standing in such good condition as aforesaid during the period of such building, or taking down, or who shall not, while the said hoard or fence is standing, place lights on each side of the said hoards or fences, and keep the same burning from sunset to sunrise, or who shall not remove the same when directed by the Overseer of Works or such other officer of the Council of the Municipality within a reasonable time afterwards as aforesaid, shall for every such offence be liable to a penalty not exceeding forty shillings for every day such default is continued.

No turf, gravel, &c., to be removed from streets without permission.

15. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material in or from any part of the carriage or foot-way of any street, road, lane, or other public place within the said Municipality, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage such carriage or foot-way, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Holes to be enclosed.

16. Any person or persons who shall dig or make, or cause to be dug or made, any hole, or leave or cause to be left, any hole adjoining or near to any street, road, lane, passage, thoroughfare, or public place within the said Municipality, for the purpose of making any vault or vaults, or the foundation or foundations to any house or other building, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner, to the satisfaction of the Committee for Works or Foreman of Works of the said Municipality, or shall keep up or cause to be kept up and continued, any such enclosure, for any time which shall be longer than shall be absolutely necessary in the opinion of the said Committee, and shall not place lights on each side of the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than forty shillings nor exceeding ten pounds.

Open spaces and steps adjoining the foot-ways to be enclosed, under penalty.

17. Every owner or occupier of any land, house, building, or premises within the said Municipality, having any entrance, area, garden, or other open space, or any vacant building lot water-hole, quarry, excavation, or opening in the ground adjoining or near to any foot-way of any street, road, lane, passage, thoroughfare, or public place in such Municipality, shall protect and guard the same by good and sufficient five-foot paling fence at the least, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land, having any steps adjoining the foot-way of any such street or public place, shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and repassing; and on failure thereof, every such owner or occupier shall, as often as he shall be convicted for any such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds. And every such owner and occupier as aforesaid who shall fail to erect such rails, fences, or other enclosures as aforesaid, within seven days after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Wells to be covered over.—Penalty.

18. Every person who shall have a well or underground tank, used for domestic or other purposes, situated between his or her dwelling-house or the appurtenances thereof and any road, street, or foot-way within the limits of the said Municipality, or at the side of or in any yard or place open or exposed to such road, street, or foot-way, shall cause such well to be securely and permanently covered over; and if every person having such well or underground tank as aforesaid shall fail to cover over and secure the same within twenty-four hours after notice in writing shall have been given to him or her by the Overseer for Works or other officer of the Council duly authorized in that behalf or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall on conviction forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open and uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs, &c.

19. The Mayor, or any officer or person acting under the authority of the Mayor, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same or for any other necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

20. Any person who shall haul, draw, or cause to be hauled or drawn, upon any part of any street, road, lane, thoroughfare, passage or other public place within the said Municipality, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other material or thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or draw or trail upon any part of such street, road, lane, thoroughfare, passage, or public place, to the injury thereof, shall upon conviction forfeit and pay for every such offence a sum of not more than forty shillings nor less than five shillings over and above the damage occasioned thereby.

Driving carriages, &c., on foot-paths; and throwing filth, &c.

21. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood or any matter or thing in or upon the carriage-way, foot-way, gutter, or water-table of any street, road, lane, thoroughfare, passage, or other public place in the said Municipality, or shall kill, slaughter, dress, or cut up any beast, swine, sheep, lamb, or other animal in or so near to any such street or public place as that any blood or filth shall run or flow upon or over, or be on any or either of any such carriage-way, foot-way, gutter, or water-table; or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said foot-ways of any such street, road, lane, passage, thoroughfare, or public place, any waggon, cart, dray, sledge, or other carriage, truck, or any bicycle or tricycle, or any hogshead, cask or barrel, or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast upon any such foot-way, shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, for the second offence a sum not exceeding five pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound.

Placing carriages, goods, &c., on foot-ways, &c.—Not removing when required.—Replacing the same after removal.—Not to prevent awnings being erected in front of shops.

22. Any person who shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, show-board, (on hinges or otherwise), basket, wares, merchandise, casks, or goods of any kind whatever; or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon or over any carriage-way, foot-way, gutter, or water-table, in any street, road, lane, passage, thoroughfare, or public place within the said Municipality; or shall set out, lay, or place, or shall cause or procure, permit or suffer to be set out, laid, or placed, any coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, or other carriage upon any such carriage-way, except for the necessary time of loading or unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set or placed, in or upon or over any such carriage-way, foot-way, gutter, or water-table, any timber, stone, bricks, lime, or other material or things for building whatsoever (unless the sanction of the Overseer of Works or other officer of the Council duly authorized in that behalf has

been first had and obtained, or unless the same shall be enclosed to the satisfaction of the Overseer of Works or such other officer as aforesaid) or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or other building or premises, over any part of any such foot-way, carriage-way, gutter, or water-table, or over any area of any house or building premises, or any other matter or thing from and on the outside of the front or any other part of any house or other building or premises over or next unto any such street, road, lane, passage, or thoroughfare, or public place and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances or other officer of the Council duly authorized in that behalf; or if any person who, having, in pursuance of any such requisition as aforesaid, removed or caused to be removed, any such stall-board, chopping-block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matters or things, shall at any time thereafter again set, lay, or place, expose or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-board, chopping-block, basket, wares, merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheel-barrow, hand-barrow, sledge, meat, offal, or other things, or matters, whatsoever (save and except as aforesaid), in, upon, or over any such carriage or foot way of or next unto any such street or public place as aforesaid, shall upon conviction for every such offence forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, for the second offence a sum not exceeding five pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound: Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house in such a manner as that such an awning shall be at least eight feet above the proper level of the foot-way, and that the posts be placed close to the kerbstone or outer edge of such foot-way, and that the said posts and any framework be erected to the satisfaction of the Council, and as may from time to time be directed by the Council.

Public Health.

23. No person shall keep, or permit, or suffer to remain on any premises within the said Municipality any vehicle, article, or thing whatsoever, from which any unwholesome or offensive smell arises.

24. All drains, earth-closets, privies, and cesspits and ash-pits, on any premises in the said city constructed, shall be maintained and kept by the owner, occupant, or agent of such premises, so as not to be a nuisance or injurious to health, and so as that there shall be no overflow or soakage therefrom.

25. No person shall carry or convey, or cause to be carried or conveyed, through, upon, or over any street, or public place in the said Municipality, except between the hours of ten o'clock at night and five o'clock in the morning, any unwholesome or offensive matter of any kind whatsoever, and nothing herein contained is to have the effect of repealing any By-law now in force for the mode and times of removal of night-soil.

26. The occupant of every factory and the owner of every steam engine in the said Municipal District shall construct the fire-place or furnace and chimney of such factory or steam-engine in such manner as to consume, as far as practicable, the carbonaceous matters or gases, commonly called smoke, arising from the fuel used therein, or shall affix proper and suitable apparatus to such fire-place or furnace and chimney as aforesaid so as to cause such chimney to consume such carbonaceous matters or gases as aforesaid.

27. Any person offending against any of these By-laws shall, for each offence, upon conviction before one or more of Her Majesty's Justices of the Peace, forfeit and pay a sum not exceeding ten pounds.

Sale of blown meat, &c., forbidden.

28. No person shall sell or expose, or have for sale, or keep on his premises, any meat or any other article intended, but unfit for human food, or shall expose or have for sale any adulterated butter, meal, bread, or other article of food, or any adulterated milk, knowing either of them to be so adulterated; and any person offending against this By-law shall, for every such offence, be liable on conviction to pay a penalty not exceeding twenty pounds, and shall also be liable to a further penalty, not exceeding five pounds, for every day during which any forbidden article shall be kept on the premises of such person.

No person to keep meat unfit for food.

29. No person shall keep or have in his possession, or retain in any building, shop, or other place, exposed for sale, any dead animal, carcass meat, poultry, or fish intended for, but unfit for human food, and every person offending against

this By-law, shall, for every such offence, be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for every day during which any such forbidden thing shall be kept or retained by any such person.

Sale or letting of infected premises or goods.

30. If any person shall sell, let, or cause to be sold or let, any dwelling-house, or part thereof, or premises occupied in connection therewith in the said Municipality, which then is, or shall have been within thirty days prior to the date of such sale or letting, occupied by any person suffering from any infectious or contagious disease, without giving due notice thereof to the person or persons purchasing, renting, or hiring any such house, or premises, the person so selling, letting, or causing to be sold or let, shall be liable to a penalty not exceeding fifty pounds nor less than ten pounds. And any person who shall sell, let, or cause to be sold or let, in the said Municipality any article of furniture, bedding, household or personal effects, knowing the same to have been within three months prior to the date of such sale or letting used by any person or persons suffering from any infectious or contagious disease, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Exposing infected articles.

31. Any person who shall expose or cause to be exposed in any road, street, public place, or unclosed land adjacent to any dwelling, road, street, or public place, any article whatsoever, knowing the same to have been in the use or occupation of any person suffering from any infectious or contagious disease within thirty days prior to the date of such exposure as aforesaid, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Regulations of traffic in streets.

32. No person driving or riding within the Municipality shall allow his horse or horses to go out of a walking pace whilst turning any of the street corners, nor whilst passing over crossings at the intersections of streets, nor whilst passing to and from any entrance to premises intersecting the foot-paths, nor propel any bicycle or tricycle or other wheeled vehicle over any crossing or intersection of streets within the said Municipality at a pace faster than a walk.

33. All persons conducting, or taking horses along any street, thoroughfare, or public place within the Municipality, shall keep them secured by means of a halter or bridle, and shall lead them, and no person shall run or drive, or cause to be run or driven, any horse or horses loose through any such street thoroughfare, or public place as aforesaid, nevertheless that horses being taken to the Public Pound and afterwards impounded therein, or mobs of horses being driven to or from market, shall not be within the meaning of this By-law.

34. No driver of any vehicle shall be or remain at such a distance from his vehicle, anywhere within the said Municipality so as not to have immediate and full control over the same, unless he shall have previously locked the wheels thereof. Every such driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings nor less than ten shillings.

Slop, night-soil, &c., to be conveyed away only at certain hours.

35. Any person or persons who shall drive, or cause to be driven, any cart or other carriage with night-soil or ammoniacal liquor therein, through or in any street, road, lane, passage, thoroughfare, or public place within the said Municipality, between the hours of five o'clock in the morning and ten o'clock at night; or shall fill any cart or other carriage so as to turn over and cast any night-soil ammoniacal matter, slop, mire, or channel dirt or filth, in or upon such street, road, lane, passage, thoroughfare, or public place, or shall deposit night-soil, ammoniacal liquor, or other offensive matter nearer to any street, road, or dwelling-house, than shall be directed by the said Council or by the Inspector of Nuisances; or shall remove night-soil or other offensive matter, otherwise than in properly covered and water-tight carts or other vehicles; or shall cause any vehicle used for this purpose to stand on any premises nearer to any such road, passage, thoroughfare, public place, or dwelling-house, than shall be directed by the said Council or the said Inspector of Nuisances, shall for every such offence forfeit and pay a sum not exceeding five pounds; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such cart or carriage in which such night-soil or other offensive matter shall be put or placed, and also the employer of the person so offending, shall be liable to and forfeit and pay such penalty as aforesaid.

Riding on drays, careless driving, &c.

36. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street, road, lane, passage, thoroughfare, or public place within the Municipality, not having some person on foot to guide the same (such carts as are drawn by one horse and driven or guided with reins only excepted); or if the driver of any

carriage whatsoever shall wilfully be at such a distance from such carriage, or in such a situation whilst it is passing upon such street, road, passage, thoroughfare, or public place, that he cannot have the direction and government of the horse or horses or cattle drawing the same; or if the driver of any waggon, cart, dray, or coach, or any other carriage whatsoever meeting any other carriage shall not keep his waggon, cart, dray or coach or other carriage on the left or near side of the road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care, upon such street; or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every such driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings nor less than ten shillings.

Lights to carriages, &c.

37. The driver of any carriage, buggy, waggon, wain, cart, dray, bicycle, tricycle or other wheeled vehicle, when driving the same in or upon any street, road, lane, passage, thoroughfare, or public place within the Municipality, between the hours of sunset and sunrise, shall provide such carriage, buggy, waggon, wain, cart, dray, bicycle, tricycle, or other wheeled vehicle, with a lamp on each side of the same, outside, and shall keep such lamps lighted; and any person offending against the provisions of this By-law shall for every offence forfeit and pay a penalty of any sum not exceeding five pounds nor less than five shillings.

Riding or driving furiously.

38. Any person who shall ride or drive through or upon any street, road, lane, passage, thoroughfare, or public place within the said Municipality, so negligently, carelessly, or furiously as to create alarm, or so as that the safety of any other person or of any property shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Damage to kerbstones, gullies, &c.

39. No driver or carter or other person shall wilfully or negligently do or suffer, or cause to be done, any damage or injury to any culvert, kerbstone, gutter, or pathway in any street or roadway in the Municipality aforesaid; and any person offending against the provisions of this By-law shall for every offence forfeit and pay a penalty of any sum not exceeding five pounds nor less than ten shillings over and above the damage done.

Loitering in the streets, &c.

40. Any person loitering or standing on the foot-way or carriage-way of any road, street, lane, or other public place within the said Municipality, so neglecting or refusing without reasonable cause or excuse to move on after having been requested so to do by any constable or other police officer, or any officer duly authorized by the Council of the said Municipality in that behalf, shall on conviction forfeit any sum not exceeding ten pounds nor less than five shillings.

Blasting Rock.

No rock to be blasted without notice to the Council Clerk.

41. Any person or persons who shall be desirous of blasting any rock within one hundred yards of any street, road, lane, passage, thoroughfare, or public place, or dwelling-house in the Municipality, shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person or persons shall blast or cause to be blasted, any rock within the limits aforesaid, without giving such notice, or shall not conform to the directions given to him or them by the said Council Clerk, he, she, or they shall on conviction forfeit and pay for every such offence any sum not less than five pounds nor more than twenty pounds.

Public Property.

Injuring or extinguishing lamps.

42. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the injury committed, be liable to forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

As to damaging buildings.

43. Any person who shall damage any public building, gate, wall, parapet, fence, sluice-bridge, culvert, sewer, water-course, or other public property within the Municipality, shall pay the costs of repairing the same; and if such damage be wilfully done, shall be liable to forfeit and pay a sum not exceeding twenty pounds nor less than five pounds.

Affixing placards on walls, &c.

44. If any person or persons shall paste, or cause to be pasted, or otherwise affix any placard or other paper or chalk or paint upon any wall, house, fence, culvert, kerbstones, path-way, land-rail, or other property of the Council, or in any other manner deface the same without authority of the Council, he or they shall be liable to forfeit and pay for every such separate offence a sum not exceeding five pounds nor less than one pound.

Damaging trees.

45. Any person who shall wilfully, and without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood growing in or upon any street, road, lane, passage, thoroughfare, reserve, park, or public place under the management of the Council, shall be liable to forfeit any sum not exceeding ten pounds nor less than one pound.

Extirpation of noxious weeds.

46. Any owner or occupier of any premises or land within the Municipality who shall permit to grow on the premises or land, or place upon the public streets or roads, weeds known as Bathurst burr, Scotch thistle, prickly-pear, sweet-briar, or any noxious weed, and who shall fail to extirpate or destroy the same within thirty days after the receipt of a notice in writing, by post or otherwise, from the Council, or proper officer of the Council, so to do, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Obstructing public path-ways.

47. If the owner or occupier of any land situate on the side of any street, road, lane, thoroughfare or other public place within the Municipality, shall permit any shrub or plant, kept for ornament or otherwise, to overhang any foot-path, foot-way, or carriage-way on the side of any such street, road, lane, passage, thoroughfare, or other public place, so as to obstruct the passage, thereof, and shall not, on demand made by the Council or their Inspector, Overseer, or other officer duly authorized on that behalf, cut or cause to be cut, or lop or cause to be lopped, all such trees, shrubs, or plants, to the height of eight feet at the least, the Council and their servants, labourers and workmen, may cut, lop, or cause to be cut or lopped, all such overhanging trees, plants, and shrubs, and may remove or burn, or cause to be removed or burnt, any portion of such trees so cut and lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every such person so offending shall on conviction for every such offence be liable to forfeit and pay any sum not exceeding ten pounds.

Injuring public fountains, &c.

48. Any person who shall injure any public fountain pump, cock, water-pipe, or any other thing connected with the preservation or supply of water to the Municipality, or to any portion thereof, shall forfeit and pay the amount of such damage, and any further sum not exceeding twenty pounds nor less than one pound.

Dead animals, &c., not to be thrown into any public water-courses, &c.

49. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning into any public water-course, sewer, water-hole, river, creek, road, or path-way; or who shall suffer any slops, suds, or filth of any kind to flow from his or her premises into any such water-course, water-hole, river, creek, or sewer; or shall permit or suffer any such slops, suds, or filth to flow from his or her premises over any of the foot-ways, water-tables, or streets of the Municipality; or shall permit or cause, by means of pipes, shoots, channels, or other contrivances any such suds or filth of any kind whatsoever to flow into any public water-course, water-hole, river, creek, or sewer; or shall obstruct or divert from its channel any sewer or water-course, creek or canal, shall forfeit any sum not exceeding five pounds nor less than two pounds, and shall pay cost of restoring such obstructed or diverted water-course, creek, or canal.

Dead animals—mode of removal.

50. If any animal shall die in any part of the Municipality, and the owner of such animal, or the occupier of the place, if private property, where such animal shall have died, shall not cause such animal to be immediately destroyed by fire, or so effectually removed and disposed of that no nuisance can possibly result therefrom in any part of the said Municipality, he shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than two pounds.

Power of Inspector as to dead animals on private premises.

51. The Inspector of Nuisances, or any other officer appointed by the Council of the Municipality, may at any hour in the daytime enter upon any premises or place within the said

Municipality where any animal has died, and require the owner or occupier of such premises or place immediately to destroy such animal by fire, and, if necessary, to remove the same for that purpose, as such Inspector of Nuisances or other officer appointed by the Council shall direct, or otherwise forthwith effectually to remove and dispose of the same as aforesaid, in default of which it shall be lawful for any one or more of such officers to cause such animal to be removed for that purpose; and every owner or occupier of such premises or place failing, neglecting, or refusing to comply with such requisition, shall forfeit and pay any sum not exceeding thirty pounds nor less than three pounds.

Dead animals, in certain cases, to be removed at cost of Owner.

52. If any animal shall die in any public street or place within the Municipality, it shall be immediately removed by the Inspector of Nuisances or other officer appointed by the said Council, and destroyed in the manner aforesaid, at the cost of the owner.

Hog-sties to be forty yards from streets, and animals suffered to stray, &c.

53. Any person who shall keep, breed, or feed any kind of swine in any house, building, yard, garden, or other place, situated and being within forty yards of any street, road, lane, thoroughfare, park, reserve, or public place in the Municipality or nearest dwelling-house, or shall suffer any kind of swine or any horse, ass, mule, sheep, goat, cow, or any other animal of a like nature or any poultry belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, lane, park, reserve, thoroughfare, or public place, shall on conviction forfeit and pay any sum not exceeding forty shillings nor less than five shillings for each and every animal so kept, bred, fed, suffered to stray or go about, or to be tethered or depastured in any such street or public place as aforesaid; and the owner or occupier of any house or premises, or other place within the said Municipality, wherein any such swine, horse, ass, mule, sheep, goat, cow, or other animal is kept, fed, milked, or used in any way whatsoever, shall, within the meaning of these By-laws, be deemed the owner of such animal so kept, bred, fed, suffered to stray, or to be tethered or depastured in any such street or public place as aforesaid; and the words "any house," "building," "yard," "garden," or "other place," wherein any kind of swine shall be bred or kept as aforesaid, shall respectively be deemed hog-sties within the meaning of these By-laws; and the word "horses" shall be sufficient designation for any entries, geldings, mares, or foals, and the word "cattle" for any bulls, oxen, cows, or calves, when more than one is the subject of any information and summons under the provisions of these By-laws.

Stables, cow-sheds, and pig-sties.

54. The occupier of any land or premises within this Municipality on which there shall be erected any stable, cow-yard, fowl-house, cattle-shed, or pig-sty, shall cause such premises to be kept in such a state in respect to cleanliness as not to be a nuisance or injurious to health, and shall cause all dung, soil, or manure, produced or accumulated thereon to be collected in a place (to be approved of by the Inspector of Nuisances) in the yard of such premises, and there to be in an inoffensive condition, and so as not to be productive of any nuisance; and shall cause such dung, soil, or other manure, to be from time to time removed from such premises, as often as the quantity so collected shall amount to one cubic yard. And if at any time the owner or occupier of any such premises shall neglect or fail to have such dung, soil, or other manure removed therefrom, as aforesaid, the same shall be removed by the Inspector of Nuisances, at the expense of such occupier. For an offence against this By-law any person shall be liable to a penalty of not less than one pound nor more than five pounds.

Premises in state to endanger public health.

Houses to be purified on certificate of two medical practitioners.

55. If upon the certificate of any two duly qualified medical practitioners it appears to the Council that any house or part thereof, or the premises occupied in connection therewith, within the limits of the said Municipality, is in a filthy or unwholesome condition, that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, or purifying of any house or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to white-wash, cleanse, or purify the same as the case may require; and if the person to whom such notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

As to private avenues, or dirty or unwholesome premises.

56. Any owner or occupier of any house, building, yard, garden, premises, or other place within the Municipality, who shall neglect to keep clean any private avenues, passages, yards, thoroughfares and ways within the said premises so occupied or belonging to him, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall on conviction forfeit and pay a sum not exceeding five pounds nor less than ten shillings for every such offence.

Cleansing butchers' shambles, slaughter-houses, &c.

57. For preserving the cleanliness of the Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council from time to time, and when and as often as he, they or any of them shall see occasion, to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, and fellmongering establishments, manufactory, factory, or establishments in the Municipality and give such directions concerning the cleansing the said shambles, slaughter-houses, tanneries and establishments, both within and without, as to him, them, or any of them shall seem needful; and any butcher, or the owner or occupier of any such shamble, slaughter-house, tannery, or establishment who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds and not less than ten shillings.

Complaints respecting dirty premises, &c

58. Upon the complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other officer appointed by the said Council shall make an inspection of the premises complained of, and the Inspector of Nuisances or other officer appointed by the Council as aforesaid shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose; and any person who shall personally, or by any person in his employment or under his control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter to remain and be in any cellar or place within any dwelling-house or premises within the said Municipality, or shall in like manner suffer the contents of any water-closet, privy, or cess-pool to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound.

Various obstructions and annoyances.

59. Every person who, in any street, road, lane, thoroughfare, park, reserve, or other public place or passage within the said Municipality, to the obstruction, annoyance, or danger of the residents or passengers in or through the Municipality, shall commit any of the following offences, shall on conviction for any and every such offence forfeit and pay a penalty of not more than five pounds:—

- (1.) Every person who shall hoist or cause to be hoisted or lower or cause to be lowered, goods of any description from any opening in any house fronting any street, road, lane, passage, thoroughfare or public place, and close to the foot-way thereof without sufficient and proper ropes and tackling.
- (2.) Every person who shall carry or convey, or cause to be carried or conveyed, in any street, road, lane, passage, thoroughfare, or public place, the carcass or any part of the carcass of any newly-slaughtered animal, without a sufficient clean and proper cloth covering the same, for the concealment from public view, or shall hawk or carry about butcher's meat for sale, without covering the same as aforesaid.

Throwing filth, &c., on foot-ways, &c.—Killing animals.

- (3.) Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, slops, suds, or filth, or annoyance, or any matter or thing, into any public water-course, sewer, or canal, or in or upon the carriage-way, foot-way or water-table of any street, lane, or other public place in the said Municipality, or shall kill any beast, swine, calf, sheep, lamb, or other animal for the purpose of sale, upon any premises, shall, on conviction, forfeit and pay a fine not less than forty shillings nor more than five pounds, and shall in addition to any such forfeiture, pay the cost of removing such filth or obstruction.
- (4.) Every person who shall place any line, cord, or pole across any street, road, lane, passage, thoroughfare or public place within the Municipality, or hang or place clothes thereon, or allow any tree or shrub to overhang the foot-path, to the danger or annoyance of any person.
- (5.) Every person who shall haul, place, or cause to be hauled or placed, any boat, gear, or spars, upon any of the reserves within the Municipality aforesaid and refusing to remove the same when lawfully requested so to do.

(6.) Every person who shall place any flower-pot in any upper window, near to any street, road, lane, passage, thoroughfare, or public place within the Municipality, without sufficiently guarding the same from being thrown down.

(7.) Every person who shall place, hang up or affix any sign-post, board, house-ticket, notice, or other similar thing, otherwise than close and parallel to or flat upon the wall of the house, shop, or building to which the same belong.

(8.) Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or buildings are being erected, pulled down, or repaired).

(9.) No person shall deposit, or cause or suffer to be deposited, in or by the side of or on any road, street, right-of-way, lane passage, water-channel or gutter, or in any creek or in any other public place within the Municipality, any dust, mud, ashes, rubbish, filth, offal, manure, liquid manure, dung, or soil; and no person shall deposit or cause or suffer to be deposited, any night-soil or other offensive matter on any land, field, or garden, within the Municipality.

(10.) Every person who shall carry goods on any frame to the annoyance of any person upon the foot-way of any street, road, lane, or other public foot-way.

(11.) Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb or any person who may have the right of way or use of any private yard, alley, street, or any other place within the said Municipality.

Passengers, &c., not to be interrupted by dusting.

(12.) Between the hours of eight o'clock in the morning and seven o'clock in the evening of any day, no person shall cause interruption, annoyance, or inconvenience to passengers along the streets or foot-paths of the said Municipality, by raising, or discharging, dust upon or across any such street or foot-path, whether from buildings in process of erection or demolition, or otherwise howsoever.

(13.) Any person who, being the owner or person in charge of any pigeons or other birds, shall permit any such bird to be at large within the Municipality, shall on conviction forfeit and pay a penalty not exceeding forty shillings nor less than ten shillings, and any person duly authorized by the Council may destroy such bird without being responsible to any person claiming the ownership of such bird.

Bathing prohibited within certain limits.

60. Any person who shall, except in proper costume, bathe near or within view of any inhabited house, or of any public wharf, quay, bridge, street, road, or other place of public resort within the limits of the Municipality, shall on conviction forfeit and pay a sum not exceeding one pound for every such offence.

Penalty on indecent exposure of the person.

61. Any individual who shall offend against decency by exposure of his or her person in any street, road, lane, passage, or thoroughfare, or public place within the Municipality, or in the view thereof, shall on conviction forfeit and pay for every such offence a sum not exceeding ten pounds nor less than one pound.

PART V.

Noisome and Offensive Trades.

Complaint—Inquire and report.—Order of Council thereon.—Notice to discontinue, &c.—Penalty.

1. Upon the complaint in writing, by any householder, that any noisome or offensive trade is being so followed, conducted or carried on in the vicinity of his or her residence or property as to injure his or her health, or the health of his or her family, or to otherwise annoy, injure, or be a nuisance to such householder and to his or her family, the inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on as aforesaid, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council. And if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation, so complained of,

and so being conducted, followed, or carried on as aforesaid, is a noisome or offensive trade within the meaning of these By-laws, notice shall be given to the person or persons conducting, following or carrying on such trade to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality. And if such trade shall not be discontinued as aforesaid, or shall nor be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid shall for the first offence forfeit and pay a sum not less than forty shillings nor more than five pounds, for a second offence a sum of not less than five pounds nor more than twenty-five pounds, and for the third and every subsequent offence a sum not less than ten pounds nor more than fifty pounds.

Made of proceeding when noisome and offensive trade is about to be commenced.—Penalty.

2. The like proceedings shall be taken as aforesaid whenever there shall be a complaint as aforesaid that any manufacturer trade, calling, or operation is about to be commenced or entered upon which is likely to prove noisome and offensive within the meaning of these By-laws, save and except the notice to be given as aforesaid, shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, or to take such measure as shall effectually and permanently prevent the same from becoming noisome or offensive within the meaning of these By-laws to any resident within the Municipality. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way noisome and offensive within the meaning of these By-laws, shall for every such offence forfeit and pay a sum not less than ten pounds nor more than fifty pounds.

Service of notice.—Liability.

3. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation, within the meaning and for all the purposes of these By-laws.

PART VI.

Public Exhibitions, &c.

Exhibitions, &c., to be licensed.

1. No exhibition, other than exhibitions licensed by the Colonial Secretary under the provisions of the Act 14th Victoria No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit within the Municipality, nor shall any bowling-alley, dancing saloon, or other place of public amusement other than a place licensed as aforesaid, or place for temporary amusement hereinafter specially provided for, be used as such, for hire or profit within the Municipality, unless and until the same shall be duly registered as hereinafter prescribed.

Temporary license by Mayor.—Penalty for exhibiting, &c., without license.

2. It shall be lawful for the Mayor, by writing under his hand, and without charge, to permit any such exhibition as aforesaid (other than an exhibition requiring to be licensed by the Colonial Secretary under the said Act), and which shall not be held or kept for more than one week, and in like manner to allow any place within the Municipality to be used for purposes of public amusement other than entertainments requiring to be licensed as aforesaid for not more than one week: Provided that it shall be incumbent upon such Mayor to inquire strictly as to the nature of such proposed exhibition or amusement before granting such permission, and to refuse such permission if it shall appear that such proposed exhibition or amusement is of such a nature as to require to be licensed by the Colonial Secretary as aforesaid, or if there shall be reasonable cause for believing that such exhibition or amusement will be likely to entail any violation of public decency, to endanger the public peace, or to be a nuisance to any inhabitant of the Municipality. Every person holding or keeping such exhibition, or

using any place within the Municipality for public amusement as aforesaid, or causing or permitting such place to be used, without such permission of such Mayor, shall forfeit and pay a sum not less than five shillings nor more than forty shillings for every day that such exhibition shall be so held or kept, or such place shall be used for public amusement as aforesaid.

Public buildings, &c., to be registered.

3. Every occupier of any building or ground in which any exhibition is held or kept, or any public amusement conducted as aforesaid, shall in each year register at the office of the Council such building or ground, together with the situation and description thereof, and of the exhibition proposed to be held or kept, or the public amusement proposed to be conducted as aforesaid, in or upon such building or ground, and the name of such occupier. And every person who causes, and every occupier of any such building or land, who permits any such exhibition to be held or kept, or any public amusement to be conducted for a longer period than one week, in or on any such building or land not being registered for the purpose, or without such certificate of registration as hereinafter mentioned having been obtained for the same, shall forfeit for every such offence any sum not less than one pound nor more than twenty pounds.

Certificates of registration, &c.

4. The Council, upon the written application of any such occupier as aforesaid, stating the particulars aforesaid, and if, upon inspection by the proper officer, the building or land shall have been found to be secure and proper for the purpose stated, and if the proposed exhibition or amusement shall not be such as to require a license from the Colonial Secretary as aforesaid, and shall not be thought likely to entail any violation of public decency, or to endanger the public peace, or to be a nuisance to any inhabitants of the said Municipality, the said Council shall cause the aforesaid premises to be registered in a registry book to be kept for that purpose, and shall thereupon grant to the applicant a certificate of such registration of such premises. And the said Council may at any time, and for any of the causes hereafter mentioned, suspend for a stated period the effect of or cause of any such registration, and shall forthwith give notice of such suspension or cancellation to the occupier of the registered building or land; and during such suspension, or after such cancellation, such premises shall be deemed to be unregistered in respect of the purpose mentioned in the certificate of registration, and such certificate shall be of no force or virtue.

Inspection.

5. The proper officer of the Council duly authorized in that behalf may at all reasonable times enter into or upon and inspect any such registered building or land.

No exhibition, &c., on Sundays, &c.

6. No such exhibition or place of public amusement as aforesaid shall be held, except by permission of the Council, or kept open or used for the purposes of such public amusements on Sunday, Christmas Day, or Good Friday; and every person offending against this By-law in this behalf shall on conviction forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

Registration fee.—Time for which registration shall be in force.

7. For every such registration as aforesaid the occupier of the building or land so registered shall pay to the Council Clerk, for the benefit of the said Municipality, a fee of one pound: and every such registration, whenever the same may be made, shall be in force until the thirty-first day of December then next ensuing and no longer.

Certificate of registration to operate as license for exhibition, &c., named therein and no other.

8. The certificate of registration aforesaid shall be regarded as a license from the Council for the holding or keeping of the exhibition, or for carrying on the public amusements therein mentioned, but for none other. Any occupier of such building or land who shall hold or keep therein or thereon any exhibition, or shall use such building or land for any public amusements other than such exhibition or amusements mentioned in such certificate or license, shall for every such offence forfeit and pay any sum not less than ten shillings nor more than ten pounds.

Unlawful games and exhibitions.

9. No license shall be granted as aforesaid to or for any building or land wherein or whereon any game with dice, or other games of chance for money, or any bull-baiting, dog-fighting, cock-fighting, or other exhibitions or amusements opposed to public morality or involving cruelty to animals, or likely to cause any breach of the peace, are proposed to be had or carried on; and the occupier of any building or land so registered as aforesaid who shall permit any such game of chance or exhibition or amusement as are in the section before mentioned, to be had, held, or carried on in or upon such building, shall for every such offence forfeit and pay a sum of not less than ten shillings nor more than ten pounds.

Suspension or revocation of license.—Notice to be given, and licensee to be allowed to show cause.

10. The effect of any such registration as aforesaid may be suspended, or such registration may be cancelled, as the Council shall think fit, for any of the following causes, namely: Whenever the occupier of the registered building or land, or the manager of any such exhibition or amusement as aforesaid, held, kept, conducted, or carried on, in, or upon such building or ground shall have been twice convicted of offences against these By-laws within a period of twelve months; or whenever it shall be shown to the satisfaction of the said Council that the superintendent, director, or manager, or other person in charge of any such exhibition or amusement is a confirmed drunkard, or that such exhibition or amusement is being conducted in such a manner as to violate public decency, to endanger the public peace, or become a nuisance to any inhabitants of the Municipality: Provided that before any such suspension or cancellation as aforesaid, the occupier of such registered building or land shall have notice of the fact, the said Council is about to consider whether there shall be any such suspension or cancellation, and of the causes of this proceeding, and shall be allowed to show cause against such suspension or cancellation before the same shall be ordered.

Construction of term "occupier"—Change in occupancy.—false statement.

11. Any person who shall superintend, direct, or manage, or shall be otherwise in charge of any such exhibition or public amusement as aforesaid, in or upon any such building or land as aforesaid; or who shall reside in or upon any such building or land wherein or whereon any such exhibition or public amusement shall be held, kept, or carried on; or who, being the owner, lessee or tenant of any such building or land, shall permit the same to be used for the purposes of any such exhibition or public amusement, shall be deemed the occupier of such building or land for all the purposes of these By-laws. And the said By-laws shall be held to be as applicable in every case to any number of such occupiers as to any single occupier; and every other occupier whose name shall have been so registered as aforesaid shall be deemed and taken to be, and continue to be, such occupier for all these purposes of these By-laws: Provided that in the event of any change in the occupancy of any such building or ground as aforesaid it shall be competent for the parties concerned to notify the same, by writing under their hands, to the said Council Clerk, who shall lay such notification before the Council at its next meeting; and if, after such inquiry as such Council may deem necessary, there shall seem to be no valid objection to such change of occupancy, a corresponding entry shall be made in the registry aforesaid, and a new certificate shall be issued, which shall be in force until the then next ensuing 31st day of December, and no longer. And for every such new certificate a fee of five shillings shall be paid to the said Council Clerk for the benefit of the said Municipality. And any person who shall make any false statement in any such application or notice as aforesaid as to any of the facts or particulars required by these By-laws to be stated in such application or notice, shall for every such offence forfeit and pay any sum not less than one pound nor more than twenty pounds.

PART VII.

Water Supply.

Polluting water, reservoirs, &c.

1. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other waterworks belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein, any animal whether alive or dead, or any rubbish, filth, silt, or thing of any kind whatsoever; or shall cause or permit, or suffer to be run or to be brought thereon, the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper water; or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other waterworks as aforesaid; or shall do anything whatsoever whereby any water or waterwork belonging to the said Council, or under their management or control, shall be fouled, obstructed, or damaged, shall for the first offence be liable to forfeit and pay any sum not exceeding five pounds, for a second offence any sum not less than five pounds nor more than ten pounds, and for the third and every subsequent offence any sum not less than ten pounds nor more than twenty pounds.

Wifal waste of water.

2. Whosoever being supplied with water by the Council from any waterworks, fountain, reservoir, or standpipe of or belonging to, or under the control or management of the said Council, or having access to any such waterworks, fountain, or reservoir, for the taking of water therefrom, shall wilfully or negligently suffer any water to run to waste from any pipe, pump or conduit, from or by which he shall be so supplied, or to which he shall have such access, shall forfeit and pay for the first offence any sum not exceeding five pounds, for a second offence any sum not less than one pound nor more than twenty pounds, and for a third and every subsequent offence any sum not less than five pounds nor more than forty pounds.

Damming up water without consent.

3. Whosoever shall, without the consent in writing of the Council, construct or place any dam or embankment, or allow any accumulation of drift or silt to accumulate in or across any river, creek, or natural water-course, shall forfeit and pay any sum not less than one pound nor more than twenty pounds, and shall remove such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay any sum not less than five pounds nor more than fifty pounds. And if after such second conviction such person shall fail to remove such dam or embankment within a further reasonable time, he shall forfeit and pay a sum of not less than twenty pounds nor more than fifty pounds; and if within a reasonable time after a third or any further conviction he shall still fail to remove such dam or embankment he shall for every such offence forfeit and pay a sum of fifty pounds.

Diverting water from reservoirs of Council in certain cases.

4. In any case in which the Council shall have the exclusive right of collecting for the supply of any reservoir or waterworks belonging to the said Council, or under their management or control, the storm-water having fallen on any gathering ground, whosoever shall, by any means whatsoever, divert any such water from the course of its natural flow, so that the same shall tend to flow elsewhere than to such reservoir or waterworks or some water-course leading thereto, or shall flow to the same respectively in a foul state, shall forfeit and pay for the first offence any sum not less than one pound nor more than twenty pounds, for a second offence any sum not less than two pounds nor more than forty pounds, and for a third and every subsequent offence any sum not less than five pounds nor more than fifty pounds.

PART VIII.

Severage and drainage.

No private sewers to be made to communicate with the public sewers without notice.

1. It shall not be lawful for any person, without notice to the Council, or otherwise than according to such plans and directions as such Council may make and give, to make or branch any private drain or sewer into any of the public drains, sewers, or channels, or into any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer into any of the said public drains or sewers, or into any drain or sewer communicating or to communicate therewith, without such notice, or otherwise than as aforesaid every person so offending shall for every such offence forfeit and pay any sum not exceeding five pounds.

Proprietors of private sewers, &c. to repair and cleanse same.

2. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council, at the costs and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed according to the direction of the Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds.

Disposal of sewage, &c.

3. The Council shall have power from time to time to enforce the adoption or alteration of any system, which to them may appear necessary, for the better regulation, disposal, or treatment of night-soil, sewerage or other drainage, and may suspend the use or further extension of any system which to them may seem detrimental to public health. Any person refusing to comply with any requisition made under this By-law after receiving notice from the Council or an officer under them, shall forfeit a sum not exceeding five pounds nor less than one pound for each offence.

Public Parks, &c.

Appointment of ranger.

4. The Council may appoint a ranger, bailiff, or overseer, over the reserves and other public places within the said Municipality, with powers and authorities necessary to enable him to perform his duties as they may from time to time think fit.

Ranger to protect reserves and remove disorderly persons.

5. The said ranger, bailiff, or overseer, or any officer of the Council shall protect the said reserves, and for that purpose shall remove or be at liberty to call in the aid of the police for the removal, by force if necessary, of any person or persons who shall be found committing a breach of these By-laws, or who shall by disorderly or insulting conduct cause annoyance or inconvenience to any person on the said reserves, or any of them, or going to or coming from the same; and such person so offending shall also forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Penalty for removing firewood and setting fire to timber, &c.

6. Any person who shall remove any firewood or timber from any of the said reserves, or who shall wilfully destroy or damage any of the said trees or shrubs growing thereon, or who shall wilfully set fire to any grass, tree, or shrub, or timber growing thereon, or shall injure any fence, gate, seat, or turnstile therein, shall on conviction before any two or more Justices of the Peace forfeit and pay a penalty not exceeding ten pounds.

Penalty for injuring dams, &c.—Injuring water.

7. Any person who shall injure or destroy any dam, well, fountain, or reservoir in any of the said reserves; or who shall wash any clothes, or the person, or any animal, or in any way pollute the water in any such stream, dam, well, fountain, or reservoir; or who shall bathe in any of the said waters (except such as may be set apart for bathing purposes, and during the hours appointed for such purposes), shall, on conviction before any two or more Justices of the Peace, forfeit and pay a penalty of not exceeding ten pounds.

Penalty for offending against decency.

8. Any person who shall offend against decency by the exposure of his or her person in any of the said reserves, or in view thereof, shall forfeit and pay a penalty of not exceeding ten pounds.

Penalty for erecting tents, &c., without permission.

9. No tents, booths, or stalls, shall be erected on any of the said reserves, without the consent of the Council first had and obtained, under a penalty of not exceeding ten pounds.

Penalty for horse-racing, &c.

10. No horse-racing or horse-breaking shall be allowed on any of the said reserves under a penalty not exceeding ten pounds.

Penalty for depositing rubbish and removing material.

11. Any person who shall deposit any rubbish on any of the said reserves, or who shall remove any rock, stone, earth, or other material therefrom, without the leave of the Council first had and obtained, shall upon conviction forfeit and pay a penalty of not exceeding ten pounds.

Power to grant right of pasturage, &c.

12. The Council may annually let from year to year, or for any less term, by public auction or by public tender, the exclusive right to depasture stock on, or to cut or remove grass from, all or any of the said reserves, and may delegate to any lessee power to impound any swine, goats, horses, sheep, or cattle straying thereon.

Power to grant right to cut timber, &c.

13. The Council may also annually let from year to year, or for any less period, by public auction or by public tender, the exclusive right to remove any trees, firewood, or timber not required for ornamental purposes from any of the said reserves; and they may make such regulations as may be necessary from time to time for the protection of trees and shrubs required for ornamental purposes.

Power to distrain and impound trespassing stock.

14. The Ranger or any other officer of the Council duly authorized in that behalf shall have power to distrain and impound any cattle or other stock found trespassing upon the said reserves or other public places, or any of them, and also to claim and demand and recover such damage (not exceeding ten pounds) in respect of such cattle or other stock so distrained or impounded as could or might be claimed by the owner of private land in respect of animals found trespassing and doing damage upon the same.

Penalty for crossing fences except by proper openings.

15. If any person shall cross, or pass or attempt to cross or pass any fence on or enclosing any of the reserves or other public places within the Municipality, otherwise than by the gates or other openings left for passage, he shall on conviction forfeit and pay a penalty for each offence of not exceeding five pounds nor less than five shillings.

Wilful trespass.

16. Every person who shall wilfully let in or knowingly suffer to enter upon the said reserves, or any of them, any animals, without due authority, shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding ten pounds nor less than one pound.

Penalty for persons causing annoyance in use of reserves.

17. Any person who shall unlawfully cause any annoyance or inconvenience to any other persons in the free use and enjoyment of the said reserves, or any of them, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

18. No person shall climb any of the trees, or shall climb any of the seats, or jump over or in any way get over or under any fence or rail erected in any of the said Parks or Reserves, or shall stand or lie on any of the seats therein.

19. No person shall cut any name, word, or mark on any of the seats, or buildings, or trees, or shall write thereon, or otherwise deface the same, or shall stick any bill on any such seat, or building, or any tree, fence, wall, pillar, or rail, in any of the said Parks or Reserves.

20. No person going in the direction of any path therein, shall walk on the grass bordering such path.

21. No person shall engage in any race or game, or train for any race or game, without the written permission of the Mayor or Council, or throw any stone or other missile, or light a fire in any of the said Parks or Reserves, or deposit thereon any rubbish or night-soil, or other offensive matter or thing, or any dead animal, broken glass, bottles, cast-off clothing, or litter of any kind, nor shall without such written permission discharge any firearms therein. Every person so offending may be forthwith removed from the said Parks or Reserves, and shall be liable to a fine not exceeding ten pounds.

22. No public meeting of any kind, or assemblage of persons together to the number of 12 or more for any purpose shall be allowed in any of the said Parks or Reserves without the written permission of the Mayor or Council first had and obtained, and every person in any such meeting or assemblage who being desired by any officer of the Council, or police officer, to depart from any of the said Parks or Reserves, shall refuse, or wilfully neglect to do so, may be forthwith removed from the said Parks or Reserves, and shall be liable to a fine not exceeding five pounds.

23. Every person in the said Parks or Reserves in a state of intoxication, or behaving in a disorderly manner, or creating, or taking part in any disturbance, or being a reputed thief, or wilfully injuring any building, fence, tree, shrub, flower, rail, wall, pillar, fountain, or seat, or other property therein, or removing any tree, shrub, flower, rail, lamp, or seat therefrom, or obstructing any officer or workman of the Council, or interfering, not being a player, with any game or sports therein, or swearing or making use of any profane or obscene language, or using insulting words or gestures towards any person, or otherwise misbehaving himself or herself, shall be forthwith removed from the said Parks and Reserves, and shall be liable to a fine not exceeding five pounds.

24. No performance or entertainment of any kind shall be permitted in any of the said Parks or Reserves without a written permission from the Council or Mayor.

25. No person shall depasture any horse, cattle, sheep, or stock of any kind in any of the Parks or Reserves without a written permission from the Council or Mayor. The owner of any goats or poultry found trespassing in the Public Parks or Reserves, without written permission of the Council or Mayor, shall be liable to a fine not exceeding £1 nor less than 1s. for each head so trespassing.

26. The Council may, with the consent of the Minister for Lands, or any other of Her Majesty's Ministers who may have charge of Public Parks for the time being set apart any portion or portions of the said Parks or Reserves not exceeding one-fourth, for the purpose of cricket, football, or any other lawful game or sports, and from time to time grant to any club, or association of clubs, upon such terms and conditions as the Council or a majority thereof may think fit, the use of the grounds so set apart, and authorize the erection, alteration, and removal by such club or association of clubs, of any building or pavilions thereon; but the Council, or a majority thereof, shall have power at any time to revoke such grant or authority, and to order the removal of such buildings, or pavilions, and nothing in such grant or authority shall limit or affect the right of entry or control over the said grounds by the Council, or their servants or agents.

27. Any person who shall be found committing any breach of any By-law affecting the said reserves, or any of them, in respect of which a penalty is not expressly provided for in this "Part" of these By-laws, shall forfeit and pay any sum not exceeding five pounds nor less than one pound.

PART IX.

By-laws for the Municipality of Manly, for carrying into effect the provisions of the "Nuisances Prevention Act, 1875."

1. No cesspit, closet, or pit to contain faecal matter, shall be allowed to be made. Every person about to erect an earth-closet shall, before he commences any such work, give to the Council Clerk seven days' notice, in writing, of his intention, and of the proposed position of such earth-closet; or in default thereof, or in the case of his commencing such work without such notice, he shall be liable to a penalty of not less than one pound nor more than five pounds.

2. No earth-closet shall be erected except in such position as shall be approved by the Inspector of Nuisances or other officer appointed by the Council, or shall be approved by the Council; and any person being guilty of a breach of this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

3. Every earth-closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide and 4 feet 6 inches long, and shall be provided with a door capable of being fastened from the inside, and shall be ventilated; and every person having or building a closet contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

4. Every earth-closet already built, or hereafter to be built, shall be provided with a galvanized-iron pail, capable of containing not less than six gallons, and having handles attached to two sides thereof, and also with a box or compartment containing dry earth or ashes, and provided with a pint scoop, to enable any person using the closet to throw a pint of dry earth or ashes through the seat into the galvanized-iron pail.

5. The owner of every house let to a tenant for a shorter term than one year, or his agent employed to let the house, shall be liable to a penalty of not less than one pound nor more than five pounds, for neglecting or refusing to supply the articles mentioned in section 4 of this "Part" of these By-laws.

6. When two or more closets adjoin each other there shall be a sufficient dividing brick or stone wall not less than 9 inches in thickness between every two closets, and such wall shall extend from the bottom of the closet through the roof of the closet, so as to effect a complete separation; and every person having or building closets adjoining each other contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

7. A separate closet shall be provided for every tenement; and a breach of this By-law shall make persons using a joint closet liable to a penalty of not less than one pound nor more than five pounds.

Number of closets for factories or where numbers of persons are employed.

8. In factories or other places where a number of persons shall ordinarily reside or be occupied or employed therein, one earth-closet shall be provided for every ten persons or under, and separate closets at the same rates shall be provided for either sex; and every owner, occupier, or tenant of any such factory or other place, and every other person who shall offend against this By-law or fail to provide the required number of earth-closets as stated in this By-law, shall forfeit and pay a penalty of not less than two pounds nor more than ten pounds.

9. Every closet shall be built in such a position that the same may be emptied without the contents being carried through any dwelling-house; and every person having or building a closet contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

10. If any alteration shall be requisite, in the opinion of the Inspector of Nuisances, or any officer appointed by the Council in that behalf, for preserving the public health or decency in the case of any existing closet, and the Council shall adjudge such closet to be either injurious to health, or opposed to decency by exposure or otherwise, the same shall be altered by such Inspector of Nuisances, or other officer, and the cost of such alterations shall be paid by the owner or occupier of the premises whereon the same shall be.

11. All night-soil shall be removed by the contractor to the Council in carts to be constructed in an approved and water-tight manner to the satisfaction of the Council, and between the hours of ten p.m. and five a.m. The contractor shall convey the same without delay to an appointed depot, and shall dispose of the same by burying in the earth to a depth of two feet from the top of the night-soil, and covering with earth, so as to prevent any nuisance. And any contractor neglecting to comply with this By-law shall forfeit and pay a sum not exceeding twenty pounds and not less than ten pounds for every such offence.

12. The place of deposit shall be in such locality as may be from time to time determined upon by the Council with approval of Governor.

13. Until otherwise provided by the Council, all night-soil from existing closets shall be removed from cess-pits by contract, in water-tight covered vehicles, between the hours of 11 o'clock in the evening and 5 o'clock in the morning.

14. Until, and unless otherwise provided by the Council, all night-soil shall be disposed of by burying it in the earth.

15. In case the Council shall sell or give away any night-soil, the same shall be removed in the same manner as above provided; and on being removed from the vehicles in which it is carried, shall be deodorized by chemicals, or in some other manner, or covered with earth, so as to prevent any offensive smell arising therefrom. Any person guilty of a breach of this By-law shall be punishable by a penalty of not less than one pound nor more than twenty pounds.

16. When any new building is about to be erected, the builder thereof shall first erect and fence off with a close paling fence five feet high on the premises a temporary closet, not less than three feet by two feet six inches, for the use of the workmen employed on such building; and any person neglecting to conform to this By-law shall be liable to a penalty not exceeding five pounds and not less than two pounds.

17. All earth-closets shall be emptied once in seven days, or oftener, and the contents buried in the earth; and every person infringing this By-law shall be liable to a penalty of not less than one pound nor more than two pounds.

18. No person shall be at liberty, without the permission of the Council, to use on his own premises any night-soil brought from elsewhere; and in the event of his so doing, he shall be liable to a penalty of not less than two pounds nor more than ten pounds.

19. The Council may recover such sums for the emptying of any closet as may be decided upon from time to time by resolution of the Council.

20. On and after the first day of January, in the year of our Lord one thousand eight hundred and eighty-nine, no persons shall be permitted to have in their premises an open closet or cesspit for the deposit of faecal matter, and any person or persons allowing any such closet or cesspit to remain after receiving seven days' notice to remove the same, shall forfeit a sum not exceeding five pounds nor less than one pound; and after such conviction, if not removed within a further period of seven days, shall forfeit a further sum not less than five shillings nor more than two pounds for every day that the same shall remain unaltered or unremoved.

21. The Inspector of Nuisances, or other officer appointed by the Council, may visit and inspect any premises, or do any work authorized by the "Nuisances Prevention Act 1875," therein, on all days except Sundays and public holidays, between the hours of 10 o'clock in the morning and 4 o'clock in the evening.

MANLY MUNICIPAL BATHS.

By-Laws to regulate Bathing in the Public Baths in the Municipal District of Manly.

WHEREAS it is necessary for the good rule and government of the Municipal District of Manly that provision should be made for regulating bathing and the conduct of persons using the public baths, and known respectively as the Manly Municipal Baths in the Municipal District of Manly: It is therefore hereby ordered by the Mayor, Aldermen, and residents of the Municipal District of Manly, in pursuance of the power and authority in them in that behalf vested, that the following By-laws shall be and the same are hereby passed:—

1. No public bath in the Municipal District of Manly shall be opened or kept open for the use of bathers, except between the hours of four in the morning and nine o'clock in the evening, on week days; nor on Sundays except between the hours of four o'clock in the morning and noon, unless by permission of the Council.

2. No person using or visiting any public bath in the Municipal District of Manly shall misconduct himself in any way therein, nor make use of any indecent, obscene, or offensive language, nor be guilty of any disorderly conduct therein.

3. No person shall, when in a state of intoxication, enter or remain upon any public bath within the said Municipal District of Manly, nor be guilty of any disorderly conduct therein.

4. No person visiting or using any public bath within the said Municipal District of Manly shall take with him or allow to remain therein any dog.

5. No person shall bathe in or use any public bath within the said Municipal District of Manly without paying the fee demandable from such person, and shall use a proper bathing costume.

6. The Manly Public Baths may be leased annually, or for a term of years.

7. The purchaser of every such lease shall within seven days from the date of purchase, and from time to time thereafter, pay into the funds of the Council or their agent the amount of the purchase-money or rent for six months in advance, and shall also execute the lease when called upon.

8. Such lessee shall also within the time specified in the above clause, provide two sureties who shall execute a bond to the Council in a penal sum to be fixed by the Council for the faithful discharge of all the covenants of the said lease, and all the expenses in connection with such bond and lease shall be paid by the said lessee.

9. The lessee shall from the date of his lease be entitled to receive and collect all fees and dues sanctioned by these By-laws, as in Schedule "A" hereunto annexed, and shall not demand or receive any other fee than those therein specified.

10. The lessee shall provide and have placed at convenient places at the baths, at least two life-buoys, and ropes for the same, and keep the same constantly ready and fit for use.

11. The lessee shall cause to be affixed near the said baths a notice board setting forth in plain letters the name of the baths and the lessee, the scale of charges, and a table of the hours when the baths are open to the public.

12. The lessee shall be responsible for the maintenance of good order of persons using the baths, and shall remove therefrom any person causing a disturbance, riot, or being guilty of cursing or swearing, or behaving in an indecent manner.

13. Every person guilty of a breach of these By-laws shall be deemed guilty of an offence, and shall be liable to a fine of not less than one shilling nor more than ten pounds, to be recovered before any Court of Petty Sessions.

SCHEDULE A.

Fees to be paid to the Lessee of Public Baths.

	£	s.	d.
For every person bathing.....	0	0	3
To bathe at any time during the hours defined for a weekly ticket.....	0	1	0
To bathe at any time during the hours defined for a monthly ticket	0	3	0
To bathe at any time during the hours defined for a quarterly ticket.....	0	7	6
To bathe at any time during the hours defined for an annual ticket	1	7	0

GENERAL.

Any person who shall commit any breach of, or offend against any of these By-laws, where no penalty has been named, shall, for such breach or offence, forfeit and pay any sum not more than forty shillings, and the same may be recovered before any Justice of the Peace.

The seal of the Municipal District of Manly was affixed in our presence, this twentieth day of December, 1888.

(L.S.) J. G. GRIFFIN,
Mayor.

THOS. CHAS. HAYLOCK,
Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES PREVENTION ACT, 1875.

(MUNICIPALITY OF COWRA—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 5th February, 1889.

COWRA MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Cowra, under the "Municipalities Act of 1867," and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

GEORGE E. DIBBS.

BOROUGH OF COWRA.—BY-LAWS.

BY-LAWS to regulate the proceedings of the Borough Council of Cowra, the collection of rates, and for the general good rule and government of the Borough.

Preamble.

Whereas it is expedient that provision should be made for regulating the proceedings of the Council of the Borough of Cowra, it is hereby ordered by the said Council, by virtue of the powers and authority vested in the said Council in that behalf, that the following shall be the By-laws and Standing Orders for regulating the proceedings of the said Council, &c.

PART I.

Meetings of the Council.

Ordinary Meetings.

1. The Council shall meet for the despatch of business at the hour of 7.30 p.m. every alternate Monday, unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor may appoint.

Election of Chairman in absence of Mayor—Adjournment for want of Quorum.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum the names of the members present shall be taken down, and shall be recorded in the minute-book.

Order of Business.

Business of Ordinary Meetings.

3. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.

2. Correspondence to be read, and if necessary ordered upon.
3. Petitions (if any) to be presented and dealt with.
4. Reports from Committees, and minutes from the Mayor (if any) to be presented and ordered upon.
5. Questions as to any matters under the jurisdiction or within the official cognizance of the Council, to be put and replied to; and statements as to any facts, matters, or circumstances requiring attention by the Council or any of its Committee or Officers to be made.
6. Matters which have been specially ordered to be placed on the business paper by the Mayor.
7. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.
8. Orders of the day to be disposed of as they stand on the business paper.

Business may be dealt with out of regular order.

4. It shall be competent to the Council, at any time, by resolution without notice, to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section; also in like manner to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

5. At special meetings of the Council the business, after the minutes shall have been read and verified, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor or the Aldermen, at whose instance such special meeting shall have been called, may have directed.

Business paper for ordinary meetings how prepared.

6. The business paper for every meeting of the Council, other than a special meeting, shall be made up by the Council Clerk or other person acting as his substitute not less than forty-eight hours before the day appointed for such meeting. He shall enter upon such business paper a copy, or the substance of every

notice of motion, and of every requisition, or order as to business proposed to be transacted at such meeting which he shall have received, or shall have been required or directed so to enter in due course of law, and as hereinafter provided. Every such entry shall be made subject to the provisions of section 4 of this Part of these By-laws in the same order as such notice, requisition, or direction shall have been received.

Business Paper for Special Meeting.

7. The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Alderman calling such meeting.

Summons to Members.

8. The summons to Members of the Council of every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How Business Paper is to be disposed of.

9. The business paper for each meeting of the Council shall, at such meeting be laid before the Mayor or Chairman, who shall cause a note to be made upon such business paper of the mode in which each matter entered thereon has been dealt with, and such business paper so noted shall be a record of the Council.

Notices of Motion, &c., to be numbered as received and preserved until matter disposed of, unless withdrawn before Business Paper made up.

10. All notices of motion and all requisitions from Aldermen, and directions from the Mayor, as to the entry of any particular matters of business for the consideration of the Council at its then next or any future meeting, shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the minute-book of the manner in which such matter has been so disposed of shall have been duly verified as required by section 3 of this Part of these By-laws. Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk, shall be at liberty to withdraw the same at any time before the making up of the business paper.

After Business Paper made up all notices, &c., to be the property of the Council.

11. After the business paper shall have been made up as aforesaid, all the said notices of motion, requisitions, and directions as to which entries have been made thereon shall be the property of the Council, and shall not be withdrawn, altered, or amended, without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

Motions and Amendments.

Motions—how to be moved.

12. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from such business paper, and be considered to have lapsed.

Absence of proposed mover.

13. No motion of which notice shall have been entered on the business paper shall, except as hereinafter provided, be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motions to be seconded.

14. No motion in Council shall be discussed unless and until it be seconded.

Amendments may be moved.

15. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

16. No motion or amendment shall be discussed until it shall have been reduced into writing, and shall not be withdrawn without leave of the majority of the Council.

Only one amendment at a time.

17. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended Questions—Further amendment may be moved thereon.

18. If an amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

19. If any amendment, either upon an original question or upon any question amended as aforesaid, shall be negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

20. No discussion shall be permitted on any motion for adjournment of the Council; and if, upon the question being put on any such motion, the same be negatived it shall not be competent for any member to make a like motion until the lapse of a quarter of an hour.

Orders of the Day.

Of what Orders of the Day shall consist.

21. The Orders of the Day shall consist of any matters other than motions on notice which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor or any Committee of the Council shall have directed to be entered on the business paper for consideration.

How they are to be dealt with.

22. The Alderman who has the usual charge of, or who has previously moved in reference to, the particular business to which any such Order of the Day relates, shall be the person called upon to move: Provided that the Mayor or Chairman for the time being may, as to any Order of the Day entered by his direction, arrange with and call upon any Alderman to move the same.

Petitions.

23. Any Alderman presenting a petition shall satisfy himself that the wording thereof is respectful and in order. The Council may at any meeting resolve, without previous motion, that any petition be received, and that the same be referred to a Committee for report, or that the requests therein contained be granted.

Correspondence.

Duties of Mayor as to correspondence.

24. The Mayor shall have the same duty in reference to letters addressed to the Council before directing the same to be read as by section 23 of this Part of these By-laws is imposed on Aldermen presenting petitions. The Mayor shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters addressed to the Council, or to have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 27 to apply to letters.

25. Section 27 of this Part of these By-laws shall be considered as fully applicable to letters addressed to the Council as to petitions.

Letters sent not to be discussed, but every letter may be subject to motion.

26. No discussion shall be permitted in reference to any letters which have been written and sent by the Mayor or by any officer of the Council, and copies of which may be read to such Council: Provided, however, that any notice of motion, consistent with good order, may be entertained with reference to any such letters, whether read or not, or with reference to any letters addressed to the Council which the Mayor or presiding Alderman may not have ordered to be read as aforesaid.

Form of report.

27. All reports from Committees shall be written on foolscap paper with a margin of at least one-fourth of the width of such paper and shall be signed by the Chairman of such Committee, or, in his absence, by some other member of the same.

Mayor's minute.

28. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance by a minute in writing. Every such minute shall be written on paper of the same kind and with the same margin as a report from a Committee, and shall be signed by such Mayor.

Report of Finance Committee on payment of accounts.

29. The adoption of the report of the Finance Committee on the payment of accounts shall take precedence of every other report.

Questions and statements.—Limitations as to questions and statements.

30. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of section 4 of this Part of these By-laws.

Notice to be given.

31. Four clear days' notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and, if necessary, for a reference to other persons or to documents.

Answers not compulsory.

32. It shall not be compulsory upon any person questioned as aforesaid to answer the question so put to him.

Questions to be put without argument, &c.

33. Every such question must be put categorically, without any argument or statement of facts.

Similar provisions as to statements.

34. Every such statement must be made without argument.

No discussion on question, &c., rights of objection, and of subsequent motion reserved.

35. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement, at any time when such question is put, or such reply or refusal to reply is given, or such statement is made.

Aldermen to stand while speaking, &c.

36. Every Alderman shall stand while speaking, and shall address the Chair; and all the members of the Council shall, on all occasions when in such Council, address or speak of each other by their official designation, as Mayor, Chairman, or Alderman, as the case may be; and no Alderman shall be interrupted while thus speaking unless for the purpose of calling him to order.

Aldermen not to speak more than ten minutes.

37. No Alderman shall speak twice on any motion or amendment without the consent of the Council, except when in Committee or in explanation where he shall have been misrepresented or misunderstood. The mover of every question shall have the right of reply: Provided that no Alderman speak upon any motion or amendment for a longer period than ten minutes.

Mover and seconder.

38. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but any Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Speaker not to digress, &c.

39. No Alderman shall digress from the subject under discussion, or shall make any personal reflection on, or impute improper motives to, any other Alderman.

Adjournment of debates.

40. A debate may be adjourned to a late hour of the day, or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned, shall be entitled to pre-audience on the resumption of the same.

Mayor to decide as to pre-audience.

41. If two or more Aldermen rise to speak at the same time the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

Aldermen may require questions to be stated, &c.

42. Any Alderman may require the question or subject under discussion to be read or the substance thereof explained to him at any time during the debate; but not in such a way as to interrupt any member while speaking or to unduly protract the proceedings.

Mayor or Chairman not to move or second motion, &c., but may address Council thereon.

43. The Mayor or Chairman shall not move or second any motion or amendment, nor put any question; but such Mayor or Chairman shall have the same right as any other Alderman to speak once upon every subject or amendment. The Mayor or Chairman shall rise when so speaking unless as in section 37, but shall be considered as still presiding.

Questions of Order.

Mayor may call Member to order.

44. The Mayor or Chairman for the time being when called upon to decide points of order or practice, shall state the provision, rule, or practice which he shall deem applicable to the case, without discussing or commenting on the same.

Discussion of points of order.

45. The Mayor or Chairman for the time being, when called upon to decide points of order or practice shall state the provision, rule, or practice, which he shall deem applicable to the case without discussing or commenting on the same.

Any Alderman may raise question of order.

46. Every member of the Council shall have the right of calling the attention of the Mayor or the Chairman to any motion, amendment, statement, argument or observation moved, used, or made by any other member which such first named member may consider out of order.

Aldermen using offensive expressions to apologise.

47. When any member of the Council shall make use of any language or expression offensive, or capable of being applied offensively, to any Alderman, the member so offending shall be required to withdraw such language or expression and to make an apology satisfactory to the Council.

Penalties for persisting in disorderly conduct.

48. Any member of the Council who shall have been called to order, and who, after having been twice directed to withdraw as aforesaid, shall refuse to do so, or who shall persist in any line of conduct or argument, or of observations which shall have been decided as aforesaid to be disorderly, or who shall refuse to make such explanation, retraction, or apology as aforesaid, when required to do so, or who shall be guilty of any other act of disorder, as defined in section 47 of this Part of these By-laws, and shall refuse to make such explanation, retraction, or apology as a majority of the Aldermen then present shall consider satisfactory, shall be liable, on conviction, for the first offence, to a penalty of not less than ten shillings nor more than five pounds; and on second conviction for the like offence he shall be liable to a penalty of not less than one pound nor more than ten pounds; and on the third conviction, and for every further conviction for the like offence he shall be liable to a penalty of not less than two pounds nor more than twenty pounds.

Mode of proceeding thereon.

49. A member called to order shall withdraw while the question of order is being discussed and decided upon, unless specially permitted to offer an explanation, retraction, or apology; but on obtaining such special permission such member may explain, retract, or apologise for the matter or remark alleged to have been out of order. And if such explanation, retraction, or apology be deemed satisfactory, no further discussion on the question of order shall be permitted. If any member, on being called to order, shall ask such permission to explain, retract, or apologise as aforesaid, the Mayor or Chairman may, of his own authority, grant or refuse such permission, as he may think fit, unless any member shall require the sense of the Council to be taken on this question. In such case it shall be the duty of the Mayor or Chairman to take the sense of the Council at once, and without discussion, as to whether such permission shall be granted. And when any such explanation, retraction, or apology shall have been made or offered by permission of the Mayor or Chairman, the latter shall in like manner decide, or, if required so to do, shall take the sense of the Council as to whether such explanation, retraction, or apology is considered sufficient. If such permission be refused, or if such explanation, retraction, or apology be considered insufficient, the question of order shall be considered and decided before any further business is proceeded with: Provided that if such Mayor or Chairman shall have decided the question of order before any member shall have required the sense of the Council to be taken in reference thereto, and such question of order shall not be reopened: And provided further that nothing herein contained shall be held to affect the right of such Mayor or Chairman to decide finally, as hereinbefore provided, upon any such point of order, after the same shall have been discussed.

Mode of Voting.

How questions to be put

50. The Mayor or Chairman for the time being shall put to the Council all questions on which it shall be necessary that a vote be taken, and declare the sense of the Council thereon, and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions—Penalty for refusing to vote.

51. Any Alderman may call for a division, and the votes shall be taken by a show of hands. In such case the question shall be put first in the affirmative, and then in the negative, and the names and votes of the Aldermen present shall be recorded. Any Alderman present when a division is called for, who shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

Protests.

Mode of protesting—Protests to be recorded, but may, under certain circumstances, be expunged.

52. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council; notice of the intention so to protest must, however, be given at the meeting when such resolution is passed or such vote is arrived

at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the minute-book, but if, in the opinion of the Council it be considered frivolous or disrespectfully worded, it may (by resolution) be ordered to be expunged.

Reports of Proceedings in Committee.

Want of quorum in Committee.

53. All reports of proceedings in Committee of the whole Council shall be made to the Council *viva voce* by the Chairman of such Committee; and a report of such proceedings shall be made in every case, except when it shall be found, on counting the number of members during the sitting of any such Committee, that there is not a quorum present. In the latter case the sitting of the Council shall be resumed without any motion for that purpose and the proceedings in Committee shall be considered to have lapsed: Provided that in making of any such report as aforesaid it shall not be necessary to report any such proceedings *in extenso* , but only to state the result, general effect, or substance of such proceeding.

How reports are to be dealt with.

54. All such reports of proceedings in Committee of the whole Council shall be recorded in the minute-book; but except as hereinafter mentioned, no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council until a motion shall have been made and passed for such adoption or for the granting of such leave. And every such motion for the adoption of a report or for the granting of leave as aforesaid and the order of debate on such motion shall be subject to all the same rules as other motions in Council and the order of debate on such motions: Provided, however, that where a report shall have been made under section 50 of this Part of these By-laws, of failure to vote on division, or of any decision in Committee upon any question of order, such report shall, so far as it relates to such facts, be regarded and recorded as a statement thereof; and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretext whatever.

Calls of the Council.

How call may be ordered.

55. A call of the Council may be ordered by any resolutions, of which due notice shall have been given for the consideration of any motion or matter of business before such Council.

Mode of proceeding—Such call compulsory in certain cases.

56. There shall, without any special order to that effect, be a call of the Council for the consideration of every motion which may be made under section 53 of this Part of these By-laws, and of every motion for the rescission of any resolution, order, or decision of such Council.

Mode of proceeding.

57. The call shall be made immediately before the motion or business for which such call has been ordered, or is required to be made by the last preceding section, shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all members in their alphabetical order; each member present shall answer to his name as so called; and if any members are absent a record shall be made of such absence; but if leave of absence to any such member shall have previously been granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse, and of the reasons for the same.

Penalty for absence without legal excuse.

58. Any member of the Council who, having had notice of a call of the Council, who being absent shall not be legally excused, or who if absent and not so excused, shall fail to show that by reason of extreme illness or any other sufficient cause he has been unable to send an excuse in writing, shall for every such offence be liable to a penalty of ten shillings.

Committees.

59. There shall be three Standing Committees—the Finance, Improvement or Works, and General Purposes and By-law Committee; and each Committee shall consist of three Aldermen, and may be called together at any time by direction of any one member of such Committee. These Committees shall be reappointed every year at the first meeting of the Council, which shall be holden after the election of the Mayor.

Committee of Works.

60. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, and bridges under the care and management of the Council, with the exception of any reserves set apart or dedicated by the Government and Executive Council for recreating or other public purposes. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

61. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to effect, or to be likely to effect, the finances of the borough, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

General purposes and By-law Committee.

62. The General Purposes and By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the borough. They shall also watch over the administration of the By-laws, and of any statute of which the operation has been or may be extended to the borough, and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or statutes, or for the preservation of public health, order, and decency.

Rules to be observed in Committee.

63. The rules of the Council shall be observed in a Committee of the Whole Council, except the rule limiting the number of times of speaking.

Special Committees.

64. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which, in the opinion of the Council, a Special Committee ought to be appointed; and no Standing Committee shall interfere with the performance of any duty which may, for the time being, have been entrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution after due notice, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein such members as in his opinion ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot. And in the event of its becoming necessary, through an equality of votes, to decide as to which of two or more Aldermen shall serve on such Committees, such Mayor or Chairman shall so decide.

Every Committee may take evidence.

65. Every Committee may take evidence upon any question or questions of fact, and a minute of such evidence or its substance must, in all such cases, be appended to these reports.

Chairman of Committees.

66. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee within seven days after their appointment.

Term of service in Committee.

67. Appointments to the By-laws Committee, the Committee of Works, and the Finance Committee shall be for the whole municipal year. The appointment of every Special Committee shall be considered to endure until the duties for which such Committee have been appointed shall have been fully performed: Provided, however, that nothing herein contained shall be held to affect in any way the right of such Committee to remove any Chairman of such Committee, or to appoint another such Chairman in his stead, or to militate against the general provisions as to Committees in sections 109 and 110 of the Municipalities Act of 1867; and that so much of this By-law as relates to the appointment, powers, and duties of Committees, shall be read and interpreted in connection with such last-mentioned general provisions.

Committee meeting, how called.

68. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman, or any two members of such Committee.

Records of transactions in Committee.

69. The Chairman of each Standing Committee shall make or cause to be made in a book kept by him for that purpose, memoranda or all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to the Mayor.

Expenditure.

Except in emergent matters, cost of all work to be estimated before undertaken.

70. With the exception of emergent matters hereinafter especially provided for, no work affecting the funds of the Borough shall be undertaken until the probable expense thereof shall have been first ascertained by the Council; and tenders for the execution of such work or the supply of such material shall be called for by public notice.

Emergent matters and necessary current expenses—Expenses authorised to be reported—Outlay to be in accordance with the orders of the Council.

71. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Committee for Works, or of the Mayor and one Member of such Committee, for repairs or emergent works, to the extent of five pounds.
2. By order of the Mayor for necessary current expenses, to the extent of ten pounds.

Provided, that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting; such report to be signed by the Chairman of the Committee of works or the Mayor.

All claims to be examined and reported upon by Finance Committee.

72. All accounts and demands of money against or from the Council, shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with each claim—Salaries and wages to be payable on Mayor's order—Certificate to be attached to Report.

73. No payment shall be so ordered unless there shall be a certificate or memorandum from the Committee or Mayor, showing that the demand is a legitimate one, and has been duly authorised or inquired into. It shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled, or to report specially as to the reasons for its non-fulfilment, before recommending payment. And provided further, that in regard to salaries and wages of labour for officers, servants, and labourers, employed at fixed rates of payment by order of the Council, the certificate of the Mayor of the amount due to such officer, servant, or labourer, and the order of such Mayor for payment of such amount, shall be a sufficient authorisation for such payment.

Common seal and records of the Council—Common seal and press—
How secured—Care of same.

74. The common seal and the press to which the same is attached, shall be secured by a cover or box, which, except when such seal and press are in use, shall be kept locked. There shall be two locks and keys of this cover or box, of which keys one shall be kept by the Mayor, and the other by the Council Clerk. Such common seal and press shall be in the custody and care of the Council Clerk.

When and how common seal to be used.

75. The common seal shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or in case of the absence or illness of such Mayor by two Aldermen, and countersigned by the Council Clerk.

Impression of seal not to be taken, &c., without leave of Council—Penalties.

76. No member or officer of the Council shall be at liberty to take any impression of the corporate seal, or to show, lay open, or expose any of the books or records of the Council to any person other than a member of the same, without leave from the Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable on conviction for the first offence to a penalty of not less than five shillings nor more than two pounds; for a second offence to a penalty of not less than one pound nor more than ten pounds; and for a third and every subsequent offence to a penalty of not less than five pounds nor more than twenty-five pounds.

How books of account, &c., to be kept.

77. All books, deeds, memorials, letters, documents, and other records of the Council, except as hereinafter mentioned, shall be kept at the Council Chambers in the custody and care of the Council Clerk, who shall be responsible for the safe custody of the same, but the Mayor or Council Clerk may, for any special purpose, authorise their removal.

Books, &c., not to be shown or exposed to view without leave.

78. No member or officer of the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person not a member of the Council, without the written permission of the Mayor. Any member or officer who shall commit a breach of this section shall be liable on conviction to a penalty of not less than ten shillings nor more than two pounds: Provided always that the rate-books shall at all reasonable times be open for inspection by ratepayers.

Records not to be removed.

79. Any person removing any such book, paper, or record from the Council Chambers, without leave from the Mayor or Council Clerk, in writing first had and obtained, shall be subject to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to affect

the further liability of any person who shall have received such book, paper, or record, and shall not have returned the same, to prosecution for stealing such book, paper, or record, or to an action at law for detention of the same, as the circumstances of the case may warrant.

Receipt for documents.

80. Every person removing any document or record with such consent as aforesaid, shall give a receipt under his hand for every such document, which receipt shall be carefully preserved among the records until the document or other record to which it refers shall have been returned, when such receipt shall be destroyed.

Penalty for destroying or defacing records.

81. Any person destroying or defacing, or wilfully, or improperly altering any books, papers, or records shall, for every such offence, be liable to a penalty of not less than five pounds nor more than twenty pounds.

82. All officers shall be appointed by ballot, and by an absolute majority of members then present; and in all cases when security is required, the sureties offered must be approved of by the Council, and it shall not be competent for the Council to accept as surety any of its members, or any person holding office under the Council.

83. No officer shall be appointed until a specification of his duties, and the amount of his salary shall be approved of by the Council, nor until one week's notice at least shall have been given in one or more of the local newspapers inviting applications for such appointment.

Mode of appointment.

84. Every such appointment shall be made by ballot in such mode as may at the time be determined upon.

Bonds for good conduct.

85. All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited with the attorney or bankers of the Corporation, as the Council may order.

Appointments of Officers, &c.

86. The officers of the Council shall be appointed annually; and the engagement of any officer may be determined at any time by a vote of a majority of the whole Council: Provided that one month's notice shall be given to every such officer whose services are to be so dispensed with, and that any officer may resign his appointment by giving to the Council one month's notice in writing of his desire and intention to do so: And provided further that nothing herein contained shall be taken or construed in any way to affect the powers of suspending officers, and of dismissing men for misconduct, vested in the Council by the 152nd section of the "Municipalities Act of 1867," 31 Vic. No. 12.

Exception.

87. Nothing herein contained shall be held to prevent the employment, as may be from time to time found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the borough.

Duties of the Council Clerk.

88. The Council Clerk shall attend at the office of the Council for the purpose of transacting the ordinary business of the Council on Tuesdays and Fridays from ten to twelve noon and three o'clock to five o'clock p.m.

89. The Council Clerk, in compliance with the "Municipalities Act of 1867," or by the present or any other By-law made thereunder, shall perform the following duties, namely:—

1. Attend all Council meetings.
2. Attend all Committee meetings if required.
3. Attend all Courts of Revision and Appeal.
4. Take notes of all meetings, and prepare reports of all Committees.
5. Conduct all correspondence ordered by the Council under the direction of the Mayor, and give all other officers instructions as directed by the minutes.
6. To see that all accounts are audited and the balance-sheet duly submitted twice a year within the times specified by law.
7. To see to the gazetting of all By-laws and necessary advertisements.
8. To see that the assessment books and the municipal lists and rolls are duly prepared, examine proofs of latter, and arrange for distribution of copies on payment to electors prior to the election.
9. Make all necessary arrangements for the elections, preparing all papers, &c., for presiding officers and poll clerks.
10. Prepare all bonds of officers, see that the guarantees are given and arrangements duly signed, &c., and reports sent to the Council.
11. Advise with the officers from time to time as to their duties and the mode of carrying them out.

12. See that all levels and names of streets have been duly advertised, as provided for by law, and authenticated by the Mayor's signature.
13. To bring under the notice of the Mayor any matter or thing requiring his prompt attention.
14. He shall likewise have charge of all records of the Council, except such books or documents as may be entrusted to any other officer of the Council, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council.

Duties of other officers or servants.

90. The duties of all other officers and servants of the borough, in addition to the duties which, by the present or any other By-laws thereunder, he may be required to perform, shall be defined by such regulations as may from time to time and in accordance with law be made.

91. Any officer or servant of the Council who shall be entrusted with the receipt of any moneys for the Council, shall not leave or retain in his hands any sum at any one time exceeding ten pounds of any such moneys, which must be paid to the Treasurer, or to credit at the Council's banking account, within forty-eight hours after receipt thereof, any such officer or servant offending against this By-law shall forfeit and pay a penalty not exceeding ten pounds.

Treasurer.

92. The Treasurer of the Council shall within forty-eight hours of receipt of moneys on behalf of the Council, or as soon as possible, deposit all such moneys in a Bank to be named by the Council, to the credit of the Council, and his cash-book and Bank pass-book, balanced, shall be laid before the Council at every meeting. He shall also lay his accounts before the Council at the first meeting of each quarter, or often if required.

How Books of Accounts are to be kept and Inspected.

93. The Treasurer shall keep such books of account and such records, statements, and memoranda of receipts and expenditure, in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of accounts, records, statements, and memoranda from time to time, to ascertain that the same are properly kept, and to report at once to the Council any act of neglect, or appearance of inefficiency which they may have discovered in the keeping of the same; also to report to the Council from time to time any changes which such Committee may think advisable in the mode of keeping the accounts.

94. The Treasurer shall have charge of such books of accounts and other records of the Council as are mentioned in section 93 of these By-laws, and shall be responsible for the safe keeping of the same; any other officer of the Council may have any other records thereof committed to his charge by an order of the Council, and in such case shall be responsible for the safe keeping of such records.

Special powers of Mayor.

95. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such return or statement, explanation, or information already given and on record, or unless the Council shall have expressly forbidden and dispensed with the preparation of such return or statement, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded, or may be either rendered *viva voce*, or put into writing as the Mayor may direct.

Complaints against Officers.

96. All complaints against officers or servants of the Corporation must be in writing, addressed to the Mayor, and must in every case be signed by the person or persons complaining. And no notice whatever shall be taken of any complaint which is not in writing, or which is anonymous. And such complaint as aforesaid shall be laid by the Mayor before the Council at the next meeting thereof which shall be holden after the Mayor shall have received the same, and shall be duly recorded.

Miscellaneous.

Leave of absence.

97. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of Council, adopted after due notice.

Draft of intended By-laws.

98. A draft of every intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by the Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same; and public notice shall be given as hereinafter provided, but such draft is so lying for inspection.

Motions for rescission of previous Orders, &c.

99. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been submitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same, or the passage, after due notice as herein-before provided, and in due course of law, of any By-law for the repeal or amendment of any other By-law.

Lapsed business.

100. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration may be ordered by resolution of the Council after due notice; and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Suits and prosecutions for penalties, &c.

101. Such suits or information for the enforcement of penalties for or in respect of breaches of the "Municipalities Act of 1867," or of any By-law made thereunder, or of any statute the operation of which may have been extended to the borough as may have been directed by the Council, shall be so commenced or laid by the solicitor of the borough, or by any officer named by the Council for that purpose, imposing the penalty sought to be enforced. And no suit shall be brought or information laid as aforesaid against any member of the Council, or auditor or servant, except on an express resolution of the Council.

How notices are to be published.

102. In all cases where public notice is or shall be required to be given by any By-law of any appointment, resolution, act, order, or regulation done, made, or passed, or proposed to be done or passed by the Council, or by any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same in some newspaper circulating in the borough.

Persons obstructing officers of the Council.

103. Any person or persons who shall obstruct any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing or performing, or going to perform, or returning from the performance of any duty or act under these By-laws, by using any threats, offensive language, hindrance, or insulting language towards the said officer, in any street, road, or other place within the said Borough, shall forfeit and pay for every such offence a penalty not exceeding ten pounds.

Mode of proceeding in cases not provided for.

104. In all cases not herein provided for, resort shall be had to the rules, forms, usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Power to suspend, temporarily, certain portions of this Part of these By-laws.

105. Any of the foregoing By-laws which relate to or effect the proceedings at meetings of the Council may be suspended *pro tempore* without notice in cases of emergency, if all the members of the Council then present shall deem such suspension necessary.

PART II.

Collection and Enforcement of Rates.

Rates when due and payable.

1. All rates levied and imposed by the Council shall be held to be due and payable on and after such days as the Council shall by resolution from time to time appoint.

Time and place of payment.

2. All such rates shall be paid at the Council Chambers during the hours appointed by the Council for that purpose.

Defaulters.

3. Every person not paying his or her rates as aforesaid within thirty days after the day so appointed for payment thereof shall be deemed a defaulter, and it shall be the duty of the Council Clerk to furnish the Mayor from time to time with a list of the names of all persons so in default.

Mayor to enforce payment.

4. It shall be the duty of the Mayor to take proceedings to enforce the payment of all rates in default by action at law.

PART III.

Preventing and Extinguishing Fires.

Fire or combustible materials, &c.

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible, or inflammable materials of any kind, in such a manner as to endanger contiguous buildings, shall, on conviction, for every such offence forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials; and every person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for forty-eight hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

2. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place, as or for the covering of any such stack any inflammable material, so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chutels in or upon such buildings or properties, shall forfeit on conviction for every such offence a penalty of not more than five pounds, and fails to remove such fence, stack, or covering, within a reasonable time after such conviction as aforesaid, shall be deemed guilty of a fourth offence against this By-law.

Setting fire to matter without notice.

3. Any person who shall wilfully set fire to any inflammable matter whatever in the open air within five yards of any dwelling-house or other building, or boundary or dividing fence within the said borough, without having given notice in writing to the occupiers of the land adjoining the land upon which such matter is, that it is his or her intention so to do; or between the hours of six in the afternoon of any day and six in the morning of the following day, shall for every such offence forfeit a sum not exceeding five pounds.

Fireworks.

4. Every person who shall light any bonfire, tar-barrel, or firework upon or within ten yards of any public or private street, or any public place, or shall discharge any fireworks without lawful cause within one hundred yards of any dwelling within the boundaries, shall forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

5. Every person who wilfully sets, or causes to be set on fire any chimney-flue, smoke vent, or stove pipe, herein called a "chimney" shall forfeit a sum not exceeding five pounds.

Burning shavings, &c., in the street.

6. Any person who shall burn any shavings, rubbish, or any other matter or thing, in any road, street, lane, or public place within the said borough, or who shall, within ten yards of any dwelling-house, burn rags, bones, corks, or other offensive substance, shall for every such offence forfeit and pay a sum not exceeding forty shillings.

Placards not to be affixed on walls without consent.

7. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, house, fence, or other erection, or deface any such wall, house, fence, or erection with chalk, paint, or other matter, unless with the consent of the owner thereof; and every person who shall be guilty of any such offence shall pay a sum not exceeding twenty shillings.

Licensed water-carts.

8. Every owner and driver of a licensed water-cart, shall keep such cart loaded with water during all times after sunset and before sunrise, and shall if any building, premises, or other property be on fire within the borough attend at the place of such fire with such cart loaded with water, and shall continue to cart water by full loads to such place, and shall deliver such water in such manner as shall be required by the Mayor, or by any Alderman, or officer or person duly authorized by the Council in that behalf, and then present, for extinguishing such fire. And every such owner or driver who shall, without reasonable excuse, fail to comply with the provisions of this section, shall forfeit a sum not exceeding five pounds.

9. There shall be paid out of the funds of the borough to the owner of every licensed water-cart who shall have attended with water at the place of any such fire as hereinafter provided, and delivered the same as required, such reasonable compensation as the Council shall have appointed in that behalf, and also to such owner of such cart as shall have first in order attended with loads of water at the place of such fire, such further sum by way of reward as the Council may have determined.

10. The Council shall from time to time license to ply within the borough such carts for carrying and sale of water as shall upon inspection be found fit for that purpose. Every such cart or vessel contained therein for the holding of water for sale shall be capable of containing not less than fifty gallons, and shall have the name of the owner and the words "licensed water-cart" painted on such cart in legible letters.

11. Every such license shall be issued on the written application of the owner thereof, in which application shall be set forth the name and surname and place of abode of the applicant; and for every such license there shall be paid to the Council the sum of two shillings and sixpence; and every such license shall be in force until the 31st December next ensuing, after the granting of said license.

12. Every person hawking or carrying water for sale or hire, otherwise than in a licensed water-cart as aforesaid, shall, upon conviction, be liable to a penalty not exceeding one pound.

PART IV.

Streets and Public Places—Public Health and Decency, &c.—Streets, &c.

New roads to be reported on.

1. No new public road, street, way, reserve, or other place proposed to be dedicated to the public, shall be taken under the charge and management of the Council until after such road, street, way, or reserve shall have been examined by the Committee for Works and reported upon to the Council by such Committee.

Plans of proposed new road, &c., to be deposited.

2. When any proprietor or proprietors of land within the said borough shall open any road, street, or way, or lay out any park or other place for public use or recreation, through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, reserve, or other place, he or they shall furnish the Council with a plan or plans signed by himself or themselves, showing clearly the position and extent of such road, street, way, reserve, or other place as aforesaid.

Dedication of new roads, &c.

3. If the Council determine to take charge of any such road, way, or other place as aforesaid, the plan or plans so signed as aforesaid, shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument dedicating such road, way, reserve, or other place to public use or recreation as aforesaid as may be considered necessary by the Committee for Works, and such instrument of dedication shall also be preserved as a record of the Council.

[Committee for Works to fix street levels, &c.]

4. The Committee for Works or any officer or person acting under the supervision of such Committee, shall, subject to such orders as shall from time to time be made by the Council in that behalf, fix and lay out the levels of all public roads, streets, and ways within the Borough, and the carriage and foot ways thereof; and it shall be the duty of such Committee, officer, or person to place posts at the corners or intersections of any such public roads and streets, and of the carriage-ways and foot-ways of such roads and streets wherever the same may be considered necessary or desirable by the Council: Provided that there shall be no change of level in any such public road, street, or way until the same shall have been submitted to and adopted by the Council as hereinafter directed.

Change of street levels.

5. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section showing the proposed cuttings to be exhibited at the Council Chambers for fourteen days, for the information and inspection of ratepayers and shall notify by advertisement in some newspaper circulating in the Borough that such plan is so open to inspection; and no objections thereto shall be entertained by the Council unless made within twenty-one days after such notice shall have been given. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman, and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk, and such plan and section so signed and countersigned shall be a record of the Council.

Noxious weeds.

6. Any person appointed by the Council may enter upon any land within the said Borough, and for that purpose may break open gates, or take down or remove fences, to extirpate the weed known as Bathurst burr or other noxious weed: Provided always that if any gate be broken or fences removed the same shall immediately after the work then required to be done be restored to their former condition as nearly as may be, and the expenses of extirpating such weeds and restoring such fences may be recovered as an ordinary debt from the owner or occupier of such lands. Any person hindering or obstructing any

person so appointed as aforesaid shall for every such offence be liable to a penalty of forty shillings. All owners or occupiers of property within this Borough shall remove and burn all Bathurst burr, or other noxious weed upon lands owned, rented, or occupied by them; and any owner, tenant, or occupier neglecting to comply with this By-law, after fourteen days' notice from any officer of the said Borough requiring him to remove and burn such weeds as aforesaid, shall be liable to a penalty not exceeding five pounds.

No turf, gravel, &c., to be removed from streets, &c., without permission.

7. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed any turf, clay, sand, soil, gravel, stone, or other material, or any road scrapings, or sweepings, in or from any part of the carriage or foot way of any street or any other public place within the said Borough, without leave first had and obtained from Council, or who shall wantonly break up or otherwise damage any such carriage or foot way, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds.

Holes to be enclosed.

8. Any person or persons who shall dig or make, or cause to be dug or made any hole, or leave or cause to be left any hole adjoining or near to any street or public place within the said Borough for the purpose of making any vault or vaults, or the foundation or foundations to any house or building, and shall not first enclose the same and keep the same enclosed in a good and sufficient manner to the satisfaction of the Committee for Works of the said Borough, or shall keep up or cause to be kept up and continued any such enclosure for any time which shall be longer than shall be absolutely necessary in the opinion of the said committee, and shall not place lights upon each side of the said enclosure and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not exceeding five pounds.

Open spaces and steps adjoining footways to be enclosed under penalty.

9. Every owner or occupier of any house, building, or premises or land within the said Borough having any entrance, area, garden, or other open space, or any vacant building lot, waterhole, or excavated space, adjoining the footway of any street or public place in such Borough, shall protect the same by good and sufficient rails, fences, or other enclosures, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land having any steps adjoining the footway of any such street or public place shall in like manner protect and guard the same by fences, rails, or other enclosure so as to prevent the like danger to persons passing and repassing; and on failure thereof such owner or occupier shall, as often as he or she shall be convicted of such offence, forfeit and pay a sum not more than five pounds. And every such owner or occupier as aforesaid, who shall fail to erect such fence or other enclosures as aforesaid, shall be deemed guilty of a further offence against this By-law within seven days after such conviction.

Cellars or openings beneath the surface of footways prohibited.

10. No person to have any cellar or any opening, door, or windows, in or beneath the surface of the footway of any street or public place within the said Borough, and any person offending against this By-law shall, on conviction, forfeit and pay any sum not exceeding five pounds over and above the expense of filling up, remedying, or removing such cellar, opening, door, or window.

Covering in wells.

11. That every person who shall have a well, underground tank, cesspit, or cistern on his or her premises in the said Borough shall well, securely, and permanently cover the same, and every day during which such well, underground tank, cesspit or cistern shall remain not so covered shall constitute an offence under this By-law.

Temporary stoppage of traffic for repairs.

12. The Committee for Works, or any officer or person acting under the authority of such Committee, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

13. Any person who shall haul or draw, or cause to be hauled or drawn, upon any part of any street or public place within the said Borough, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrow, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or trail

upon any part of such street or public place to the injury thereof, or to hang over any part of such vehicle or barrow, so as to occupy or obstruct the street beyond the breadth of the said vehicle or barrow, shall upon conviction forfeit and pay for every such offence a sum not more than forty shillings over and above the damage occasioned thereby.

Driving carriages, &c., on footways, and throwing filth, &c.

14. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remove any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing in or upon the carriage-way or footway of any street or other public place in the said Borough, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal, in or so near to any such street or other public place as that any blood or filth shall run or flow upon or over, or be on any or either of any such carriage or footways, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said footways of any such street or public place, any waggon, cart, dray, sledge, or other carriage, or any wheelbarrow, handbarrow, or truck, or any hogshead, cask, or barrel, or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast upon any such footways, shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, for the second offence a sum not exceeding five pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound.

Rain not to be carried on to footpaths.

15. It shall not be lawful for any person whomsoever to carry, by means of pipes, gutters, or other contrivances, any rain water from the roof of his or her premises or house upon any of the footways of any street or public place within the said Borough; or any owner or occupier of such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances when required to do so by any officer of the Council, shall on conviction forfeit and pay any sum not exceeding ten shillings, and a like sum for every day or part of a day that the same shall not be remedied or removed: Provided that the owner or occupier of any such house or premises may convey any such rain water by means of pipes laid under the surface of such footways into the gutters adjoining the same. And provided also that such pipes shall be laid down to the satisfaction and under the superintendence of the officer appointed by the Council.

Placing carriages, goods, &c., on the footways.—Not removing when required.—Replacing the same after removal.—Not to prevent awnings being erected in front of shops.

16. Any person who shall set or place, or cause or permit to be set or placed, any stall, board, chopping block, show board (on hinges or otherwise), basket wares, merchandise, casks, or goods of any kind whatsoever; or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon or over any carriage or foot way in any street or public place within the said Borough, or shall set out, lay, or place, or shall cause or procure, permit or suffer, to be set out, laid or placed, any coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or other carriage, upon any such carriage-way, except for the necessary time of loading and unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set and placed, in or upon, or over any such carriage or foot way any timber stones, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as herein directed) or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or other building or premises, or any other matter or thing from and on the outside of the front or any other part of any house or other building or premises, over or next unto any such street or public place, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances, or other proper officer of the Council; or if any person who having, in pursuance of any such requisition as aforesaid, removed or caused to be removed any such stall-board, show-board, chopping block, basket wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheelbarrow, sledge truck, carriage, timber, stones, bricks, lime, meat, offal, or other matters or things, shall at any time thereafter again set, lay, or place, expose, or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-board, show-board, chopping block, basket wares, merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheelbarrow, handbarrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid) in, upon, or over such carriage or foot way of or next unto any such street or public place as aforesaid, shall upon conviction for every such offence forfeit and pay for

the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound. Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house in such manner as that such awning shall be at least eight feet above the height of the footway, and that the posts be placed close to the kerb-stone or outer edge of such footway, and a plan must be submitted to the Council prior to its erection, and approved of.

Riding on drays, careless driving, &c.

17. If the driver of any waggon, wain, cart, or dray of any kind, shall ride upon any such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse or driver, or guided with reins only excepted); or if the driver of any carriage whatsoever shall wilfully be at such a distance from such carriage, or in such a situation whilst it shall be passing upon such street, that he cannot have the direction and government of the horse or horses, or cattle drawing the same, or if the driver of any waggon, cart, dray, or coach or other carriage whatsoever, meeting any other carriage, shall not keep his waggon, cart, dray, or coach, or other carriage, on the left or near side of the road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care upon such street; or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings.

Riding or driving furiously, &c.

18. Any person who shall ride or drive through or upon any street or public place within the said Borough, so negligently, carelessly, or furiously, that the safety of any other person shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding ten pounds.

Swine, &c., not to wander about streets, &c.

19. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure situate and being in or within forty yards of any street or public place in the town boundaries, or who shall suffer any kind of swine or any horse, ass, cattle, mule, sheep, goat, geese, or any other animal of like nature belonging to him, or under his charge, to stray or to go about, or to be tethered or depastured in any street, road, or public place within the town boundaries, shall forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings, or be liable to have the same impounded under the Impounding Act Further Amendment Act of 1881.

20. That it shall not be lawful for any person to drive any mob of horses or cattle or flock of sheep into any part of the said Borough for the purpose of depasturing the same, nor shall it be lawful for the driver of any mob of horses, or cattle, or flock of sheep, within any part of the said Borough under a penalty or sum not exceeding one shilling per head of horses and cattle, and one penny per sheep found to trespassing, which sum with costs may be recovered before any two Justices of the Peace, as other penalties under these by-laws: Provided that nothing in this by-law shall prevent mobs of travelling horses, cattle, or flocks of sheep from passing through on the travelling stock reserved road, or camping on reserves set apart for that purpose within the said Borough.

Blasting Rock.

No rock to be blasted without notice to the Council Clerk.

21. Any person who shall be desirous of blasting any rock within one hundred yards of any street or public place, or dwelling house in the said Borough, shall give notice, in writing, twenty-four hours previously to the Council Clerk, who shall appoint a time when the same shall take place, and give such other directions as he may deem necessary for the public safety; and if any person shall blast or cause to be blasted any rock within the limits aforesaid without giving such notice, or shall not conform to the directions given to him by the said Council Clerk, he or she shall on conviction forfeit and pay for every such offence any sum not more than five pounds.

Public Property.

Injuring or extinguishing Lamps.

22. Any person who shall wantonly or maliciously break or injure any lamp or lamp post, or extinguish any lamp set up for public convenience in the said Borough, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for every offence any sum not less than one pound nor more than five pounds.

As to damaging buildings.

23. Any person who shall damage any building, toll-gate, toll-bar, toll-board, wall, parapet, fence, sluice, bridge, culvert, sewer, watercourse, or other public property within the said Borough, shall pay the cost for repairing the same, and if such damage be wilfully done shall forfeit and pay a sum not exceeding twenty pounds.

17—B

Planting trees.

24. Upon application any ratepayer may obtain permission from the Council to plant trees opposite his or her premises on any street or road within the Borough, subject to such conditions as the Council may approve of.

Damaging trees.

25. Any person who shall wilfully and without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, growing in or upon any street or place under the management of the Council, shall forfeit any sum not exceeding ten pounds nor less than one pound.

Obstructing public pathways.

26. That the owner or occupier of any land situate on the side of any street or road in this Borough, who shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any path or footway on the side of any such street or road, so as to obstruct the passage thereof, and who on demand made by the Council, or their overseer or inspector, shall not cut or cause to be cut, lopped or cause to be lopped, all such trees, shrubs, or plants, to the height of eight feet at least, the said Council and their servants, labourers, and workmen may cut, or cause to be cut or lopped all such overhanging trees, plants, and shrubs, and to remove or burn any portion of such trees, plants, or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council, or their servants, labourers, or workmen, in the due execution of the powers given in this behalf by virtue of the "Municipalities Act of 1867," every person so offending shall on conviction for every such offence forfeit and pay any sum not exceeding ten pounds.

Injuring public fountain, &c.

27. Any person who shall injure any public fountain, pump, cock, water-pipe, or any other thing connected with the preservation or supply of water to the Borough or to any portion thereof, shall forfeit and pay the amount of such damage, and any further sum not exceeding twenty pounds; and any person who shall bathe and wash himself, or shall wash any clothes or other articles at or in any reservoir, channel, fountain, or basin provided for public use, or who shall in any other way foul the water preserved or used for the purpose aforesaid, shall forfeit and pay any sum not exceeding one pound.

Obstructions.

Dead animals, &c., not to be thrown into any public watercourses, &c.

28. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning, into any public watercourse, sewer, waterhole, creek, or canal, or who shall suffer slops, suds, or any filth of any kind to flow from his or her premises over any of the footways or streets within the Borough of Cowra, or shall cause or permit, or cause by means of pipes, shoots, channels, or other contrivances, filth of any kind whatever to flow into any public watercourse, waterhole, river, creek, canal, pond, or pathway, or shall obstruct or divert from its channel any sewer or watercourse, river, creek, or canal, shall forfeit any sum not exceeding five pounds.

Dead animals—Mode of removal.

29. If any animal shall die in any part of the said Borough, and the owner of such animal, or the occupier of the place, if private property, where such animal shall have died, shall not cause such animal to be immediately destroyed by fire, or as effectually removed and disposed of that no nuisance can possibly result therefrom in any part of the said Borough, shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than two pounds.

Drains, &c.

30. All drains whatsoever, and the water-closets, earth-closets, privies, cesspools, and ash-pits within the Borough of Cowra, shall be constructed so as not to be a nuisance or injurious to health, and so that there shall be no overflow, soakage, or leakage therefrom, and every cesspool within the said Borough which shall be formed or made below the surface of the ground, shall be also constructed so as that the water-tight walls or sides thereof shall project on all sides at least six inches above the surface of the ground in which such cesspool shall be formed or made.

Private passages, yards, ways, and premises.

31. All private passages, yards, right-of-ways, and other premises within the Borough of Cowra shall be kept in such a state, in respect of cleanliness, as not to be a nuisance or injurious to health.

Removal of house refuse.

32. The occupier of any house, building, or premises within the Borough of Cowra shall cause the yard and ground adjacent or belonging thereto to be kept in a cleanly condition, and so as not to be a nuisance or injurious to health, and shall cause all dust, mud, ashes, rubbish, filth, or other such refuse matter

produced or accumulated on such premises, to be collected in one place, in such yard or ground, and to be kept there in an inoffensive condition, and so that the same shall not be productive of any nuisance, and shall cause all such refuse matter so collected to be from time to time removed from such ground or premises as often as such refuse matter shall amount to a quantity equal to one cubic yard. And if at any time the occupier of any premises shall neglect or fail to have such rubbish or refuse matter removed as aforesaid, the Inspector of Nuisances shall cause the same to be removed at the expense of such occupier. Nothing contained in this By-law shall be construed or taken to prevent the occupier of any premises from causing any manure, ashes, or other refuse matter as aforesaid, produced or accumulated thereon, to be kept for the purpose of being used for manure, on any garden or on any land: Provided such manure, ashes, or other refuse matter shall not, previous to the removal thereof for use as manure on any garden or land, be kept less than fifty yards from any dwelling-house, shop, or other building, or so as to be a nuisance or injurious to health.

Proprietors of private sewers, &c., to repair and cleanse same.

33. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council, at the costs and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong, and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed, according to the directions of the said Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds.

Natural watercourses.

34. Any person who shall close or intercept any natural watercourses, by building or otherwise, shall provide another outlet for the surface water with pipes or sewers of a size and in a manner to be approved by the Council, and any person failing to comply with the provisions of this By-law shall forfeit and pay a sum not exceeding fifty pounds nor less than five pounds.

35. Any person who shall wash or cause to be washed any wool, hides, skins, or otherwise, in any creek or watercourse within the said Borough shall forfeit and pay a penalty of not less than one pound nor more than ten pounds.

Stables, cowsheds, and pigstyes.

36. The occupier of any land within the Borough of Cowra, on which there shall be erected any stable, cow-yard, cattle shed, or pigstye shall cause such premises to be kept in such a state, in respect of cleanliness, as not to be a nuisance or injurious to health, and shall cause all dung, soil, or manure produced or accumulated thereon to be collected in a place (to be approved of by the Inspector of Nuisances) in the yard of such premises, and to be there in an inoffensive condition, and so as not to be productive of any nuisance; and shall cause such dung, soil, or other manure to be, from time to time, removed from such premises. And if at any time the owner or occupier of any such premises shall neglect or fail to have such dung, soil, or other manure removed therefrom as aforesaid, the same shall be removed by the Inspector of Nuisances or other officer at the expense of such occupier.

Deposit of rubbish, manure, &c.

37. No person shall deposit, or cause or suffer to be deposited, in or by the side of any street, or on any road, street, or right-of-way, lane, passage, water channel, or gutter, or in any creek, river, or reservoir, or in any other public place within the Borough of Cowra (not being a manure depot duly appointed by the Borough Council as a place for the deposit of manure, rubbish, or other such refuse matter) any dust, mud, ashes, rubbish, filth, offal, manure, liquid manure, dung, or soil, and no person shall deposit, or cause or suffer to be deposited on any land, field, or garden within the said Borough any night-soil, blood, offal, or other offensive matter or thing without the written consent of the Mayor or Council, and any such offensive matter or thing which shall with such consent of the said Mayor or Council be so deposited, shall be, immediately on the deposit thereof covered over by the person depositing the same with such a quantity of earth as will at once prevent the escape of any noxious or offensive effluvia from any such manure, soil, or other offensive matter before mentioned: Provided that nothing contained in this By-law shall be construed or taken to prevent the use as manure, for any garden or land, of the contents of any earth-closet, or any other privy or closet where such contents are deposited on any such field or land in a perfectly leodorized state, and so as not to cause nuisance or offence either at the time of the deposit of such contents or afterwards.

Notice to proprietors.

38. Upon complaint being lodged at the Council Chambers that the yards, closets, or drains of any premises is or are a nuisance or offensive, and after inspection such shall be found to be the case, notice shall be given in writing to the proprietor or tenant of such premises to remove or abate su-

nuisance within forty-eight hours after such notice. And if after such notice the nuisance shall not be removed or abated, the proprietor or tenant of the said premises shall be liable to a penalty not exceeding forty shillings nor less than twenty shillings.

39. Upon complaint being lodged at the Council Chambers the Inspector of Nuisances or other officer may at all reasonable hours, with or without assistants, enter into and inspect any buildings, stall, or place, kept or used for the sale of butchers' meat, and examine any carcass, meat, flesh, fish, or other perishable article of food which may be therein, and in case any such article shall appear to him to be intended for human food, but unfit, the same may be seized by him. And if it shall appear to a Justice of the Peace (upon evidence taken before such Justice) to be unwholesome, he shall order it to be destroyed, and the owner thereof, or other person in whose custody it was found, shall be liable to a penalty not exceeding forty shillings nor less than ten shillings.

Cleansing butchers' shambles, slaughter-houses, &c.

40. For preserving the cleanliness of the said Borough, and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or any other officer or officers appointed by the Council, from time to time, and when and as often as he or either of them shall see occasion to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, fellmongering establishments, and manufactories in the said Borough, and to give such directions concerning the cleansing of the said shambles, slaughter-houses, tanneries, and establishments and manufactories, both within and without, as to him or them shall seem needful; and any butcher, or the owner or occupier of any such shamble, slaughter-house, tannery, establishment, or manufactory, who shall refuse or neglect to comply with such directions within a reasonable time shall forfeit and pay a sum not exceeding ten pounds.

Complaints respecting dirty premises, &c.

41. Upon the complaint of any householder that the premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other officer appointed by the said Council shall make an inspection of the premises complained of, and the officer of the said Council shall have the full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose; and any person who shall personally, or by a person in his employment or under his control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter, in any cellar or place within any dwelling-house or premises within the said Borough, or shall in like manner suffer the contents of any water-closet, privy, or cess-pool to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound.

Various obstructions and annoyances.

42. Every person who in any street or other public place or passage within the said Borough, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences, shall on conviction for any and every such offence forfeit and pay a penalty of not more than two pounds:—

Every person who shall hoist, or cause to be hoisted, or lower or cause to be lowered, goods of any description from any opening in the house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcass or any part of the carcass of any newly-slaughtered animal, without a sufficient and proper cloth covering the same, for the concealment from public view, or shall hawk or carry about butcher's meat for sale, without covering the same as aforesaid.

Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon, to the danger or annoyance of any person.

Every person who shall place any flower-pot in any upper window, near to any street, or public place without sufficiently guarding from being thrown down.

Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or building is being erected, pulled down, or repaired).

Every blacksmith, whitesmith, anchormsmith, nail-maker, metal-founder, lime-burner, brickmaker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window and closing such aperture, and placing a screen before the same every evening within one hour after sunset so as effectually to prevent the lights from showing through the doorway, window, or aperture next or upon such street, lane, or passage.

Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right-of-way or use of any private yard, alley, street, or any other place within the said Borough.

Premises in State to Endanger Public Health.

Houses to be purified on certificate of two medical practitioners.

43. If upon the certificate of any two duly qualified medical practitioners it appears to the Council that any house, or part thereof, or the premises occupied in connection therewith, within the limits of the said Borough, is or are in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, or purifying of any house, or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, or purify the same, as the case may require; and if the person to whom such notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

Offences against Public Decency.

Bathing prohibited within certain limits.

44. Any person who shall bathe near or within view of any inhabited house, or of any public wharf, quay, bridge, street, road, or other place of public resort within the limits of the said borough, between the hours of seven in the morning and seven in the evening, shall on conviction forfeit and pay a sum not exceeding one pound for every such offence.

PART V.

MISCELLANEOUS.

Public Exhibitions, &c.

Exhibitions, &c., to be licensed.

1. No exhibition other than exhibitions licensed by the Colonial Secretary under the provisions of the Act 14 Victoria No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit within the said Borough, nor shall any bowling-alley, skittle-alley, or other place of public amusement other than a place licensed as aforesaid, or a place for temporary amusement hereinafter specially provided for to be used as such for hire or profit within the said Borough, unless and until permission in writing be granted by the Mayor, or in his absence by two Aldermen.

No exhibitions, &c., on Sundays, &c.

2. No such exhibition or place of public amusement as aforesaid shall be held or kept open or used for the purposes of such public amusements on Sunday, Christmas Day, or Good Friday; and every person offending against this By-law in this behalf shall on conviction forfeit and pay a sum not exceeding five pounds for every such offence.

Wilful trespass.

3. Every person who shall wilfully let in or knowingly suffer to enter upon the reserves or public recreation ground any animals without due authority shall be deemed guilty of wilful trespass and shall be liable for every such offence to a penalty not exceeding twenty pounds.

Penalty for destroying boundary marks.

4. Any person pulling down, destroying, defacing, or injuring any marks, or any fence, or other erection without the authority of the Council, shall forfeit and pay any sum not exceeding ten pounds.

Erection of houses, &c.

5. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place in the Borough without first serving notice in writing on the Mayor or Council Clerk, on any lawful day, between the hours of eight o'clock, a.m., and eight o'clock, p.m., stating such intention, and describing the proposed situation of the building or erection, and without having received an authority from the Mayor or Council Clerk, who will give the required level and alignment if in a proclaimed street, on a payment of a fee of ten shillings. No person shall be at liberty to encroach beyond the building line in any street or lane, by the erection of houses, fences, or any other obstruction whatever.

6. It shall be lawful for any person by the permission of the Council to erect in front of his or her premises either verandah or balcony, plans of said verandah or balcony to be submitted to the Council for approval.

Houses, &c., to be spouted.

7. All proprietors of houses within the Borough having a frontage to any main thoroughfare shall be bound to have the same sufficiently spouted with downpipe, to be carried under the surface of the footpath into the gutter, under a penalty of ten shillings on conviction; and if not remedied at the expiration of seven days after such conviction, the offender shall be again liable to a like conviction and penalty also for every succeeding seven days.

Using bark for building in the main thoroughfares.

8. No person shall erect any building of bark or roofed with that material or with calico within the populous parts of the town, except by express permission of the Council, and then for a temporary purpose only; any person so offending shall on conviction be liable to a penalty not exceeding ten pounds, to be recovered in a summary way, and shall be bound to remove the aforesaid building within such period as the Council may determine.

Notice of erection of closet to be given to the Council Clerk.

9. Every person who shall be about to erect or provide any closet or closets, shall, before he commences any such work, deliver to the Council Clerk a notice in writing of his intention to erect or provide such closet or closets; and no person shall erect or commence to erect or provide any closet or closets except in such place or position as shall be approved of by the Inspector of Nuisances or other officer as aforesaid; any person or persons offending against this By-law shall in each case forfeit and pay a penalty of not less than five shillings nor more than two pounds.

Size of closets and pans.

10. Every closet to be erected shall be built with walls not less than seven feet high, and not less than three feet six inches wide, and five feet long, and shall be provided with a door opening inwards, capable of being fastened inside; the seat with the receptacle for earth pan to be at least three feet long by eighteen inches wide, internal measurement, so as to easily take and be removed from thereunder a pan not exceeding fourteen inches high by fourteen inches across the mouth, and with handles on outer sides. Any person who shall erect or provide any earth closets which shall not be in accordance with this By-law shall forfeit and pay a penalty of not less than ten shillings nor more than two pounds.

Separate closets.

11. In dwelling-houses where the number of persons who shall ordinarily sleep therein shall exceed twelve, a separate closet shall be provided for every twelve persons or fraction of twelve; a separate closet shall be provided for every tenement. In factories where a number of persons shall be employed separate closets shall be provided for each twelve persons of each sex, and in schools separate closets shall be provided for each sixteen scholars of each sex, with a door to fasten on the inside. Where two or more adjoin each other there shall be a dividing-wall between each to effect a complete separation. In schools, factories, and adjoining tenements this shall be a brick or stone wall, and any person being guilty of a breach of any of the provisions of this By-law shall be liable to a penalty of not exceeding five pounds nor less than five shillings.

Cesspits not to be constructed.

12. From and after the passing of these By-laws no person shall construct any open closet or cesspit for the deposit of any faecal matter upon any premises whatever within the Borough, but shall provide, where required, earth closets in conformity with the provisions of these By-laws; and any person offending against this By-law shall in each and every case forfeit and pay a penalty of not less than two pounds nor more than five pounds.

Existing cesspits shall be allowed to remain as such until condemned.

13. All existing cesspits shall be allowed to remain as such until it is deemed advisable by the Council that any or all of such shall be discontinued or shall be condemned by the Council as a nuisance, on the report of the Inspector of Nuisances or other officer of the Council; and any person or persons allowing any such condemned closets or cesspits to remain after receiving at least seven (7) days' notice to remove same, shall forfeit a sum not exceeding five pounds nor less than one pound, and after such conviction, if not removed within a further period of seven days, shall forfeit a further sum not less than five shillings and not more than two pounds for every day that same shall remain unaltered or unrecovered.

Cesspits to be emptied before covered up.

14. No person shall cover up or cause to be covered up any existing cesspit with earth or other material prior to giving notice to the Inspector of Nuisances, until the same shall be properly emptied by the Council or their contractor. Any person being guilty of a breach of this By-law, shall be liable to a penalty not exceeding ten pounds nor less than two pounds.

Alterations to be made if required.

15. If any alteration shall be requisite in the opinion of the Inspector of Nuisances, or other officer appointed by the Council in their behalf, for preserving public health or decency in case of any existing cesspit or closet, and the Council shall adjudge such cesspit or closet to be injurious to the health or opposed to decency by exposure or otherwise, and the owner or occupier shall not make the necessary alterations after receiving seven days' notice from the Council Clerk, it shall be lawful for the Inspector of Nuisances or other officer appointed by the Council to remove the said nuisance, and any expense incurred thereby may be sued for and recovered in a summary way from the owner or occupier before any two or more Justices of the Peace.

Pans or receptacles.

16. Every receptacle used in earth-closets to hold faecal matter or urine shall be subject to the approval of the Inspector of Nuisances or other officer as aforesaid; and any person who shall continue to make use of any receptacle after the expiration of forty-eight hours from the receipt by him of a written notice from such Inspector or other officer of his disapproval thereof, and indicating the kind of receptacle which should be substituted, shall be liable to a penalty of not less than ten shillings nor more than five pounds.

Deodorant to be kept in closet.

17. The occupier of every house, building, or other tenement, shall at all times cause to be kept in the privy or closet belonging thereto a supply of dry powdered earth, ashes, lime, or some other material efficient and sufficient for deodorizing the nightsoil deposited therein: And any person who shall not after a written notice from the Council make provision in accordance with this By-law, shall be liable to a penalty of not less than five shillings nor more than two pounds.

Deodorant to be used daily.

18. The occupier of every house, building, or other tenement, shall deposit or cause to be deposited in the closet pan, or cesspit belonging thereto, at least once in every twenty-four hours a quantity of dry powdered earth, ashes, lime, or other efficient deodorizing material sufficient to deodorize the excreta therein; any person offending against this By-law after a written notice from the Council to comply with same, shall upon conviction forfeit and pay a penalty not exceeding ten shillings, and for the second or any subsequent offence not less than ten shillings nor more than forty shillings.

Charges, and how recovered.

19. The Council shall from time to time fix the charges to be made for emptying and removing nightsoil from closets, which shall be emptied as often as may be necessary in the opinion of the Inspector of Nuisances, and all such charges shall be paid to the Council or to the contractor or other person as the Council may from time to time appoint, by the owner or occupier of the premises whereon such cesspit is situated, within one week after a written demand of the amount, made by the Council, or the contractor or other person, as the case may be, shall have been made upon him, otherwise the same, with any additional charges occasioned by such non-payment, may be recovered in a summary way before any two or more Justices of the Peace.

Amount of charges.

20. The following shall, until such times as the Council shall see fit by resolution to alter the same, be legally chargeable, and shall be repaid to the Council as expenses incurred in carrying into effect the provisions of the "Nuisances Prevention Act, 1875."

For attendance on and emptying one closet-pan in every week for thirteen weeks, if paid in advance five shillings (5s.)

For attendance on and emptying one closet-pan, if paid upon first demand—sixpence.

For attendance once in each and every week upon owner and occupier in addition to first such attendance, demanding or collecting any amount due by such owner or occupier where such overdue amount does not exceed two shillings—two-pence; and for each and every sum of one shilling in excess of first two shillings—two-pence.

For attendance upon and emptying cesspit for each and every cubic foot of nightsoil, &c., removed, if paid in advance—eight-pence.

For attendance upon and emptying cesspit for each and every cubic foot of nightsoil removed, if paid on first demand—nine-pence.

For attendance once in each and every week upon owner or occupier in addition to first such attendance, demanding or collecting any amount due by such owner or occupier, for removing nightsoil from cesspits in respect of each and every sum of two shillings and six-pence—three-pence.

Hours of removal of nightsoil.

21. Until otherwise provided by the Council, all night-soil shall be removed in water-tight covered vehicles, between the hours of ten o'clock in the evening and five in the morning; and if any person shall remove any nightsoil at any other time than is provided by the By-law of the Council, he shall forfeit and pay a penalty of not less than one pound nor more than five pounds.

Inspector authorized to enter upon premises.

22. It shall be lawful for the Inspector of Nuisances or other officer duly appointed by the said Council to demand admission into and upon the premises from the owner or occupier upon any lawful day between the hours of 10 a.m. and 5 p.m. to inspect any premises within the said Borough for the purpose of carrying out the provisions of the Nuisances Prevention Act aforesaid, the said Inspector of Nuisances, or any other person duly appointed by the said Council, shall have full power without any other authority than this By-law to go on any such premises for the purpose of making any such examinations or inspections.

Proof of right of entry.

23. Every person employed by the Council to remove or assist in removing night soil from any premises in the Borough whether as servants of the Council, or as contractors thereunder or as servants of such contractors, shall provide himself with a certificate under the hand of the Inspector of Nuisances or other officer authorized in that behalf and countersigned by the Council Clerk (and by the contractor, if employed by one), which shall contain the name and place of abode of the holder, and shall produce such certificate when required by any officer of the Council or member of the Police Force of New South Wales, or any householder on whose premises he may be; and any such person in possession of such a certificate which shall not be true in every particular shall be liable to a penalty not exceeding five pounds nor less than ten shillings.

Obstructing officers.

24. Any person or persons obstructing the said Council or their appointed officers or servants of the contractors or contractor, or any or either of them in the execution of their duty in any way or manner, shall be liable to a penalty not exceeding ten pounds nor less than five shillings, in accordance with the provisions and powers contained in the "Nuisances Prevention Act, 1875."

Inspector to make return of dues.

25. The Inspector of Nuisances shall furnish the Council with a fortnightly return, showing the number of cesspits emptied and earth closets attended to; the amount due and payable for each cesspit and earth-closet attended on, and the amount of arrears due for emptying cesspits and attending on earth-closets, and the amounts due for other charges hereunder. He shall also collect the amounts due and payable and account for same to Council at least once in seven days, or oftener, if required to do so by the Mayor for the time-being.

PART VI.

Public Vehicles.

License.

1. No vehicle shall ply for hire, nor shall any person act as the driver or conductor of any such vehicle within the Borough, unless licensed in the manner hereinafter described, and that separate license shall be taken out for each driver and each vehicle, and no transfer of any license for any such vehicle shall be obtained without permission of the Council.

Schedule A.

2. Before any license for plying a vehicle, or to drive or conduct the same shall be granted, the party requiring such license shall obtain from the Council Clerk, free of charge, a requisition in the form Schedule A hereto, or to the like effect, and shall duly fill up and sign the same and deliver it to the Council Clerk; and in the case of drivers and conductors, shall obtain a certificate from two respectable ratepayers to the effect that the applicant is of good character, and competent to act as such driver or conductor as the case may be. And meetings for the purpose for granting such license shall be held by the Mayor and Aldermen at the Council Chambers on such days as they may determine.

Vehicles in bad condition.

3. No license shall be granted in respect of any vehicle which, in the opinion of the By-law Committee, or of the Mayor and any two Aldermen, shall be unsafe or in bad repair, or otherwise unfit for the accommodation and conveyance of passengers.

Form of License, Schedule B.

4. Licenses for proprietors, drivers, or conductors of vehicles shall be in the form of Schedule B hereto or to the like effect.

License to continue in force to December 31st.

5. Every license granted under these By-laws shall be in force from the date of such license until the thirty-first day of December then next ensuing, and no such license shall include more than one vehicle. Provided that where the licensed vehicle shall be under repair, if the proprietor shall so desire, he may be permitted to substitute another for a period to be thereby specified by indorsement on the license, under the hand of the Council Clerk.

Renewal of Licenses.

6. Licenses may be renewed each year by indorsement thereon, under the hand of the Council Clerk for the time being.

Fee for Licenses, Schedule C.

7. For every such license and renewal thereof there shall be paid to the Treasurer of the Borough, for the benefit of such Borough, the several rates set forth in the Schedule C hereto.

Licenses how made out.

8. All licenses shall be made out by the Council Clerk, and numbered in such order as he may think fit.

Not to part with or lend vehicle or license.

9. No proprietor shall be at liberty to part with or lend his license, nor to part with his licensed vehicle to any person, without the knowledge and approval of the Mayor, and the registry of the name of the purchaser in the books of the Council Clerk, and on the license granted for such vehicle; and any proprietor who shall part with his vehicle without such approval and registry shall be deemed the proprietor thereof, and subject as such to all the provisions of this By-law as fully as if no change of ownership had taken place; and the purchaser of such vehicle who shall allow the same to be used or ply for hire without such approval or registry shall be subject to the same penalty as is imposed by this By-law for plying without a license.

Who shall be deemed owner.

10. The person or persons in whose name or names a license shall appear to have been obtained shall be deemed the owner of the vehicle in respect of which the same shall have been taken out.

License may be revoked or suspended.

11. The license of the proprietor, driver, or conductor of any vehicle may be revoked or suspended by the Mayor, as he shall deem right (after three days' notice in writing given to such proprietor, driver, or conductor to show cause why the same should not be revoked or suspended, and opportunity thereupon given to show such cause) in case either the proprietor, driver, or conductor shall have been convicted of two-offences against this Part of these By-laws committed within a period of eight months next preceding.

SCHEDULE A.

A Requisition for License.

To the Borough Council of Cowra.

I, _____, residing in _____ street, do request that a license may be granted to me to _____ No. _____, within the said Borough.
Dated _____ 188 _____

SCHEDULE B.

License.

This is to certify that _____ is hereby licensed to _____ a certain _____ No. _____ within the Borough of Cowra, from the date hereof to the thirty-first day of December next, subject nevertheless to all and every the By-laws, Rules, and Regulations in force relating thereto.

Given under the common seal of the Borough Council of Cowra, this _____ day of _____ 188 _____

Council Clerk.

Mayor.

SCHEDULE C.

Table of Rates to be paid.

	s.	d.
For vehicle	10	0
For driver	2	6
For conductor.....	2	6

PART VII.

Carts.

Licenses for carts.

1. The Council may, from time to time, license to ply for hire within the said Borough carts approved of by the By-law Committee for any or either of the following purposes, namely, drawing wood, water, wash-dirt, quartz, earth, stone, gravel, timber, bricks, or for any other purpose, whether hired by the day or by the load, and whether driven by the owner or by any person in the owner's employ. Licenses may also be granted for the drivers of such carts to such persons as may be approved of by the By-laws Committee; such licenses to be personal to the grantee, and not transferable, but the license for any cart may be transferred with the cart to any person on approval as aforesaid, and for every such license, &c.

Application for license.

2. Every such license shall be granted on the written application for the same of the owner, or if there be more owners than one, of some one owner of the cart to be licensed, and in every such application shall be set forth truly the name and surname and place of abode of the applicant; and the like shall be set forth in the license when granted, which should be in the form of Schedule B hereto, or to the like effect; and any person who shall wilfully omit from any such application any particular hereby required to be stated therein, or shall wilfully state anything falsely touching any such particular, shall forfeit a sum not exceeding five pounds.

Numbering, &c., of licenses and carts.

3. Every such license for a cart shall be numbered and registered by the Council Clerk, and shall be in force from the date thereof until the 31st day of December then next ensuing, and the owner named in any such license shall cause to be painted or marked, and to be kept so painted or marked, on some conspicuous place on the right or off side of the cart thereby licensed, the name of the Borough, with the number of such license, in legible letters and figures, one inch in length, and of a proportionate depth, and the words "licensed cart" in the like letters; and every such owner who shall omit or fail to comply with the provisions of this section shall forfeit a sum not exceeding forty shillings; and every such license for a driver shall be made out in the form of Schedule C, and shall be exhibited on demand to any person authorized for that purpose by the Council.

Plying for hire, &c., without license, &c.

4. If any owner of any cart permit the same to stand or ply for hire within the Borough without having a license in force for such cart, licensing or authorizing such standing, plying for hire, or use respectively within such Borough, or if any person is found within such Borough standing or plying for hire with any cart for which no such license is in force, or without having the name of the Borough and the number of such license, and the words "licensed cart" displayed on such cart openly and in manner herein provided, and every person acting as driver of any licensed cart so plying as aforesaid without holding a driver's license, every such person so offending shall, on conviction, forfeit a sum not exceeding forty shillings.

Leaving cart unattended, &c.

5. If the driver of any cart shall leave the same unattended, in any street, whether public or private, or shall go for a distance of more than two yards from the side of such cart, being in any such street, without passing through the rear wheel or wheels thereof a suitable chain or chains so as effectually to prevent the rotation of such wheel or wheels, whether in any such case such cart be hired or not, such driver shall in every such case forfeit a sum not exceeding forty shillings for such offence.

Lights for carts.

6. The driver of every cart which shall during the hours after sunset of any day and before sunrise of the following day be in any street or public place within the said Borough, shall keep a light attached or suspended from the off or right side of such cart, so as to be plainly visible to the driver of any carriage proceeding along or through such street or place in a contrary direction to that in which such first mentioned cart shall be directed, and every driver who shall fail to comply with this section shall forfeit a sum not exceeding forty shillings.

Interpretation.

7. The word "cart" shall for the purposes of this Part of these By-laws include every waggon, dray, or other such carriage, whatever be its construction, drawn by horses or other animals, used for any of the purposes hereinbefore described.

SCHEDULE A.

Table of charges for carters licenses :—

	s.	d.
For cart.....	5	0
For driver.....	1	0

SCHEDULE B.

Borough of Cowra, Cart License No.

Issued to _____ subject nevertheless to all the By-laws, Rules, and Regulations in force relating thereto. Given under the common seal of the Borough Council of Cowra, this _____ day of _____ 18 _____.

Council Clerk.

Mayor.

SCHEDULE C.

Borough of Cowra, Driver's License.

Issued to _____ subject nevertheless to all the By-laws, Rules, and Regulations in force relating thereto. Given under the common seal of the Borough Council of Cowra, this _____ day of _____ 18 _____.

Mayor.

Council Clerk.

The foregoing By-laws were made and passed by the Borough Council of the Borough of Cowra, in Council assembled, this third day of January, one thousand eight hundred and eighty-nine.

By order of the Council,— L.S.) GEORGE CAMPBELL,
Mayor.

FRANK S. FLINT,
Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES PREVENTION ACT, 1875.

(MUNICIPALITY OF MACDONALDTOWN—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 7th February, 1889.

MACDONALDTOWN MUNICIPALITY.—BY-LAWS.

The following By-Laws, made by the Council of the Municipal District of Macdonaldtown, under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Acts.

GEORGE R. DIBBS.

MUNICIPAL DISTRICT OF MACDONALDTOWN.

BY-LAWS for regulating the proceedings of the Council of the Municipal District of Macdonaldtown, and the duties of the officers and servants of such Council; for preserving order at meetings of the said Council; for determining the times and modes of collecting and enforcing payment of rates; for preventing and extinguishing fires; for suppressing nuisances; for preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling-alleys, and other places of amusement; compelling residents to keep their premises free from offensive or unwholesome matters; opening new public roads, and ways; aligning and cleansing roads and streets; regulating the supply and distribution of water, sewerage, and drainage; preserving trees and shrubs; preventing or regulating the bathing or washing the person in any public water near a public thoroughfare; preserving public decency; providing for the health of the Municipality, and against the spreading of contagious or infectious diseases; restraining noisome and offensive trades; and generally maintaining the good rule and government of the said Municipality.

PART I.

Proceedings of the Council and Committees—Preservation of order at Council meetings—Duties of officers and servants, &c.

By-laws repealed.

1. All existing By-laws of the Council of the Municipal District of Macdonaldtown, published in the Government Gazette from time to time prior to the adoption of the following, be and are hereby repealed.

Meetings of the Council.

Ordinary meetings.

2. The Council shall meet for the despatch of business at the hour of half-past 7 p.m. on every alternate Monday, unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor may appoint.

Election of Chairman in absence of Mayor—Adjournment for want of quorum.

3. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present may proceed to elect, from among themselves, a Chairman for such meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down, and shall be recorded in the Minute Book.

Order of Business.

Business of ordinary meetings.

4. The following shall be the order of business at all meetings of the Council other than special meetings:—

- (1.) The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
- (2.) The reading of official correspondence.
- (3.) The presentation of petitions.
- (4.) Reports brought up from Committee, or otherwise, and minutes by the Mayor.
- (5.) Motions of which notice has been given.
- (6.) Orders of the day.
- (7.) Questions of which four days' notice has been given, and no other questions can be asked.
- (8.) Such other business as may lawfully be brought before the Council.

Order of Debate.

Mode of addressing the Council, &c.

5. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way, or for any other purpose, address observations to the Council, shall, while so doing, stand up in his customary place

(unless he shall be prevented from so doing by reason of some bodily infirmity), and shall address himself to the Mayor, or other Chairman then presiding: Provided that in the case of a question, such question may, by permission of such Mayor or Chairman, be put directly to the Alderman or officer to be questioned, and may be replied to in like manner; but in every such case the question so put and the answer thereto shall be subject to every legal objection, on the ground of disorder or irrelevancy. And all members of the Council shall, on all occasions, when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted, if in order.

6. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Limitations as to number of speeches, &c.

7. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion, and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than the mover of such original motion, shall have a right to speak once upon such motion, and on every amendment thereon. No Alderman shall speak oftener than once upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain, without adding any further observations than may be necessary for the purposes of such explanation.

8. Every Alderman shall confine his remarks to the subject before the Council.

9. No Alderman shall make any remarks of an offensive or personal nature upon any Alderman or officer of the Council.

10. No member shall speak longer than ten minutes on any subject under debate, except it be the mover of any motion; and he shall not speak for a longer period than fifteen minutes, unless by the consent of the Council previously obtained.

Motions and Amendments.

Motions—how to be moved.

11. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from such business paper, and be considered to have lapsed.

Absence of proposed mover.

12. No motion of which notice shall have been entered on the business paper, shall, except as hereinafter provided, be proceeded with in the absence of the Alderman by whom such notice shall have been given; unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

13. No motion in Council shall be discussed unless and until it be seconded.

Amendments may be moved.

14. When a motion in Council shall have been made and seconded any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

15. Every motion or amendment shall be reduced into writing and signed by the mover.

Only one amendment at a time.

16. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended question—further amendment may be moved thereon.

17. If an amendment be carried the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

18. If any amendment, either upon an original question or upon any question amended as aforesaid, shall be negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Mover and seconder.

19. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

20. The Council shall vote by a show of hands, and every Alderman present shall be compelled to vote excepting the Mayor or Presiding Alderman.

Any Alderman may divide Council.

21. It shall be competent for any Alderman to divide the Council on any question, both in full Council and in Committee of the whole Council, and upon such division those who are upon the affirmative side shall seat or range themselves on the right hand of the Mayor, and those who are on the negative side shall seat or range themselves on his left; and no Alderman shall leave his seat or place till the names of the Aldermen and how voting shall have been taken down by the Council Clerk, or person officiating for him.

Divisions to be entered on minutes.

22. All divisions of the Council shall be entered on the minutes of the proceedings.

Question to be read when required.

23. Any Alderman may require the question or matter under discussion to be read for his information, and upon such request, the question or matter under discussion shall be read.

Divisions—penalty for refusing to vote.

24. Any Alderman shall be at liberty to call for a division; in such case the question shall be put first in the affirmative and then in the negative; and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for, and shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than ten shillings, nor more than five pounds.

Motions for adjournment.

25. No discussion shall be permitted on any motion for adjournment of the Council; and if, upon the question being put on any such motion, the same be negatived, the subject then under consideration, or the next in order on the business paper, or any other on such paper that may be allowed precedence, shall be discussed before any subsequent motion for adjournment shall be receivable.

Debate may be adjourned.

26. A debate may be adjourned to a later hour of the same day or to another day.

Alderman adjourning debate entitled to precedence on resumption.

27. The Alderman upon whose motion any debate shall be adjourned shall be entitled to precedence on the resumption of the debate.

Motions to be in writing, and not withdrawn without leave.

28. The Council Clerk shall put every motion into writing, which shall be signed by the mover, and every motion when seconded and read by the Clerk shall be considered the property of the Council, and shall not be withdrawn without leave of the Council.

Petitions—how received.

29. All petitions shall be received only as the petitions of the parties signing the same.

How petitions are to be dealt with.

30. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received, or that it be received and referred to one of the permanent Committees hereinafter mentioned; or that it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable, be considered in order.

31. All petitions shall be presented by an Alderman and read by him to the Council, he previously having ascertained that it contains no language or other matter in any way disrespectful to the Council; and no petition shall be received unless its reception be moved, seconded, and carried.

Petitions and correspondence may be dealt with without previous notice.

32. The Council may at any meeting resolve without previous notice that any petition be received, and that the same or any correspondence read be referred to a Committee.

Mayor to preserve order.

33. The Mayor shall preserve order, and may at any time call to order any Alderman who may appear to him to be out of order.

Calls to order.

34. Any Alderman may at any time call the attention of the Mayor to any Alderman being out of order or to any other point of order.

Mayor's decision on points of order final.

35. Every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor thereon shall be conclusive.

Mayor may take part in proceedings.

36. The Mayor may take part in all the proceedings of the Council.

Questions put by the Mayor.

37. The Mayor shall put all questions, first in the affirmative and then in the negative, and may do so as often as may be necessary to enable him to determine the sense of the Council thereon, and thereupon he shall declare his decision, which shall be final, unless a division be called for.

Mayor to decide as to precedence of Aldermen.

38. If two or more Aldermen rise to speak at the same time, the Mayor shall decide which of them shall be entitled to precedence.

Council Clerk to give notice of Committee meetings.

39. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman or any two members of such Committee.

Standing and Special Committees.

Standing Committees.

40. There shall be six Standing Committees, namely, a By-law Committee, a Committee for Works, a Finance Committee, a Lighting Committee, a Dairies Committee, and a Nuisances Prevention Committee. These Committees shall be reappointed every year at the first meeting of the Council which shall be held after the election of the Mayor.

By-law Committee.

41. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the Municipality. They shall also watch over the administration of the By-laws, and of any statute of which the operation has been or may be extended to the Municipality; and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or Statutes, and for the preservation of public health, order, and decency.

41. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. The Works Committee shall have the general direction of all works ordered or sanctioned by the Council; they shall also inquire and report from time to time as they may be directed by resolution of the Council, and as to such improvements or repairs as they may think necessary. The Lighting Committee shall have the general direction of all matters in connection with the lighting of the Municipality. The Dairies Committee shall have the general direction of all matters in connection with the dairies within the Municipality, and the carrying out of the Dairies Supervision Act. The Nuisances Prevention Committee shall inquire and report from time to time as to such improvements they may think necessary in carrying out the provisions of the Nuisances Prevention Act.

All claims to be examined and reported upon by Finance Committee.

42. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Chairman of Committee.

43. Every Committee, of which the Mayor shall not be a member, shall elect a permanent Chairman of such Committee within seven days after their appointment.

Reports of proceedings in Committee.—Want of quorum in Committee.

44. All reports of proceedings in Committee of the whole Council shall be made to the Council, *vis a vis* by the Chairman of such Committee; and a report of such proceedings shall be made in every case, except when it shall be found, on counting the number of members during the sitting of any such Committee, that there is not a quorum present. In the latter case the sitting of the Council shall be resumed without any motion for that purpose, and the proceedings in Committee shall be considered to have lapsed: Provided, that in making of any such report as aforesaid, it shall not be necessary to report any such proceedings *in extenso*, but only to state the result, general effect, or substance of such proceedings.

How progress may be reported, &c.

45. Any Alderman may at any time during the sitting of a Committee of the whole Council move that the Chairman report progress (or no progress, as the case may be), and that leave be asked to sit again at a later period of the same day, or on any further day; or that no leave be asked to sit again; and if any such motion be carried, the Council shall resume its sittings, and a report shall be made accordingly; but no discussion shall be permitted on any such motion, and if the same be negatived, the subject then under consideration shall be discussed before another such motion shall be receivable.

Rules observed in Committee of the Whole, except, &c.

46. The Rules of the Council shall be observed in a Committee of the Whole Council except the rule limiting the number of times of speaking.

Report of Committee to be signed by Chairman.

47. Every report of a Committee shall be signed by the Chairman thereof.

Duration of Special Committee.

48. The appointment of Special Committees shall continue until the specific duty for which they shall have been appointed shall have been discharged: Provided that such Committees may at any time be dissolved by vote of the Council.

Mayor's minute.

49. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance, by a minute in writing. Every such minute shall be written upon paper with the same margin as a report from a Committee, and shall be signed by such Mayor.

Miscellaneous.

50. No motion to rescind a resolution, or to affect it in any shall be put upon the business paper, unless by consent of the majority at a Call of the whole Council.

51. A Call of the Whole Council may be ordered by resolution, of which due notice has been given.

Leave of absence.

52. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of the Council, adopted after due notice.

Motions for rescission of previous orders, &c.

53. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been submitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same, or the passage, after due notice, as hereinbefore provided, and in due course of law of any By-law for the repeal or amendment of any other By-law.

Lapsed business.

54. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration may be ordered by resolution of the Council, after due notice; and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Decision of points of order.

55. The Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice which he shall deem applicable to the case, without discussing or commenting upon the same.

Motions out of order to be rejected.—Members to explain, retract, or apologize, &c.

56. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be rejected; and whenever anything said or done in Council by any Alderman shall be similarly decided to be out of order, such Alderman shall be called upon by the Mayor or Chairman to make such explanation, retraction, or apology, as the case may require.

Penalties for persisting in disorderly conduct.

57. Any member of the Council who shall have been called to order, and who, after having been twice directed to withdraw as aforesaid, shall refuse to do so, or who shall persist in any line of conduct or argument, or of observations, which shall have been decided as aforesaid to be disorderly, or who shall refuse to make such explanation, retraction, or apology as aforesaid, when required so to do, or who shall be guilty of any other act of disorder, and shall refuse to make such explanation, retraction, or apology, as a majority of the Aldermen then present shall consider satisfactory, shall be liable, on conviction, to a penalty of not less than ten shillings, nor more than five pounds.

Protests.

Mode of protesting.—Protest to be recorded, but may, under certain circumstances be expunged.

58. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council; notice of the intention so to protest must, however, be given at the meeting when such resolution is passed, or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the minute book, but if, in the opinion of the Council, it be inconsistent with the truth, or disrespectfully worded, it may (by resolution on notice) be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

Orders of the Day.

Of what orders of the day shall consist.

59. The orders of the day shall consist of any matters other than motions on notice, which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor or any committee of the Council shall have directed to be entered on the business paper for consideration.

60. The Mayor may in cases of emergency authorize the expenditure of any sum not exceeding five pounds until the next meeting of the Council, and by request in writing of not less than three Aldermen, may authorize the expenditure of any further sum not exceeding ten pounds, but no further expenditure shall be permitted until the Council shall have met and authorized the outlay.

Certificate required with each claim.—Salaries and wages to be payable on Mayor's Order.—Certificates to be attached to report.

61. No payment shall be so ordered unless there shall be a certificate or memorandum from the Committee, from the Mayor, or from the officer of the Council to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one, and has been duly authorized or inquired into. It shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled, or to report specially as to the reasons for its non-fulfilment, before recommending payment: Provided however, that such special report as last herein mentioned may be embodied with the report by which payment of the amount in question is recommended: Provided also, that in cases of special expenditure a report shall be laid before the Council, and if the outlay shall have been lawfully incurred, be deemed a sufficient certificate: And provided further, that in regard to salaries and wages of labour for officers, servants, and labourers employed at fixed rates of payment, by order of the Council, the certificate of the Mayor of the amount due to any such officer, servant, or labourer, and the order of such Mayor for the payment of such amount, shall be a sufficient authorization for such payment; and such certificates, memoranda, and authorization shall be attached respectively to the reports from the Finance Committee on the payments or outlays to which such certificates, memoranda, or authorizations have reference.

Common Seal and Records of the Council.

Common seal and press how secured.—Care of same.

62. The common seal and the press to which the same is attached shall be secured by a cover or box, which, except when such seal and press are in use, shall be kept locked. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor and the other by the Council Clerk. Such common seal and press shall be in the custody and the care of the Council Clerk.

When and how common seal to be used.

63. The common seal shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or, in case of the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

Proceedings.—By-laws may be suspended on emergency.

64. Any of these By-laws relating to or affecting proceedings at meetings of the Council may be suspended *pro tempore* in cases of emergency if all the members of the Council then present shall deem such suspension necessary.

65. The Council Clerk shall make out a paper, to be called the business paper, which shall contain all matters to be considered; and all such papers shall be filed and become records of the Council.

66. All such business papers shall be signed in the margin by the Mayor or Chairman, specifying the manner in which matter has been disposed of.

Records, &c., not to be defaced or altered.

67. Any person who shall deface, alter, or destroy, or attempt to deface, alter, or destroy any such common seal, charter, deed, muniment, paper, or record, shall, on conviction thereof, forfeit and pay for the first offence a penalty not exceeding fifty pounds, nor less than five pounds, and upon every subsequent conviction a penalty of not less than twenty pounds.

How complaints against officers, &c., are to be dealt with.

68. All complaints against officers or servants of the Corporation must be in writing, and must in every case be signed by the person or persons complaining. And no notice whatever shall be taken of any complaint which is not in writing, or is anonymous. All such complaints may be addressed to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same. And if any such complaint be made to the Council, or to any member or officer thereof, it shall be referred to and investigated by the Mayor before it shall be in any way (otherwise than by such reference) ordered

upon or dealt with by such Council: Provided that every report, explanation, and information which may be made or rendered in reference to every such complaint shall be in writing. And such Mayor shall state in writing the result of every such investigation, and his opinion as to what order (if any) ought to be made in connection therewith; and such complaint, with all reports, explanations, and information as aforesaid in connection therewith, and the Mayor's statement as aforesaid thereon, shall be laid before the Council at the next meeting thereof, which shall be holden after the Mayor shall have made such statement, and shall be duly recorded.

Special powers of Mayor.

69. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, explanation, or information is on record as hereinbefore provided; or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanation or information may, except as hereinafter provided, be either rendered *vis a voce*, or put into writing as the Mayor may direct.

Records, &c., removed, or attempt to remove.

70. Any person who shall remove, or attempt to remove, any such seal, charter, deeds, muniment, paper, or record from the Council Chamber, without leave from the Council first had and obtained, shall, on conviction thereof, forfeit and pay a penalty of not more than fifty pounds, nor less than five pounds, and for every subsequent offence a penalty of not less than ten pounds.

Officers and servants.

Notice to candidates in certain cases.

71. No appointment to any permanent office at the disposal of the Council, to which a salary or allowance of fifty pounds per annum, or a salary or allowance exceeding that amount, is attached, shall be made until public notice shall have been given, as hereinafter provided, inviting applications from qualified candidates for the same; the salary or allowance attached to such office shall in every case be fixed before such notice is given, and shall be stated in such notice.

Mode of appointment.

72. Every such appointment shall be made by ballot in such mode as may at the time be determined on, whenever there is more than one candidate for such permanent office.

Exceptional cases.

73. Nothing herein contained shall be held to prevent the employment as may be from time to time found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the Municipality.

Bonds for good conduct.

74. All bonds given by officers or servants of the Council for the faithful performance of their duties, shall be deposited with the Mayor for the time being, and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of Council Clerk.

75. The Council Clerk, in addition to the duties which by the Municipalities Act of 1867, or by the present or any other By-laws thereunder he may be required to perform, shall be the Clerk of all Revision Courts held in the Municipality under the provisions of the said Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council. He shall likewise have charge of all the records of such Council, except such books or documents as may be entrusted to any other office, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor.

PART II.

Collection and enforcement of Rates.—Times and modes of Collection.

Rates under sec. 164 of the 31st Vic. No. 12, to be collected half-yearly.

1. All rates levied or imposed by the Council under the provisions of section 164 of the Municipalities Act of 1867, and for the purposes mentioned in the said section, may be collected by half-yearly instalments. Each such instalment shall, as to every such rate and every such instalment thereof, be held to be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rate.

Special rates.

2. All rates levied or imposed by the Council under sections 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may, by resolution, at the time of making or imposing such rates, or any of them have appointed.

Office hours.

3. All rates shall be paid at the Council Chambers during the hours appointed by the Council for that purpose.

Defaulters.

4. It shall be the duty of the Council Clerk to furnish the Mayor with a list of the names of all persons whose rates are unpaid at the expiration of the times fixed for payment of the same as aforesaid.

Mayor to enforce payment.

5. It shall be the duty of the Mayor to issue distress warrants against all such persons, and to cause such warrants to be enforced, or to cause such defaulters to be sued for the amount of such rates in a Court of competent jurisdiction.

Enforcement by Distress.

Bailiff.

6. A bailiff shall, when found necessary, be appointed by the Mayor.

Bailiff's Sureties.

7. The bailiff shall find two sureties to the satisfaction of the Mayor to the extent of twenty-five pounds each for the faithful performance of his duty.

Duty of Bailiff.

8. It shall be the duty of the bailiff to make all levies by distress for the recovery of rates in the manner hereinafter provided.

Warrant of Distress.

9. All levies and distresses shall be made under warrant in the form of Schedule A hereto under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and Sale, &c.

10. If the sum for which any such distress shall have been made shall not be paid with costs as hereinafter provided on or before the expiration of five days the bailiff shall sell the goods so distrained or a sufficient portion thereof by public auction, either on the premises or at such other place within the said Municipality as the bailiff may think proper to remove them to for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for, and costs as hereinafter provided to the owner of the goods so sold, on demand of such surplus by such owner.

Inventory.

11. At the time of making a distress the bailiff shall make out a written inventory in the form of Schedule C hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made, and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made, and the bailiff shall give a copy of the inventory to the ratepayer on demand at any time within one month after making such distress.

Goods may be impounded.

12. The bailiff on making a distress as aforesaid may impound or otherwise secure the goods or chattels so distrained, of what nature and kind soever, in such place or places, or in such part of the land or premises, chargeable with rates, as shall be most fit and convenient for this purpose, and it shall be lawful for any person whomsoever, after the expiration of the five days as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same, on account of the purchaser thereof.

Owner to direct order of sale.

13. The owner of any goods or chattels so distrained upon, may, at his or her option, direct and specify the order in which they shall be successively sold, and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

14. The bailiff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Costs.

15. There shall be payable to the bailiff for the use of the Council, for every levy and distress made under this By-law, the costs and charges in the Schedule hereunto annexed, marked B.

SCHEDULE A.

I, _____, Mayor of the Municipal District of Macdonaldtown, do hereby authorize you, _____, Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house, or in or upon the land and premises of _____, situate at _____ for the sum of _____ being the amount of Municipal rates due to the said Municipality to the _____ day of _____ for the said dwelling-house, land, or premises; and to proceed thereon for the recovery of the said rates according to law.

Dated this _____ day of _____, 188____, Mayor.

SCHEDULE B.

Fees of Bailiff.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy where the sum is not more than £20.....	2	0
Above that sum, in addition for every £1	0	1
For making and furnishing copy of inventory	2	0
For man in possession, each day, or part of a day.....	5	0
For sale, commission, and delivery of goods, per pound on proceeds of the sale	1	0

SCHEDULE C.

Inventory.

I have this day, in virtue of a warrant under the hand of the Mayor of the Municipal District of Macdonaldtown, dated _____, distrained the following goods and chattels, in the dwelling-house or in or upon the land and premises of _____, situate within the said Municipality, for the sum of _____, being the amount of rates due to the said Municipality, to the day of _____, 188____.

Dated this _____ day of _____, 188____, Bailiff.

PART III.

Preventing and Extinguishing Fires.

Fire or combustible materials, &c.

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-office, or other premises, fire, gunpowder, or combustible or inflammable materials of any kind, in such a manner as to endanger contiguous buildings, shall, on conviction for every such offence, forfeit and pay a penalty of not more than five pounds nor less than two pounds; and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials, to remain as aforesaid for forty-eight hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

2. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering of any such stack, any inflammable material, so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit, on conviction for every such offence, a penalty of not more than five pounds nor less than two pounds; and also shall remove such fence, stack, or covering, within a reasonable time after such conviction. And any person failing to remove such fence, stack, or covering, within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Fireworks.

3. Every person who shall light any bon-fire, tar barrel, or firework upon or within ten yards of any public or private street, or any public place, or shall sell gunpowder, excepting fireworks, or other combustible matter by gas, candle, or other artificial light, shall forfeit a sum not exceeding five pounds.

PART IV.

Notices, Streets, and Public Places—Public Health and Decency, &c.

How notices are to be published.

1. In all cases where public notice is or shall be required to be given by any By-law, of any appointment, resolution, act, order, or regulation done, made, or passed, or proposed to be made, done, or passed by the Council, or by any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same twice in some newspaper circulating in the Municipality.

Persons obstructing officers of the Council.

2. Any person or persons who shall obstruct any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing, or performing, or going to perform, or returning from the performance of any duty or act under these By-laws, by using any threats, offensive language, hindrance, or insulting language towards the said officer, in any street, road, or other place within the said Municipality, shall forfeit and pay for every such offence a penalty not exceeding twenty pounds nor less than two pounds.

3. All public roads, streets, or lanes within the Municipality which have been or may hereafter be duly proclaimed or marked out (save and except such as may be vested in any Special Road Trust), and all public roads, streets, or lanes in actual public use as such within the Municipality, shall be from henceforth under the charge and care of the Municipality.

Kerbing, flagging, and tar-paving.

4. The Council of the Municipality may cause the footway or pathway in front of any house or ground, along any street, private street, or lane within the Municipality, to be kerbed and flagged or asphalted in such manner as the Council may think fit,—such portion of the expense, not exceeding 50 per cent., shall be paid by the owner of such house or ground, as the Council may determine. The costs may be recovered from the owner of such house or ground in a summary way before any two Justices of the Peace, provided also that no proceedings for the recovery thereof shall be taken until at least one month after a requisition for payment of the amount, together with an account of the total expenditure, signed by the Council Clerk, has been delivered to such owner.

Erection of house, fee for permission, &c.

5. No person shall be permitted to erect any house, shop, or other building, in any street, lane, or place within the said Municipality without first serving seven days' notice in writing on the Mayor or Council Clerk, or other duly authorized officer before commencing the same, stating his intention and describing the proposed situation of the building or erection, and every owner of, and every contractor for, such house, shop, or other building, or any part thereof, commencing to build or work thereon without such notice having been given, and shall at the time the said notice is given as aforesaid, pay unto the Council Clerk or other duly authorized officer, a fee of five shillings for permission to erect any fence, or any such house, shop, coach-house, stables, or other detached buildings, to be so erected on any premises, street, lane, or other place within the said Municipality, shall forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

6. Any cutting or filling to the extent of four feet in any street, road, or footway may, whenever or wherever found necessary, be carried into effect by order of the Council. But no alteration of more than four feet cutting or filling shall take place in any street, road, or footway until the plan and section thereof, showing the proposed cuttings or fillings, shall have been adopted by the Municipal Council, and signed by the Mayor and countersigned by the Clerk, and shall have been exhibited at the Council Chambers for the space of fourteen days for the inspection and information of ratepayers, and shall have been notified in one or more of the daily newspapers for the space of one month, after which no objection thereto shall be entertained by the Council.

No balcony, &c., to project.

7. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, or window forming part of, or attached to, any external wall, to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony, or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding twenty pounds nor less than five pounds, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than thirty feet wide; provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

8. No person shall be allowed to place upon the streets or pathways building material otherwise than is absolutely necessary, and by sanction, in writing, of the Mayor, and no person shall be allowed to leave water-holes or excavations for cellars or other purposes unfenced, or in such a manner as to be dangerous to the public; and at all places where buildings are being carried on, or where any obstruction exists to the danger of the public, the person causing such obstruction shall be required to provide lights on either side, and keep the same lighted from sunset to sunrise.

Encroachments must be removed on notice.

9. The Surveyor or other such officer or person may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall, in this case, be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroachment in structure belongs, or who has erected the same, or caused it to be erected.

Council may remove encroachments.

10. In any case where after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its own proper officer, and at the cost of the person so offending: Provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds, or at the Council's option, to proceed against the offender for breach of By-law, the penalty not to exceed twenty-five pounds nor be less than one pound; and in case of every successive offence, the penalty, on conviction, not to be less than five pounds.

Or may proceed by action.

11. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council, either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-laws as aforesaid.

No turf, gravel, &c., to be removed from the streets without permission.

12. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material, in or from any part of the carriage or foot way of any street or other public place within the said Municipality without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage any such carriage or foot way shall, on conviction, forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Open spaces and steps adjoining the footways to be enclosed under penalty.

13. Every owner or occupier of any house, building, premises, or land within the said Municipality, having any entrance area, garden, or other open space, or any vacant building lot, waterhole, or excavated space, adjoining the footway of any street, or public place in such Municipality, shall protect and guard the same by good and sufficient paling fence, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land, having any steps adjoining the footway of any such street or public place, shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and repassing; and on failure thereof every such owner or occupier shall, as often as he shall be convicted of such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds. And every such owner or occupier as aforesaid who shall fail to erect such rails, fences, or other enclosures as aforesaid, within seven days after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

New roads to be reported upon.

14. No new public road, street, way, park, or other place, proposed to be dedicated to the public, shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been examined by a Committee for Works, and reported upon to the Council by such Committee.

15. Any person who shall be convicted of wantonly or maliciously breaking or injuring any lamp or lamp-post, or extinguishing any lamp set up for public or private convenience shall over and above the necessary expense of repairing the injury committed to be estimated by the said Council, forfeit and pay any sum not exceeding five pounds nor less than two pounds.

Placing carriages, goods, &c., on footways, &c.—Not removing when required.—Replacing the same after removal.—Not to prevent awnings being erected in front of shops.

16. Any person who shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, show-board (on hinges or otherwise), basket, wares, merchandise, casks, or goods of any kind whatsoever; or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon or over any carriage or foot way in any street or public place within the said Municipality, or shall set out, lay, or place, or shall cause or procure, permit or suffer, to be set out, laid, or placed, any coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or other carriage upon any such carriageway, except for the necessary time of loading or unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set or placed, in or upon or over any such carriage or foot way, any timber, stones, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as herein directed) or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or other building or premises, over any part of any such footway or carriageway, or over any area of any house or other building or premises, or any other matter or thing from and on the outside of the front or any other part of any house or other building or premises over or next unto any such street or public place, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances, or other proper officer of the Council; or if any person who having, in pursuance of any such requisition as aforesaid, removed or caused to be removed, any such stall-board, show-board, chopping-block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matters or things, shall at any time thereafter again set, lay, or place, expose or put out, or cause, procure, permit or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-board, show-board, chopping-block, basket, wares, merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheelbarrow, handbarrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid), in, upon, or over any such carriage or foot way of or next unto any such street or public place as aforesaid, shall upon conviction for every such offence forfeit and pay a sum not exceeding two pounds nor less than ten shillings.

17. Any person who shall injure any public fountain, pump, cock, or waterpipe, or any part thereof, shall pay for the cost of repairing the same any sum not exceeding ten pounds, and if the injury be wilfully done, shall forfeit a further sum not exceeding twenty pounds nor less than one pound; and any person who shall have in his possession any private key for the purpose of opening any cock, or who shall in any manner clandestinely or unlawfully appropriate to his use any water from any public fountain or pipe, shall forfeit a sum not exceeding twenty pounds; and any person who shall open, or leave open, any cock of any public fountain or pump, so that the water shall or may run to waste, shall forfeit a sum not exceeding two pounds; and any person who shall wash any clothes at any public fountain or pump, shall forfeit and pay a sum not exceeding one pound.

18. If any person shall in any street or road throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing in or upon the carriageway or footway of any such street or road; or shall kill, slaughter, dress, scale, or cut up any beast, swine, calf, sheep, lamb, or other cattle in, or so near to, any of the said streets or roads as that any blood or filth shall run or flow upon or over or be upon any such carriage or foot way, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, drawn, driven, or placed upon any of the footways of any street or road any waggon, cart, dray, sledge, or other carriage, or any bicycle, velocipede, wheelbarrow, or truck, or any cask; or shall wilfully lead, drive, or ride any horse or other beast upon any of the footways aforesaid, every person so offending upon conviction, shall forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

Slop, night-soil, &c., to be conveyed away only at certain hours.

19. Any person or persons who shall drive, or cause to be driven, any cart or other carriage with any night-soil or ammoniacal liquor therein, through or in any street or public place within the said Municipality between the hours of five o'clock in the morning and ten o'clock at night, or shall fill any cart or other carriage so as to turn over or cast any night-soil, ammoniacal liquor, slop, mire, or channel dirt or filth, in or

upon any such street or public place, or shall deposit night-soil, ammoniacal liquor, or other offensive matter nearer to any street, road, or dwelling house, than shall be directed by the said Council, or by the Inspector of Nuisances; or shall remove night-soil or other offensive matter otherwise than in properly covered and water-tight carts or other vehicles; or shall cause any vehicle used for this purpose to stand on any premises nearer to any road, street, or dwelling-house, than shall be directed by the said Council or the said Inspector of Nuisances, shall for every such offence, forfeit and pay any sum not exceeding five pounds; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such cart or carriage in which such night-soil or other offensive matter shall be put or placed, and also the employer of the person so offending, shall be liable to and forfeit and pay such penalty as aforesaid.

Riding on drays, careless driving, &c.

20. If the driver of any waggon, wain, cart, or dray of any kind, shall ride upon any such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse and driver, or guided with reins only, excepted); or if the driver of any carriage whatsoever shall wilfully be at such a distance from such carriage, or in such a situation whilst it shall be passing upon such street, that he cannot have the direction and government of the horse or horses, or cattle drawing the same; or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever, meeting any other carriage, shall not keep his waggon, cart, dray, or coach, or other carriage, on the left or near side of the road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care upon such street; or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every such driver or person so offending shall, upon conviction, forfeit and pay any sum not exceeding forty shillings.

21. If any person shall haul or draw or cause to be hauled or drawn upon any part of the streets, roads, or public places, any timber stone or other thing otherwise than upon wheeled carriages or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon wheeled carriages, to drag or trail upon any part of such street or public place to the injury thereof, or to hang over any part of any such carriage so as to occupy or obstruct the street or road beyond the breadth of the said carriage, every such person so offending shall forfeit and pay for every such offence a sum not exceeding forty shillings over and above the damages occasioned thereby not exceeding the sum of five pounds.

Nuisances.

Dead animals, &c., not to be thrown into any public watercourse, &c.

22. Any person who shall cast any filth, rubbish, or any dead animal or any animal, with intent of drowning, into any public watercourse, sewer, waterhole, river, creek, road, or pathway, or shall obstruct or divert from its channel any sewer or watercourse, river, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than two pounds.

Hogsties to be one hundred feet from streets, and animals suffered to stray, &c.

23. Any person who shall breed or keep any kind of swine in any house, building, yard, garden, or other place situated and being within the Municipality, or shall suffer any kind of swine, or any horse, ass, mule, sheep, goat, cow, or any other animal of a like nature, belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, or public place, shall, on conviction, forfeit and pay any sum not exceeding forty shillings nor less than five shillings, for such and every animal so bred, kept, suffered to stray or go about, or to be tethered or depastured in any such street, road, or public place as aforesaid, shall be liable on conviction for each and every offence to forfeit and pay a sum not exceeding two pounds nor less than five shillings.

Public Health.

Allowing filth to remain, &c.

24. Any person or persons allowing any filth or offensive matter to lie or remain on his or her or their premises shall be liable to a penalty of not more than ten pounds nor less than twenty shillings.

Allowing filth to flow, &c.

25. Any person or persons allowing any filth or offensive matter to flow or come from his, her, or their premises shall be liable to a penalty of not more than ten pounds nor less than twenty shillings.

Cloansing, purifying, fumigating, &c.

26. If upon the certificate of any duly qualified medical practitioner it appears to the Council or Mayor thereof that any house or part thereof, or the premises occupied in connection therewith, within the limits of the said Municipality, is in such a filthy or unwholesome state that the health of any person is or may be liable to be affected or endangered thereby,

and that the whole washing, cleansing, purifying, or fumigating of any house or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infection or contagious disease, the said Council or Mayor shall give notice in writing to the owner or occupier of such house or part thereof or the premises occupied in connection therewith, to white-wash, cleanse, purify, or fumigate the same, as the case may require; and if the person to whom notice is so given shall fail to comply therewith within the time specified in the said notice, he or she shall be liable to a penalty not exceeding ten shillings for every day during which he or she continues to make default, provided that no such penalties shall collectively amount to any greater sum than fifty pounds.

Care and Management of Streets, &c.

Opening roadways.

27. Any person being desirous of opening any street, roadway, or footpath within the said Municipality for the purpose of laying on service-pipes for water or gas, or drain-pipes, or any other thing, shall, before doing so, give notice to the Council Clerk at his office, and pay a fee of five shillings. In every case where the roadway has been laid with blue metal cubes, an extra fee of twenty shillings must be paid. Any person failing to comply with any of the provisions of this By-law shall, upon conviction, forfeit and pay a sum not exceeding forty shillings nor less than ten shillings, in addition to the fees herein imposed.

Relating to stop-cocks.

28. Any person or persons requiring a stop-cock or tap attached to any service-pipe in any footpath within the said Municipality shall provide and fix around such stop-cock or tap an iron box, the covering of which shall be made flush with the surface of the said footpath, and in default thereof shall be liable to a penalty not exceeding forty shillings nor less than ten shillings.

Persons not to stand or loiter in streets.

29. All persons standing or loitering upon any of the carriageways, footways, or other public places in the Municipal District of Macdonaldtown, to the inconvenience of passers-by, or in any way interrupting the traffic, who shall not discontinue to do so on being required by any officer or servant of the Council of the said Municipality or by any police officer, shall, upon conviction, forfeit and pay a penalty not exceeding five pounds nor less than five shillings.

Various obstructions and annoyances.

30. Every person who, in any street or other public place or passage within the said Municipality, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences, shall on conviction for any and every such offence forfeit and pay a penalty of not more than two pounds nor less than five shillings:—

- (1.) Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tuckling.
- (2.) Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place the carcass or any part of the carcass of any newly-slaughtered animal, without a sufficient and proper cloth covering the same, for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.
- (3.) Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon, or allow any tree or shrub overhanging the footpath, to the danger or annoyance of any person.
- (4.) Every person who shall place any flower-pot in any upper window, near to any street or public place, without sufficiently guarding the same from being thrown down.
- (5.) Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or building is being erected, pulled down, or repaired).
- (6.) Every blacksmith, whitesmith, anchor-smith, nail-maker, metal-founder, lime-burner, brickmaker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window, and closing such aperture, or placing a screw before the same every evening, within an hour after sunset, so as effectually to prevent the light from showing through the doorway, window, or aperture next or upon such street, lane, or passage.

(7.) Every person who shall carry goods or any frame to the annoyance of any person upon the footway of any street or other public footway.

(8.) Every person who shall be the keeper of, or have any, dog or other animal which shall attack or endanger the life or limb of any person who may have the right-of-way or use of any private yard, alley, street, or any other place within the said Municipality.

By-laws for regulating the traffic in the streets of the Municipal District of Macdonaldtown.

Vehicles, &c., to be driven at a walking pace over crossings.

31. No person shall drive any vehicle, or ride any horse, or propel any velocipede or bicycle whilst turning the corners of any of the streets of the said Municipal District of Macdonaldtown at a pace faster than a walk.

Vehicles to be driven on near side.

32. All persons driving any vehicle through any street or roadway in the said Municipality shall, except in crossing for the purpose of setting down or taking up goods or passengers, keep such vehicle, as near as practicable, to the left hand or near side of the street.

Vehicles to stand alongside footpath.

33. No person shall permit or suffer any vehicle under his or her charge or control to stand or remain in any street or roadway in the said Municipality (except for the purpose of loading or unloading) without causing such vehicle to be placed alongside of and parallel with the footway of such street or roadway and the wheels securely locked.

34. Every person who shall, within the distance of one hundred yards from any dwelling-house burn any rags, bones, cork, or other offensive substance (garden refuse excepted) to the annoyance of any inhabitant.

Lights to be carried on vehicles, &c.

35. No person shall use, drive, or conduct any vehicle along any street or roadway within the said Municipality between sunset and sunrise, without carrying a light upon some conspicuous part of such vehicle in such manner as that the same shall be distinctly visible to persons either meeting or following such vehicle.

Drivers of vehicles to give way.

36. The driver of any vehicle shall give way, if he conveniently can, to any other vehicle during the taking up or the setting down of any person into or from such vehicle.

Drivers to give notice when stopping.

37. The driver of any vehicle stopping the same in any street or roadway of the said Municipality for any purpose whatever, shall give notice of his intention so to do by holding up his whip or hand, so that the same may be visible to the driver of any vehicle immediately following; and upon stopping he shall so place his vehicle as to cause as little obstruction as possible to the traffic; and if the stoppage of such vehicle prevent the passing of any other vehicle, such driver shall, upon being thereto required by the driver of such other vehicle, or by any officer or servant of the Municipal Council of Macdonaldtown, or police officer, remove his vehicle so as to permit such other vehicle to pass.

Offensive or indecent placards.

38. No person shall, in any street or place within the said Municipality, post any placard, handbill, or other document whatever on any wall, house, building, fence, or erection, or expose to view, or distribute any placard, handbill, or other document whatever, of an offensive or indecent character.

Placing fruit skins, &c., on roadway.

39. No person shall throw or place upon any street, crossing, or footpath in the said Municipality, any fruit skin, rind, or peel.

Penalty.

40. Any person offending against any of the foregoing By-laws shall, for each offence, upon conviction, forfeit and pay a penalty or sum not exceeding ten pounds nor less than one pound.

41. Any person who shall ride or drive through any road, street, or public place, negligently, carelessly, or furiously, or drive any horse or horses without any bridle, halter, or otherwise secured, so as to endanger the life or limb of any person, or to the common danger of the public, shall forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Public Exhibitions, &c.

Exhibitions, &c., to be licensed.

42. No exhibition other than exhibitions licensed by the Colonial Secretary under the provisions of the Act, 14th Victoria, No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit within the said Municipality, nor shall any bowling-alley, dancing saloon, or other place of public amusement, other than a place licensed as aforesaid, or a place for temporary amusement hereinafter specially provided for, be used as such, for hire or profit, within the said Municipality, unless and until the same shall be duly registered as hereinafter prescribed.

Temporary license by Mayor.—Penalty for exhibiting, &c., without license.

43. It shall be lawful for the Mayor, by writing under his hand, and without charge, to permit any such exhibition as aforesaid (other than an exhibition requiring to be licensed by the Colonial Secretary under the said Act), and which shall not be held or kept for more than one week, and in like manner to allow any place within the said Municipality to be used for the purposes of public amusement other than entertainments requiring to be licensed as aforesaid for not more than one week: Provided that it shall be incumbent upon such Mayor to inquire strictly as to the nature of such proposed exhibition or amusement before granting such permission, and to refuse such permission if it shall appear that such proposed exhibition or amusement is of such a nature as to require to be licensed by the Colonial Secretary as aforesaid, or if there shall be reasonable cause for believing that such exhibition or amusement will be likely to entail any violation of public decency, to endanger the public peace, or to be a nuisance to any inhabitant of the Municipality. Every person holding or keeping any such exhibition, or using any place in the said Municipality for public amusement as aforesaid, or causing or permitting such place to be so used, without such permission of such Mayor, shall forfeit and pay a sum not less than five shillings nor more than forty shillings for every day that such exhibition shall be so held or kept, or such place shall be so used for public amusement as aforesaid.

Registration fee.—Time for which registration shall be in force.

44. For every such registration as aforesaid the occupier of the building or land so registered shall pay to the Council Clerk, for the benefit of the said Municipality, a fee of one pound; and every such registration, whenever the same may be made, shall be in force until the 31st day of December then next ensuing and no longer.

Certificate of registration to operate as license for exhibition, &c., named therein, and no other.

45. The certificate of registration aforesaid shall be regarded as a license from the Council for the holding or keeping of the exhibition or for carrying on of the public amusements therein mentioned, but for none other. Any occupier of such building or land who shall hold or keep therein or thereon any exhibition, or shall use such building or land for any public amusements other than such exhibition or amusements mentioned in such certificate or license shall for every such offence forfeit and pay any sum not less than ten shillings nor more than ten pounds.

Unlawful games and exhibitions.

46. No license shall be granted as aforesaid to or for any building or land wherein or whereon any games with dice, or other games of chance for money, or any bull-baiting, dog-fighting, cock-fighting, or other exhibitions or amusements opposed to public morality or involving cruelty to animals, or likely to cause any breach of the peace, are proposed to be had or carried on; and the occupier of any building or land so registered as aforesaid, who shall permit any such game of chance or exhibition or amusement as are in the section before-mentioned, to be had, held, or carried on in or upon such building, shall for every such offence forfeit and pay a sum of not less than ten shillings nor more than ten pounds.

Noisome and offensive trades.

No noisome or offensive trades to be carried on to injury of any inhabitants.

47. No person shall carry on any noisome or offensive trade within the said Municipality so as to injure or be a nuisance, as hereinafter stated, to the inhabitants thereof.

Definition of "noisome and offensive trades."

48. Any manufacture, trade, calling, or operation, in the conducting, following, or carrying on of which, or in consequence of, or in connection therewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, or effluvia, or any large quantities of smoke, shall be evolved or discharged, which gas, vapour, effluvia, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Municipality shall be considered a "noisome and offensive trade" within the meaning of these By-laws.

Damming up water without consent.

49. Whosoever shall, without the consent in writing of the Council, construct or place any dam or embankment, or allow any accumulation of drift or silt to accumulate in or across any river, creek, or natural watercourse, shall forfeit and pay any sum not less than one pound nor more than twenty pounds, and remove such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay any sum not less than five pounds nor more than fifty pounds; and if after such second conviction such person shall fail to remove such dam or embankment within a further reasonable time he shall forfeit

and pay a sum of not less than twenty pounds nor more than fifty pounds; and if within a reasonable time after a third or any further conviction, he shall still fail to remove such dam or embankment, he shall for every such offence forfeit and pay a sum of fifty pounds.

Sewerage and drainage.

No private sewers to be made to communicate with the public sewers without notice.

50. It shall not be lawful for any person, without notice to the Council, or otherwise than according to such plans and directions as such Council may make and give, to make or branch any private drain or sewer into any of the public drains, sewers, or channels, or into any drain or sewer communicating therewith; and in case any person or persons shall make or branch any drain or private sewer into any of the said public drains or sewers, or into any drain or sewer communicating or to communicate therewith, without such notice, or otherwise than as aforesaid, every person so offending shall, for every such offence, forfeit and pay any sum not exceeding fifty pounds.

Proprietors of private sewers, &c., to repair and cleanse same.

51. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council, at the costs and charges of the occupiers, lessees, or owners of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed, according to the direction of the said Council, he shall forfeit and pay, for every such offence, any sum not exceeding five pounds.

Drains for discharge of surface water from land.

52. Every owner or occupier of land in, adjoining to, or near any street, if such land shall be so situated that surface or storm-water from or upon the same shall overflow or shall tend naturally, if not otherwise discharged, to overflow any footway of such street, shall, within seven days next after the service of notice by the Council for that purpose, construct and lay from such point upon such land being near to the footway, as shall be specified in such notice by plan appended or otherwise, and higher in level than the bottom of the channel at the outer edge of the footway to the said channel, and through, under, and transversely to the footway, and keep in good condition such covered drain or trunk, as and subject to the inspection of the Council or its proper officers; and in default of compliance with any such notice within the period aforesaid, or with the provisions of this section, such owner or occupier shall forfeit any payment not exceeding five pounds. And if within seven days after such conviction such owner or occupier shall still have failed to comply with such notice, or be otherwise in default, as aforesaid, he shall forfeit and pay any sum not less than one pound nor more than ten pounds; and for every further such offence he shall forfeit and pay any sum not less than two pounds nor more than twenty pounds. And every such owner or occupier who shall still have made default as aforesaid for more than seven days after such second or any future conviction, shall be held guilty of a further offence within the meaning of this section.

53. Any persons requiring a hole cut in any kerbstone in any of the streets or lanes of the Municipality for the purpose of connecting pipes thereto or otherwise, shall pay a fee of two shillings and sixpence for each and every hole so cut, which work shall be performed by the Council's servants.

54. All pipes used for the purpose of connecting with the gutters shall be provided by the owners or persons requiring the same, and the said pipes to be of approved quality.

55. Any person or persons who shall hang, or cause to be hung, any gate or gates which shall open upon any of the footpaths of the Municipality, or any person or persons having a gate or gates opening on to the said footpaths, shall remove such gate or gates within seven days after receiving notice to remove the same from the Council, in default of removing such gate or gates within such time as aforesaid, such person or persons shall be liable to a penalty of ten shillings per day for each and every day such gate or gates shall remain opening on to such footpaths.

Penalty.

56. For every offence against the provisions of these By-laws except as otherwise provided, the offender shall be liable to and shall pay a penalty not exceeding five pounds nor less than five shillings, to be recovered in a summary way before any Justice of the Peace.

Offences against public decency.

Bathing prohibited within certain limits.

57. Any person who shall bathe near to or within view of any inhabited house, or of any public wharf, quay, bridge, street, road, or other place of public resort within the limits of

the said Municipality, between the hours of six o'clock in the morning and eight in the evening, shall on conviction forfeit and pay a sum not exceeding one pound nor less than five shillings for every such offence.

Penalty on indecent exposure of the person.

58. Any individual who shall offend against decency by exposure of his or her person in any street or public place within the said Municipality or in the view thereof, shall on conviction forfeit and pay for every such offence a sum not exceeding ten pounds nor less than one pound.

Discharging firearms, &c.

59. Any person who shall discharge any firearms without lawful cause, or let off any fireworks or other explosive matter in or near any road or street, shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Entrance to cellars, &c., to be covered, &c.

60. If the owner or occupier of any premises, having any rails or bars over the areas or openings to any kitchen or cellars or other part of the said premises beneath the surface of the footway of any streets or public places, or having any doorway or entrance into the basement or cellar story thereof, shall not either keep the same, or the rails of such kitchen, cellars, or other parts, in sufficient and good repair, or constantly keep the same securely guarded by rails, or cover the same over with a strong flap or trap-door, according to the nature of the case, and so as to prevent danger to persons passing and repassing; or, if any such owner or occupier shall leave open, or not sufficiently nor substantially keep covered and secured, any coal or other hole, funnel, trap-door, or cellar-flap, belonging to or connected with his premises (save and except only during reasonable time for use, alteration, or repair) or, if such owner or occupier shall not repair, and from time to time keep in good and substantial repair, all and every or any such rails, guard-rails, flaps, trap-doors, and other covering, then and in every such case the person neglecting so to do, shall, for every such offence, forfeit and pay a sum not exceeding five pounds nor less than two pounds.

Cellars or openings beneath footways prohibited.

61. It shall not be lawful for any person to make any cellar, or any opening, door, or window, in or beneath the surface of the footway of any road, street, or public place, within the said Municipality, except by permission of the Council; and if any person shall so offend, he shall forfeit and pay any sum not exceeding fifty pounds.

Notices not to be painted on pavement.

62. Any person who shall stamp, stain, paint, write, or post any advertisement or notice upon any footway or kerb-stone within the said Municipality, shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

Water from roofs, &c.

63. Every owner or occupier of any dwelling-house, shop, or other building who shall permit rainwater to fall from any roof, balcony, or other projection, upon any street, road, lane, or footway, or to flow over the pathway of any such street, road, or lane, or shall cause or permit any such roof or rainwater to be discharged by any pipe, upon any such street, road, lane, or footway, shall, if such nuisance be not abated within seven days after notice to abate the same shall have been given by the Council, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

Unlawful Games.

64. No games with dice or other games of chance for money, prize-fighting, or any dog-fighting, cock-fighting, or other entertainment opposed to public morality, or involving cruelty to animals, or likely to cause a breach of the peace, shall be established, held, or given within this Municipality; and any person or persons who shall establish, hold, give, or cause to be established, held, or given, any such game, exhibition, or entertainment, shall for every such offence forfeit and pay a sum of not less than ten pounds nor more than fifty pounds.

65. All sinks now built, or hereafter to be built, shall be properly trapped to prevent any smell arising therefrom to the satisfaction of the Inspector of Nuisances, and any occupier, lessee, or owner of any premises who shall fail to have the sink attached to such premises, so trapped within seven days after having received notice from the Council, shall forfeit and pay a sum not exceeding one pound, nor less than five shillings for each and every offence.

Made and passed by the Municipal Council, of the Municipal District of Macdonaldtown, this 6th day of August, A.D. 1888.

(L.S.) JOHN BALDWIN,
Mayor.

WILLIAM F. BRAY, Council Clerk.

BY-LAWS of the Municipal District of Macdonaldtown, made under and for carrying into effect the provisions of the Nuisances Prevention Act.

Closets, cesspits, &c.

1. Every person who shall be about to erect a closet, or form, excavate, or make a cesspit, shall before he shall commence to erect such closet, or to form, excavate, or make any such cesspit, deliver to the Council Clerk of the Municipal District of Macdonaldtown, a notice in writing of the intention of such person to erect such closet, or form, excavate, or make such cesspit, and of the place or position in which it is intended that such closet shall be erected, or such cesspit formed, excavated, or made; and if any person shall commence to erect any closet, or to form, excavate, or make any cesspit within the said Municipality, without having given such notice in writing as aforesaid, and before the expiration of seven days after the delivery of such notice (except by the written authority of the Inspector of Nuisances for the said Municipality, or other officer for the time being, appointed by the Council of the said Municipality in that behalf), he shall forfeit and pay a penalty of not less than ten shillings, nor more than five pounds.

2. No person shall erect, or commence to erect, any closet, or to form, excavate, or make, any cesspit, except in such place or position as shall be approved by the said Inspector of Nuisances or other officer as aforesaid; and any person who shall erect, or commence to erect, any closet, or to form, excavate, or make, any such cesspit, without having obtained the approval of the said Inspector or other officer, or in any place or position other than the place or position approved of by the said Inspector or other officer as aforesaid, shall forfeit and pay a penalty of not less than ten shillings nor more than five pounds. But any person who shall feel aggrieved by the decision of such Inspector or other officer may appeal, in writing, against the same, to the Council.

3. Every cesspit shall be at least four feet long by three feet wide internal measurement, and shall be at least four feet (but not more than six feet) below the surface of the ground, and the top of such cesspit shall be at least six inches higher than the highest part of the surface of the ground immediately adjoining such cesspit, and every such cesspit shall have walls on each side of brick of at least four and a half inches thick, and such wall shall be built in cement and rendered at least three quarters of an inch thick inside with cement, in such manner as to make such walls thoroughly water-tight; and no cesspit shall be formed, excavated, or made under any dwelling-house, nor at a less distance than twenty feet therefrom where practicable; and if any person shall form, excavate, or make any cesspit which shall not be in accordance with the provisions of this By-law, or shall form, excavate, or make any cesspit under any dwelling-house, or at a less distance than twenty feet therefrom where practicable, he shall forfeit and pay a penalty of not less than one pound, nor more than five pounds.

4. Every closet shall be built with walls seven feet high, and shall not be less than three feet wide and four feet long, and shall be provided with a door capable of being fastened inside, and that seat and riser of closets should be movable, according to plan to be obtained at the Council Chambers; and every person who shall build or erect any closet which shall not be in accordance with this By-law, shall forfeit and pay a penalty of not less than ten shillings, nor more than forty shillings.

5. Where two or more closets adjoin each other there shall be a sufficient dividing wall not less than nine inches in thickness between every two closets, and such wall shall extend from the bottom of the cesspit up to the roof of the closet, so as to effect a complete separation; and if any person shall erect any two or more closets adjoining each other, and not in accordance with this By-law, he shall forfeit and pay a penalty of not less than ten shillings, nor more than forty shillings.

6. A separate closet shall be provided for each tenement, and any person offending against the provisions of this By-law shall forfeit and pay a penalty of not less than two pounds, nor more than five pounds.

7. Any occupant or owner of any premises within the Municipality shall, within seven days after receiving a written notice to that effect from the Inspector of Nuisances, or other officer appointed for that purpose by the Council, remove any gutter, drain, closet, cesspit, or well, which shall be adjudged by the Council to be a nuisance, and shall make and construct the necessary cesspit, drain, or closet in the position that shall be marked out by the officer appointed for that purpose, and in accordance with By-law No. 2, or in default shall be liable to a penalty not exceeding twenty pounds, nor less than two pounds.

Depôt for the deposit of night-soil.

8. The Council may from time to time, as found to be necessary, appoint a place as a depôt for the deposit of night-soil, and if approved of by the Governor, all night-soil removed from this Municipality shall be deposited therein.

Removal of night-soil.

9. Any night-soil required to be removed from time to time from any cesspit or closet, shall be conveyed to the depot appointed for that purpose by proper night-carts approved of by the Council, and such removal of night-soil shall, subject to the provisions of section 9 of the Act 39 Victoria No. 14, be effected by the contractor under any contract in that behalf for the time being in existence, in such manner as may from time to time be decided by the Council; and the contractor for the time being, or other person who may be authorized under section 9 of the said Act to remove any night-soil, shall be held responsible for duly and carefully conveying the whole of the night-soil entrusted to his care to the depot appointed, and in the direction and to the position ordered by the proper officer appointed by the Council, and no night-soil shall be removed from any cesspit or closet except between the hours of 10 p.m. and 5 a.m. Any person guilty of a breach of this By-law shall be liable to a penalty not exceeding twenty pounds nor less than two pounds.

10. It shall be lawful for the Inspector of Nuisances, or other officer appointed by the Council, to inspect any premises within the Municipality for the purpose of carrying out the provisions of the Act between the hours of 10 a.m. and 4 p.m. on any lawful working day.

11. In the event of any person wishing to use the earth-closet instead of a cesspit, such closet may be used if proper provision be made for that purpose to the satisfaction of and if it be constructed in accordance with instructions in writing which shall be given by the Inspector of Nuisances or other officer appointed by the Council in that behalf.

12. In schools, factories, or other places of business where a number of persons exceeding twelve shall ordinarily reside or

be occupied or employed, one closet shall be provided for every twenty persons, with a cesspit of a capacity of not less than eighty cubic feet, and separate closets shall be provided for each sex; and every owner, occupier, or tenant of such school, factory, or other place of business, and every other person who shall offend against this By-law, or fail to provide the number of closets and of the capacity in this By-law mentioned, shall forfeit and pay a penalty of not more than five pounds nor less than one pound.

13. All expenses incurred by the Council in emptying any cesspit shall be repaid to the Council by the owner or occupant of the premises whereon such cesspit is situated within one week after a written demand of the amount made by the Council or Inspector of Nuisances shall have been served upon him, otherwise the same may be recovered in a summary way before any competent Court of Jurisdiction.

14. The Inspector of Nuisances shall furnish the Council with a monthly return, showing the number of cesspits emptied, the amount due and payable for each cesspit, and the amount of arrears due for emptying cesspits. He shall collect the amounts so due and payable, and account therefor to the Council at least once in every month, or as may be determined upon by such Council.

Made and passed by the Municipal Council of the Municipal District of Macdonaldtown, this 6th day of August, A.D. 1888.

(i.s.) JOHN BALDWIN,
Mayor.

WILLIAM F. BRAY, Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(BOROUGH OF RANDWICK—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 9th January, 1889.

BOROUGH OF RANDWICK.—BY-LAWS.

The following By-laws, made by the Council of the Borough of Randwick, under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the provisions of the above-cited Acts.

HENRY PARKES.

BOROUGH OF RANDWICK.

DRAINAGE AND SEWERAGE BY-LAWS.

The following By-laws made by the Council of the Borough of Randwick, under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875," respectively:—

Sewerage By-laws of the Borough of Randwick, made under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875," respectively:—

1. It shall not be lawful for any person, without notice to the Council or otherwise than according to directions as such Council may make and give, to make or branch any private drain or sewer into any of the public drains, sewers, or channels, or into any drain or sewer communicating therewith.

And in case any person or persons shall make or branch any private drain or sewer into any of the said public drains or sewers, or into any drain or sewer communicating or to communicate therewith, without such notice, or otherwise than as aforesaid, shall for every such offence forfeit and pay any sum not exceeding five pounds.

2. In all cases where it is intended to connect a pipe to the drain or sewer of any other premises, a written permission from the owner or agent of such premises must be sent to the Council Chambers before the authority to connect will be granted, and where the same is not done the drainer shall be liable to a penalty not exceeding three pounds and not less than one pound.

3. Drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed by the occupiers or owner of the house, buildings, land, and premises, under inspection and by the directions of the Council. And in case any person shall neglect to repair and cleanse or cause any such private drain or sewer to be repaired and cleansed, according to the direction of the said Council, he shall forfeit and pay for every such offence any sum not exceeding two pounds.

4. All drain-pipes must be laid as directed below the surface of the roadway and gutters, and all joints must be well and fully luted with strong, clean, well-tempered cement, or material approved of by the Council, free from dirt, or rubbish, both inside and outside the premises.

5. Connecting drains shall be six inches in internal diameter, and laid at a uniform gradient of not less than one foot in sixty feet, unless otherwise authorized, and as far as practicable in straight lines. Where several drains converge, a brick pit must be built, and the drains connected therewith by stoneware flap junctions or other stench-traps as the Council may direct.

6. All drains shall remain uncovered for six hours until inspected by the Engineer or officer appointed and approved by him. Any work covered over before inspection shall be reopened by drainer for that purpose, and any drainer refusing to open the trenches will be liable to a penalty not exceeding two pounds, and shall further be liable at the discretion of the Council to be deemed ineligible to do any such work in the Borough.

7. The drainer will be held liable for all accidents arising from neglect on his part in providing night lights and proper hoarding for any trenches he may require to make or for want of proper scaffolding or other timbering.

8. The drainer shall take care that the portion of the streets and footpaths opened by him shall be left in the same state of repair as he found them, by the street being properly made up, and the trench being well rammed and filled in, the ballast must be hand packed, and the metal evenly spread over it; and where kerbing, guttering, or asphaltting may be disturbed, the same must be carefully and substantially relaid to the satisfaction of the Engineer or officer appointed. And if the same is not done satisfactorily at the request of the Engineer or officer appointed, the drainer shall then forfeit and pay for the offence a sum not less than two pounds nor more than five pounds.

9. Accidents to water, sewer, or gas pipes must be at once reported to the proper authorities by the drainer, and immediate steps taken to have repairs effected under a penalty of a sum not exceeding two pounds.

10. Proper sinks and cesspools shall be constructed to receive the kitchen and house slops and drained to sewer.

All yards, gullies, sinks, cesspools, or other openings are to be stench-trapped.

All connections with main drain shall be provided with approved traps, as authorized, and stoneware pipes shall be used for all drains.

Existing drains may be made use of, subject to the approval of the Council.

Any violation of the provisions of this by-law shall entail a penalty not exceeding ten pounds nor less than two pounds.

11. The water from roofs of houses, or water falling into yards, must be discharged by separate pipes into the gutter in either street or lane, or as directed by the Council. And any owner or occupier failing to carry out this provision shall be liable to a sum not exceeding two pounds for every day after fourteen days' notice (in writing) shall have been given by the Council to remedy the same.

12. No connection from a water-pipe direct to the pan of a closet will be allowed.

All water-closets shall have cistern attached with two compartments with ball, cock, and valve, so arranged that no more than two gallons of water can be used for flushing at any one time.

13. All drains, extensions, alterations, or enlargements to the sewers of the Borough must be executed by licensed drainers approved of by the Council, and they shall pay, on application for sewerage purposes, a fee of two shillings and sixpence for each house.

14. Where no penalty is mentioned, every person committing a breach of any of these By-laws shall, for every such offence, be liable to a penalty of a sum not exceeding ten pounds; and any person obstructing any officer in the discharge of any duty imposed, or in the exercise of any privilege conferred, by any of these By-laws, shall be liable to a penalty of a sum not exceeding five pounds.

15. All persons whose premises are within a distance of sixty-six (66) feet from any main drain, shall connect thereto within fourteen (14) days after receiving notice from the Council to that effect.

Made and passed by the Borough Council of Randwick,
this 26th day of November, 1888.

(L.S.) THOS. JAMES LOWE,
Mayor.

1889.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF COOMA—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 6th May, 1889.

COOMA MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Cooma, under the "Municipalities Act of 1867," and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the provisions of the above-cited Acts.

HENRY PARKES,

THE following By-laws have been made by the Municipal Council of Cooma, for the purpose of carrying out more effectually the provisions of the "Municipalities Act of 1867," and the "Nuisances Prevention Act of 1875," within the Municipal District of Cooma. By-laws No. 1 of Part IV, Nos. 1, 6, 8, 10, 11, 12, 14 and 20 of Part V, and also Schedule C of Part II, are hereby repealed, and in lieu thereof, and in addition to former By-laws, the following By-laws have been adopted:—

SCHEDULE C.

Part II—(as amended).

Costs.

	s.	d.
For making an entry and inventory.....	2	6
For man in possession for period not longer than two hours	5	0
For man in possession for each day, or part of a day longer than two hours	8	0
For sale and delivery of goods, one shilling in the pound on the gross proceeds of the sale, in addition to the cost of advertisements, if any.		

Licensing public vehicles.

1. The Council may from time to time license to ply for hire within the said Municipality carts approved by the By-law Committee, for any or either of the following purposes, namely, carrying passengers, drawing wood, water, washdirt, quartz, earth, stone, gravel, timber, bricks, or for any other purposes, whether hired by the day or by the load, and whether driven by the owner or by any person in the owner's employ.

Injury to kerbing, guttering, &c.

2. No driver, carter, or other person shall wilfully or negligently do, or suffer, or cause to be done, any damage or injury to the kerbstones, gutters, or pathways of any street or roadway, under a penalty of not more than forty shillings nor less than five shillings.

Cleansing butchers' shambles, &c.

3. For preserving the cleanliness of the said Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or any other officer or officers appointed by the Council from time to time, and when and as often as he or either of them shall see occasion to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, and fellmongering establishments in the said Municipality, and to give such directions concerning the cleansing of the said shambles, slaughter-houses, tanneries, and aforesaid establishments, both within and without, as to him shall seem needful; and any butcher or the owner or occupier of any such shamble, slaughter-house, tannery, or establishment, who shall refuse or neglect to comply with such directions within a reasonable time shall forfeit and pay a sum not exceeding ten pounds nor less than ten shillings.

Rubbish.

4. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Municipality without permission first obtained from the Municipal Council or the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than five shillings.

Dead animals.

5. Every person who shall place or shall cause or suffer to be placed upon any land or premises within the Municipality any dead animal, offal, blood, nightsoil, or any other offensive matter, so as to become a nuisance to the inhabitants thereof, shall on conviction suffer and pay a penalty not exceeding five pounds nor less than one pound for every such offence.

Dead animals not to be a nuisance.

6. If any animal shall die in any part of the Municipal District, and the owner of such animal shall not cause its carcase to be immediately destroyed by fire, or so effectually removed and disposed of that no nuisance can possibly result therefrom in any part of the said Municipal District, he shall for every such offence forfeit and pay any sum not exceeding five pounds nor less than one pound.

Throwing filth on footways, &c.

7. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing in or upon the carriage-way, footway, or waterable of any street, lane, or public place in the said Municipality, except at the depôts appointed for such purpose, or shall kill any beast, swine, calf, sheep, lamb, or other animal, for the purpose of sale upon any premises, shall, on conviction, forfeit and pay a fine not exceeding forty shillings nor less than five shillings.

Noxious weeds.

8. The owner or occupier of any land within the said Municipality who shall permit or suffer to grow or remain on the said land any of the following noxious weeds, namely:—The Bathurst burr, Scotch thistle, variegated thistle, or any other noxious weed, and who shall fail to extirpate, remove, or destroy the same within the space of ten days, or such other time as the Council may allow, after receipt of a notice in writing from the Council or proper officer of the Council so to do, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Removing turf or gravel, &c.

9. Any person who shall form, dig, or open any drain or sewer, or remove, or cause to be removed any turf, clay, sand, soil, gravel, stone, or other material, in or from any part of the carriage-way or foot-way of any street or other public place within the said Municipality, without leave first obtained from the Council, or who shall wantonly break up or otherwise damage any such carriage-way or footway shall, on conviction, forfeit and pay for every such offence any sum not exceeding five pounds nor less than ten shillings.

Covering of wells, &c.

10. Every person who shall have a well, or underground tank, or cistern on his or her premises, in the said Municipality, shall well, securely, and permanently cover the same, and every day during which such well, underground tank, or cistern shall remain not so covered shall constitute an offence under this By-law, and he shall, on conviction, forfeit and pay for every such offence a penalty of not more than forty shillings or less than five shillings.

Goods not to be exposed on foot-paths.

11. No person shall place or expose for sale on the pathways or streets, carts, goods, parcels or produce of any kind whatever to the obstruction of the public, under a penalty for each offence of not more than twenty shillings nor less than two shillings and sixpence.

Injuring or extinguishing lamps.

12. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish or unauthorizedly interfere with any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

Drains and foot-paths.

13. No surface drain shall be made in any foot-path, nor any pipes laid under or across the same without the authority of the Council; and no such pipe or drain shall be used for the discharge into any street or roadway of any offensive liquid or matter of any kind whatsoever, and any person who shall so offend shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Trees and enclosures.

14. The Council shall have power to plant trees on the public streets and ways of the Municipality, and any person who shall willfully or without the authority of the Council cut, break, bark, or root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood growing in or upon any street or place under the management of the Council, or in or upon any public reserve or park, shall forfeit a sum not exceeding ten pounds nor less than two pounds.

Encroachments must be removed on notice.

15. The Surveyor or other such officer or person may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall, in this case, be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroachment in structure belongs, or who has erected the same, or caused it to be erected.

Council may remove encroachments.

16. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its own proper officer, and at the cost of the person so offending: Provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds; or, at the Council's option, to proceed against the offender for breach of By-law, the penalty not to exceed twenty-five pounds nor to be less than one pound; and in course of every successive offence the penalty, on conviction, not to be less than five pounds.

Riding or driving furiously.

17. Any person who shall ride or drive through, or upon any street or public place within the said Municipal District, so negligently, carelessly, or furiously that the safety of any other person shall or may be endangered, shall, on conviction, forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Riding and driving round corners.

18. Any person who shall ride or drive round the corner of any road, street, or lane within the said Municipality at a faster pace than a walk, shall, on conviction, forfeit and pay any sum not exceeding one pound nor less than two shillings and sixpence.

Persons not to loiter in streets, &c.

19. All persons standing or loitering upon any of the streets or footways, or other public places within the Municipality, to the inconvenience of the passers-by, or in any way interrupting the traffic, shall discontinue to do so on being requested by any officer of the Council or by any police officer. Any person offending against this By-law shall, for each offence, upon conviction, forfeit and pay a penalty or sum not exceeding two pounds.

Damage to alignment marks or posts.

20. Any person throwing down or pulling up, destroying, or injuring any alignment or other boundary marks or stones, notice boards, or other erection on any reserve, public place, or road, without the authority of the Council, shall forfeit and pay any amount not less than one pound nor more than ten pounds.

Works Committee to fix street levels, &c.

21. The Works Committee, or any officer or person acting under the supervision of such Committee, shall, subject to such orders as shall from time to time be made by the Council in that behalf, fix and lay out the levels of all public roads, streets, and ways within the Municipality, and the carriage and footways thereof: Provided that there shall be no change of level in any such public road, street, or way until the same shall have been submitted to and adopted by the Council, as hereinafter directed.

Change of street levels.

22. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section of the central line and also of each building-line showing the proposed alterations to be exhibited at the Council Chambers for fourteen days for the inspection and information of ratepayers, and shall notify, by advertisement in some newspaper circulating in the Municipality, that such plan is so open to inspection, and any objections to the adoption of the proposed levels must be in writing and be lodged at the Council Chambers before the expiration of the fourteen days aforesaid, and such objections will, at a subsequent meeting of the Council, receive due consideration, and the said plan and sections shall, if adopted, be signed by the Mayor or Chairman, and by the proposer and seconder of the motion for such adoption, and be countersigned by the Council Clerk, and such plan and sections so signed shall be a record of the Council.

Driving, riding, &c., on footways.

23. Any person who shall run, drive, draw, cause, permit, or suffer to run, driven, or drawn upon any of the footways of any street or public place within the Municipality any waggon, cart, dray, sledge, or other carriage, or shall fasten, lead, drive, or ride any horse or other beast upon any such footway, except at gateway entrances, shall, upon conviction, forfeit and pay, for the first offence, a sum not exceeding one pound nor less than two shillings and sixpence; for the second or any subsequent offence a sum not exceeding two pounds nor less than five shillings.

Swine not to be kept.

24. Any person who shall breed, feed, or keep any kind of swine in any house, building, yard, garden, or other hereditament situated and being within forty yards of any street or public place or any dwelling-house in the said Municipality shall, on conviction, forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings.

Polluting watercourse, &c.

25. Any person who shall throw or cast any filth, rubbish, or any animal whatsoever into any watercourse, creek, or canal, or who shall permit or suffer night-soil, sewage matter, or filth of any kind to flow or be cast from his or her premises over any of the footways or streets of the Municipality, or shall permit or cause by means of pipes, shoots, channels, or other contrivances, night-soil, sewage matter, or filth of any kind whatsoever to flow or be cast into any watercourse, waterhole, creek, or canal, or shall obstruct or divert from its channel any sewer or watercourse, creek, or canal, shall forfeit and pay any sum not exceeding five pounds, nor less than one pound, and in addition to such forfeiture pay the cost of removing such filth or obstruction from such watercourse, &c., as aforesaid.

Boardings and obstructions.

26. Any person who shall have caused building materials, or boarding enclosing such building materials, or any obstruction whatever, to be placed on any portion of the footway or roadway of any street or streets of this Municipality, without having first obtained permission from the Council, or who having obtained such permission, shall fail to keep the obstruction properly lighted from sunset to sunrise, shall be liable to a penalty of not more than two pounds nor less than five shillings.

Indecent exposure.

27. Any individual who shall offend against decency by the exposure of his or her person in any street or public place within the said Municipal District, or in view thereof shall, on conviction, forfeit and pay for every such offence a sum not exceeding ten pounds nor less than one pound.

Food.

28. Any person exposing diseased or putrid meat for sale, or any food unfit for human consumption, or shall slaughter or cause to be slaughtered for the purposes of human food, any ox, sheep, swine, or other animal, in a cancerous or diseased state shall be liable to a fine of not less than two pounds or more than ten pounds.

Inspector may take proceedings.

29. The Inspector of Nuisances, or other person appointed by the Council, may, under instructions from the Mayor, take legal proceedings against any person or persons committing any offence or offences against any of the By-laws of the Municipality.

Scale of charges made by the Municipal Council of Cooma for the under-mentioned purposes:—

	a. d.
30. Giving an alignment of one house or terrace of houses when the same fronts one street only..	5 0
Giving an alignment of one house or terrace of houses, when fronting two streets	10 0
Giving an alignment of fence when the same fronts one street only	2 6
Giving an alignment of fence when the same fronts two streets	5 0
Giving building levels	10 0
Inspecting sections of building line.....	5 0

Half the amount of each fee to be allowed to the town surveyor for the time being.

By-laws of the Municipal District of Cooma, for carrying into effect the provisions of the "Nuisances Prevention Act of 1875."

Position of closet to be approved.

1. No closet shall be erected or cesspit formed, excavated or made, except in such position as shall be approved of by the Inspector of Nuisances of the said Municipality, or other officer for the time being, appointed by the Council of the said Municipality in that behalf; and every person being guilty of a breach of this By-law shall be liable to a penalty of not less than five shillings nor more than five pounds; but any person who shall feel aggrieved by the decision of such Inspector or other officer, may appeal against the same to the Council, who may either sustain the appeal or decide upon enforcing their officer's decision, and have such cesspit filled up or such closet removed.

Form and dimensions.

2. Every closet shall be built at least six feet and six inches high from the floor to the wall-plate of the roof, and shall not be less than three feet and six inches wide and four feet and six inches long, internal measurement, and shall be provided with a door capable of being fastened on the inside, and shall have ventilating pipes or holes four and a half inches wide or a louvre, under a penalty not exceeding five pounds nor less than one pound.

Closet accommodation.

3. A separate closet shall be provided for each tenement, and any person offending against this By-law, shall forfeit and pay a penalty of not less than two pounds, nor more than five pounds.

Closets for Schools and Factories, &c.

4. In schools, factories, or other places of business where a number of persons exceeding twelve, shall ordinarily reside, or be occupied or employed, one earth-closet shall be provided for every twenty persons, with separate closets for each sex; and every owner, occupier, or tenant of such school, factory, or other place of business, and every other person who shall offend against this By-law, or shall fail to provide the number of closets, and of the capacity in this By-law mentioned, shall forfeit and pay a penalty of not more than five pounds, nor less than one pound.

Adjoining Closets.

5. Where two or more closets adjoin each other, there shall be a sufficient dividing wall not less than four and a half inches in thickness between every two closets, and each wall shall extend from the bottom of the cess-pit or closet, up to the roof of the closet, so as to effect a complete separation; and if any person shall erect any two or more closets adjoining each other, and not in accordance with this By-law, he shall forfeit and pay a penalty of not less than one pound, nor more than five pounds.

Closets may be altered.

6. If in the opinion of the Inspector of Nuisances, any alteration is required in existing cess-pits or closets, he shall report the same to the Council, which shall determine what alteration is necessary for the preservation of health and decency, and such alteration shall forthwith be made by the owner or occupier of the premises after receiving seven days' notice to that effect, under a penalty not exceeding five pounds, nor less than two pounds.

Earth-closet only within town.

7. On and after the 1st day of March, 1880, no person or persons shall dig, make, or construct, or cause, or permit to be dug, made or constructed, on any premises within the town boundaries of the Municipality, any open closet or cesspit for the deposit of fecal matter; and all closets or privies, from and after the said date, shall be constructed and made on the dry earth system only; and any person or persons offending against the provisions of this By-law, shall be liable to a penalty not exceeding ten pounds, and not less than one pound.

Cess-pits.

8. All cess-pits within the town shall be emptied, properly cleaned, and if necessary, filled up within three months from the time that notice may be given by the Council to do so. If the order of the Council is not complied with within fourteen days from the expiration of the notice, the owner or the occupier of the premises shall be liable to a penalty of five pounds per week for every week during which the order is not complied with.

Cess-pits to be emptied.

9. No person shall cover up, or cause to be covered up, any existing cess-pit with earth or other material, prior to giving notice to the Inspector of Nuisances until the same shall be properly emptied by the Council or their contractor or other person. Any person being guilty of a breach of this By-law shall be liable to a penalty not exceeding ten pounds nor less than two pounds.

Owners may be required to alter.

10. Owners of existing closets and cesspits may be required to alter or improve them in such manner as may be necessary, in order to bring them into conformity with these regulations, on notice being given by the Inspector of Nuisances to that effect. Persons failing to make such alterations or improvements within one month after the receipt of such notice, shall be liable to a penalty of not less than ten shillings nor exceeding the sum of two pounds, for each and every week during which they shall fail to comply with the terms of the said notice.

Closets, &c., not to be a nuisance.

11. All privies, earth closets, or other receptacles wherein night-soil may be deposited, shall be kept in such a state of decency and cleanliness as not to be a nuisance or offensive to neighbouring householders or residents, under a penalty of not less than one pound nor more than ten pounds.

Night-soil on street.

12. Any person allowing night-soil from any closet to fall into any street or public place, shall forfeit and pay a sum not exceeding twenty pounds nor less than two pounds.

Fans to be supplied.

13. All closets shall be supplied with iron pans, and of a pattern to be approved by the Council; such pans to be kept in good order to the satisfaction of the Inspector of Nuisances. Any owner, or occupier committing a breach of this By-law shall be liable to a penalty of not more than two pounds nor less than ten shillings.

Earth to be supplied.

14. Every earth-closet, whether already built or hereafter to be built, shall be provided with a box, or earth compartment, and provided where necessary with a scoop, for each occupant to throw in stored dry earth or ashes through the seat into the iron pan or pail, and shall have a supply of dry earth or ashes constantly in, or within easy access of such closet; and in case of any breach or neglect of this By-law, the occupier or owner of the premises respectively shall be liable to a penalty of not less than five shillings nor more than two pounds.

Filth not to accumulate.

15. Any person wilfully allowing filth of any kind, or accumulation thereof, or any substance or substances from which noxious effluvia arises, to remain upon his premises, shall be liable to a penalty of not more than five pounds.

Depôts for night-soil.

16. The place of deposit for night-soil shall be in such locality as may, from time to time, be determined upon by the Council and approved of by the Governor.

Night-carts to be water-tight.

17. Every night-cart or vessel used in the business of a night-man, shall be kept by the owner thereof water-tight and free from leakage.

Removing night-soil.

18. Any person who shall remove any night-soil or other offensive matter, between the hours of six o'clock in the morning and eleven o'clock at night, or shall fail to remove the same in properly covered watertight carts, or staunch vessels, or in such a manner as to upset, cast, spill, or strew any of the said night-soil slop, urine, or filth, in, upon, or near to any of the streets, roads, or ways of the Municipality, or shall throw any such offensive matter in, upon, or near to the same, or shall suffer the same to remain for twenty-four hours in any such street, road, or place, shall, for every such offence, pay a sum not more than two pounds, nor less than five shillings. Provided always that the contractor or the employers of the person so offending shall be the person or persons liable to such penalty.

Emptying closets.

19. Persons requiring their closets emptied shall send written notice to the Council or to the Inspector of Nuisances (unless otherwise provided for); and any person wishing to use the refuse from any earth-closet shall be at liberty to do so by making proper provision for emptying the same to the satisfaction of the Inspector of Nuisances; and any person causing a nuisance from the careless use of such pan or its contents shall be liable to a penalty not exceeding five pounds, nor less than one pound.

Council to fix charges.

20. The Council may charge such sum for the emptying of cesspits or attendances upon earth-closets as may be decided upon from time to time by resolution of the Council.

Expenses to be repaid.

21. All expenses incurred by the Council in emptying any cesspit or closet shall be repaid to the Council by the owner or occupant of the premises whereon such cesspit or closet is situated, within two weeks after a written demand of the amount made by the Inspector of Nuisances shall have been served upon him, otherwise the same may be recovered in a summary way before any two Justices of the Peace.

Removal by contract.

22. The night-soil may be removed by contract in properly constructed carts, between such hours as the Council shall determine, and the contractor will be held responsible for the careful conveyance of the night-soil to the appointed depôt, and he shall dispose of the same as directed. For any breach of the conditions of this By-law he shall be liable to a penalty not exceeding twenty pounds, nor less than two pounds.

Permission to use night-soil.

23. No person shall be at liberty, without the permission of the Council, to use on his own premises any night-soil collected thereon, and notwithstanding the permission to use such night-soil, if any nuisance shall arise therefrom, he shall be liable to a penalty not exceeding five pounds, nor less than ten shillings.

Night-soil if sold, &c.

24. If the night-soil, or any portion thereof, shall be sold or given away by the Council, the person removing the same, shall do so only at such times and in such manner as not to cause a public nuisance; and the person purchasing or obtaining it and so dealing with or disposing of it as to cause a nuisance, shall be liable to a penalty not exceeding ten pounds nor less than two pounds.

Power to inspect.

25. The Inspector of Nuisances shall, after giving notice of his visit, have power to inspect any premises within the Municipality on any lawful day, between the hours of ten in the forenoon and four in the afternoon; and any person refusing admittance or obstructing or hindering such inspector in the discharge of his duty, shall incur a penalty not exceeding five pounds nor less than one pound.

Hog-styes and nuisances not removed.

26. In case any privy, hog-stye, sink, cesspool, yard, or enclosure, or any matter or thing of an offensive nature, shall at any time be in any road, street, or way, or in any place within the Municipality, so as to be a nuisance to the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, by notice in writing, to be served upon the occupier or upon the premises, to order its removal within seven days; and every such owner or occupier refusing or neglecting to remove or abate such nuisance, shall for every such offence pay a sum of not more than two pounds nor less than five shillings.

Penalty where not provided for.

27. The maximum penalty for a breach of any of these By-laws shall, in each case be ten pounds, and the minimum penalty one pound, unless otherwise provided for.

The foregoing By-laws were made and passed by the Municipal Council of Cooma this 6th day of December, 1888.

(L.S.) THOMAS W. FAULKNER,
E. HEWSON, Mayor.
Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF BROKEN HILL—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 7th June, 1889.

BROKEN HILL MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Broken Hill, under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

BROKEN HILL MUNICIPALITY.

BY-LAWS for regulating and licensing public vehicles, cars, hackney carriages, cabs, carriers, water-carts, omnibuses, carts, carts or vans, and the drivers and conductors of passenger-carrying vehicles.

Vehicles to be licensed.

1. No vehicle shall ply or be used for hire within the Municipality unless the same be duly licensed in the manner herein described.

Requisition for license.

2. Before any license for plying a vehicle, or to drive or to conduct the same, shall be granted, the party requiring such license shall obtain from the Council Clerk, free of charge, a requisition in the form of the Schedule A hereto or to the like effect, and shall fill up and sign the same, and deliver it to the Council Clerk; and in the case of drivers or conductors, shall also obtain a certificate from two respectable householders, should such be deemed necessary, to the effect that the applicant is of good character and competent to act as such driver or conductor as the case may be.

Condition precedent to license.

3. No license shall be granted in respect of any vehicle which, in the opinion of the Inspector who shall be appointed by the said Council, is unsafe or in bad repair, or otherwise unfit for the accommodation and conveyance of passengers therein, nor until the number of such vehicle be painted thereon, on a plate or plates affixed thereto on the outside of such vehicle.

Licenses, how issued.

4. Licenses for proprietors, drivers, and conductors shall be in the form contained in the Schedule hereto annexed marked B, or to the like effect, and any person plying, driving, or conducting any vehicle for hire with passengers without such license shall be deemed guilty of a breach of these By-laws.

Licenses under seal.

5. Every license granted under these By-laws shall be under the Common Seal of the Council, and signed by the Mayor and countersigned by the Council Clerk, and shall be issued upon the production of the Inspector's certificate, and shall be in force from the date of such license until the 31st day of December

next ensuing, subject to the conditions contained in section eight thereof; and no such license shall include more than one vehicle: Provided that where the licensed vehicle shall be under repair, if the proprietor shall so desire he may obtain an authority to substitute another vehicle for the one then under repair.

Age of drivers.

6. No license shall be granted to any person to drive any passenger-carrying vehicle who shall be under the age of eighteen years.

Name of licensee.

7. The person in whose name a license shall have been obtained shall be deemed to be the owner of the vehicle in respect of which the license shall have been granted.

Inspection of vehicles.

8. The Inspector shall, as often as he may deem it necessary, cause an inspection to be made of all or any licensed vehicles, and of the harness, horse or horses, and if any such vehicles, harness, or horses shall be found to be unfit for use, the Mayor may cancel the license of such vehicle, on the written report of the said Inspector. Any person refusing or neglecting to comply with the Inspector's request to submit his vehicle, horse, or harness for inspection shall be deemed guilty of a breach of these By-laws.

Number to be painted on vehicle.

9. The number of the license granted to every omnibus or car in figures, not less than 4 inches in height, and for every hackney carriage or cab in figures not less than 2 inches in height, of proportionate breadth, white upon a ground of black, shall be painted outside, on the panel of the door or doors of such vehicle, or on such other part thereof as the Inspector shall direct; and such number shall be kept legible and undefaced during the time such vehicle shall ply or be used for hire.

Number of vehicle.

10. The number of the license of every hackney carriage or cab, on a card or plate 6 inches by 3 inches, painted or printed in clear legible figures, and the table of fares fixed by the Council, shall be affixed at the upper part of the front panel

or in such other place or places inside of such carriage or cab as the Inspector may direct; and such card or plate shall be kept so affixed and legible and undamaged during all the time the carriage or cab shall ply or be used for hire.

Name of vehicle.

11. So far as concerns fares in these By-laws, any vehicle of whatever form or construction, for which a hackney carriage license has been taken out, if drawn upon four wheels, shall be deemed to be a hackney carriage, and if drawn upon two wheels a cab.

Lights on vehicles.

12. All vehicles licensed to carry passengers shall be provided with suitable carriage lamps, to burn candles, one to be fixed on each side of the driver's box, and a third one inside of all omnibuses and closed coaches, with the number of the vehicle plainly painted on the glass of such lamp; and the same shall be lighted not later than one hour after sundown and be kept burning while the vehicles are on the stand or running in the streets, either with or without passengers; and every private carriage, delivery van, spring cart, or waggon that shall be driven at a greater pace than 3 miles per hour after sunset and before sunrise shall be provided with proper carriage lights, and the driver thereof shall keep the same lighted while such vehicle shall be so driven.

Number of passengers.

13. When any carriage is submitted for inspection by the owner or other applicant, with a view to obtain a license, the Inspector for that duty shall then determine upon the number of passengers the vehicle shall be permitted to carry, and give a certificate to that effect, such number to be mentioned in the license.

Fare to be painted.

14. The number of passengers the vehicle is licensed to carry, and the legal fare, shall be painted or printed in legible characters and affixed within and without the vehicle in such place as the Inspector shall direct.

Speed—Place of Worship.

15. No licensed vehicle shall be drawn by any animal or animals past a place of public worship on Sundays during Divine service at a faster pace than a walk, and no bugle, horn, whistle, or other instrument shall be used on that day for the purpose of attracting the attention of passengers.

Persons not allowed in vehicles.

16. No person suffering from any infectious or contagious disease shall ride in or upon any licensed vehicle, and no driver or conductor shall knowingly carry, or permit to be carried, any such person or (except to some police office or watch-house) any corpse, or any person in a state of intoxication, or who is so noisily or violently conducting himself, or otherwise so misbehaving as to occasion any annoyance or to disturb the public peace; and no passenger shall carry inside any vehicle, except a dog, any animal or any substance of an offensive character, or that might soil or damage the vehicle or the apparel of other passengers, and no driver or conductor shall sleep in or upon any licensed vehicle, nor use the same for eating his meals therein.

Not to carry more than number.

17. No driver or conductor shall admit to the inside, or allow on the outside, of any omnibus at any one time a greater number of passengers than the number it shall be licensed to carry, inside or outside, as the case may be; and no omnibus shall be licensed for more passengers than the same will accommodate upon fit seats properly cushioned, allowing for each passenger a space of 18 inches, measuring in a straight line lengthwise on the front of such seat; nor shall any vehicle be taken off the line of road for which it shall be licensed: Provided that no child under five years of age sitting on the lap shall be deemed to be a passenger within the meaning of these By-laws; no passenger to carry more than one child.

Fare not to be increased.

18. No owner, driver, or conductor of any omnibus shall demand, receive, or take from any passenger a larger fare than shall be shown in large unmovable figures in some conspicuous place inside and outside the omnibus, as the fare for which such omnibus plies. Provided that no fare shall be increased, except between the hours of 10 o'clock at night and 5 o'clock in the morning. And no driver or conductor of an omnibus shall neglect or refuse to admit and carry any person for whom there is room, and to whom no reasonable objection can be made under these By-laws; nor in cases of accident or other unavoidable cause shall any driver or conductor stop such vehicle upon any place where foot passengers usually cross the carriage-way.

Fare to be paid.

19. Any person having taken his seat in or upon an omnibus shall pay the fare when demanded after the commencement of his journey. The owner of every omnibus plying for hire shall provide the same with a licensed driver and a licensed conductor.

License fees.

20. For every license issued under the By-laws in force for the time being in that behalf within the said Municipality, there shall be paid to the Council of the said Municipality, by delivering the same to the Council Clerk or other person authorized to receive the same, the several sums mentioned or set forth in Schedule C to these By-laws for the general purposes of the said Municipality.

Description of vehicle.

21. Whenever the word "vehicle" shall be used in these By-laws the same shall be construed to extend and apply to any omnibus, car, hackney carriage, or cab. The word "omnibus" shall extend and apply to any vehicle upon four wheels drawn by two or more horses, having seat accommodation for more than ten passengers and a driver. The word "car" shall extend and apply to any vehicle upon two or four wheels, drawn by one or more horses, having seat accommodation for not more than ten or less than five passengers and a driver. The word "hackney carriage" shall extend and apply to any vehicle upon four wheels, drawn by two or more horses, and having seat accommodation for not more than five passengers and a driver, and in respect of which a hackney carriage license within the said Municipality shall have been obtained. The word "cab" shall extend and apply to any vehicle upon two wheels, and having seat accommodation for not more than two passengers and a driver, in respect of which a cab license within the said Municipality shall have been obtained. The word "cart" shall extend and apply to any cart, dray, van, or waggon, drawn by one or more horses or other animals, used wholly and for the carriage of goods and parcels. The word "water-cart" shall extend and apply to any cart used for the carriage of water within the said Municipality, in respect of which a water-cart license shall have been obtained.

Fares chargeable.

22. No proprietor or driver of any hackney carriage or cab within the said Municipality shall demand, receive, or take more than the several fares or sums mentioned or set forth in the Schedule D to these By-laws, or such other sums as the Council of the said Municipality shall from time to time determine or appoint in substitution therefor as hereinafter provided; and every proprietor, driver, or conductor failing to comply with this By-law shall for every such offence forfeit and pay a penalty or sum of not exceeding five pounds nor less than five shillings.

Council may amend Schedule.

23. The Council of the said Municipality may from time to time, by resolution passed in that behalf, alter and vary, or amend the said Schedule D and the respective sums chargeable thereunder, or any of them, and such alterations, variations, or amendments shall become of full force and effect so soon as the same shall have been publicly notified by advertisement in the New South Wales Government Gazette, and at least one newspaper circulating in the said Municipality; and the Council of the Municipality shall not be responsible for any loss which such alterations or amendments may have or may be alleged to have occasioned to the holders of licenses for the time being or any of them.

Drivers to take passengers.

24. No driver of any hackney carriage or cab shall refuse to take up any passenger or passengers unless already engaged for hire, nor refuse to convey such passenger or passengers to such place or places within the said Municipality as he, she, or they may reasonably desire; and every person failing to comply with this By-law shall forfeit and pay a penalty or sum not exceeding five pounds for every such offence.

Stands to be fixed.

25. The Council shall, by resolution, to be publicly notified as in By-law 30 of this Part, from time to time appoint any place or places within the said Municipality as stands for licensed hackney carriages and cabs within the said Municipality.

Drivers to be with horses.

26. No driver of any licensed vehicle shall be or remain at such a distance from his horse or horses, while attached to his vehicle, anywhere within the said Municipality as not to have immediate and full control over the same; and every person so doing shall for every such offence forfeit and pay a penalty or sum not exceeding five pounds nor less than five shillings.

Rate of speed.

27. All hackney carriages and carts carrying passengers shall (except when turning street corners) proceed at a speed of not less than six miles an hour, unless when attending funerals, or when otherwise ordered by the hirer; and every driver of any such carriage or cab failing to comply with this By-law shall forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

By-laws to be presented.

28. Copies of these and of all other By-laws passed by the Council of the said Municipality, for the regulation of licensed vehicles, and still remaining in force, shall be delivered with each license issued, unless the person shall have previously received copies thereof.

Water-carriers' Licences.

29. The Council shall from time to time license to ply within the Municipality such carts for the sale and carrying of water as shall upon inspection be found fit for that purpose. Every such cart shall be, or shall contain or carry a vessel or tank capable of containing not less than fifty gallons, and shall have the name of the owner, and the words "licensed water-cart" painted on such cart in legible letters.

Application for, and time in force.

30. Every such licence shall be issued on the written application of the owner thereof, in which application shall be set forth the name and surname and place of abode of the applicant; and for every such licence there shall be paid to the Council the sum of five shillings; and every such licence shall be in force until the 31st day of December next ensuing after the granting of the said licence.

Carriers must be licensed.

31. Any person hawking or carrying water for sale or hire, otherwise than in a licensed water cart as aforesaid, shall upon conviction be liable to a penalty not exceeding one pound.

Name and abode.

32. The name and place of abode, number of licence, and the words "licensed cart," "dray," or "van," as the case may be, are to be painted in letters 1 inch long upon the right or left side of such cart, dray, or van.

By-laws to be observed.

33. All proprietors and drivers of licensed vehicles shall at all times be amenable to and observe and comply with the By-laws for the time being in force for the care and management of the public roads, public streets, and public thoroughfares within the said Municipality, and for every breach thereof shall incur the same penalties as other persons.

Penalties general.

34. Any person offending against any of these By-laws shall, except when otherwise expressly provided, forfeit and pay a sum not exceeding forty shillings nor less than five shillings for every such offence.

SCHEDULE A.

A requisition for License.

To the Municipal Council of the Municipal District of Broken Hill.

I, _____ residing at _____ street, within the Municipal District of Broken Hill, do hereby request that a licence may be granted to me to _____ within the limits of the said Municipal District of Broken Hill,
Dated at Broken Hill, this _____ day of _____ A.D. 188 ____ .
Description of vehicle.

SCHEDULE B.

Form of License for Driver or Conductor.

This is to certify that _____ of _____ street, is hereby licensed to _____ from the _____ day of _____ to the 31st December, 188 __, inclusive, within the Municipal District of Broken Hill, subject nevertheless to all and every the By-laws, Rules, and Regulations in force relating thereto.

SCHEDULE C.

TABLE of License Fees payable by proprietors, drivers, and conductors of licensed vehicles:—

Proprietors of	From and after 1st January.		From and after 1st July.	
	£	s. d.	£	s. d.
Omnibuses and coaches	1	0 0	0	10 0
Cars	1	10 0	1	0 0
Hackney carriages	1	10 0	1	0 0
Cabs	1	10 0	1	0 0
Water-carts	0	5 0	.....	.....
For every driver's license for a vehicle to carry passengers	0	5 0	.....	.....
For every conductor's license	0	5 0	.....	.....

SCHEDULE D.

TABLE of Maximum Fares chargeable by drivers or proprietors of hackney carriages and cabs to carry one or two persons:—

	For one person.		For two persons.	
	s.	d.	s.	d.
For every quarter of an hour, or part thereof, within the first hour of hiring	1	0	1	6
For every quarter of an hour, or part thereof, beyond the first hour of hiring	0	9	1	0

For a hackney carriage to carry five persons:— s. d.
For any time not exceeding half an hour 2 6
Over half an hour, not exceeding one hour..... 5 0
For every quarter of an hour or part thereof after the first hour 1 0
Between the hours of ten o'clock p.m. and five o'clock a.m. the foregoing fares may be increased one half extra.

The foregoing By-laws were made and passed at a meeting of the Council of the Municipal District of Broken Hill, held on the eleventh day of April, 1889.

(Ls.) Z. LANE, Mayor.

CUTHBERT ALLISON, Council Clerk.

By-laws made and passed by the Municipal District Council of Broken Hill, for more effectually carrying out the provisions of the Nuisances Prevention Act, 1875:—

Description and situation.

1. All closets, earth-closets, privies, cesspools, and cesspits, within the Municipal District of Broken Hill, shall be constructed and kept so as not to be a nuisance or injurious to health, and so as that there shall be no overflow or soaking therefrom; in no case where practicable shall a cesspit or cesspool be situated within twenty-five feet from any dwelling.

Not to be made without consent.

2. On and after the date of this By-law becoming law, there shall not be formed, dug, or excavated, any earth below the surface for the purpose of making any cesspit, cesspool, or other opening for the receptacle of night-soil, unless by and with the permission of the said Council; all closets made or constructed after this By-law becoming law shall be made or fitted with a movable receptacle or pan, and such as are usually known as earth-closets, unless the consent of the said Council be given to construct other than an earth-closet.

Separate closet accommodation.

3. A separate closet shall be provided for every dwelling-house, and when two or more closets adjoin each other there shall be a properly constructed dividing wall between each closet, commencing at the floor and terminating at the roof; each hotel shall be provided with at least one public closet and one or more properly constructed urinals; hotels, boarding houses, factories, and other places of business, shall provide one closet for every twelve persons ordinarily engaged or living on the premises, with such provisions as to separate entrance for females, as may be considered requisite and necessary by the said Council or its officers.

Contents, how removed.

4. The contents of cesspools, cesspits, privies, earth-closets, or other receptacles for night-soil may be removed by contract in properly constructed water-tight carts; and the said Council is hereby empowered to enter into any contract or contracts with any person or persons for the due performance of any or all matters connected with the removal and deposit of night-soil, and may make regulations from time to time as to them may seem necessary respecting such contract or contracts, and may also by like regulations determine the price which the owner or owners or occupants of any premises shall pay or be liable to pay the said Council for emptying and cleansing, or causing to be emptied and cleansed, their cesspools, cesspits, privies, or earth-closets aforesaid; and the said Council may recover in any competent Court such charges as have been fixed by the said Council duly assembled by resolution or otherwise.

Existing closets to be altered.

5. When any existing closet, cesspool, cesspit, or similar appliance of any kind shall, in the opinion of the said Council or their duly appointed officer or officers, be injurious to public health or be or become a nuisance or opposed to common decency the owner or owners thereof shall upon receiving seven (7) days' notice from the said Council or from their duly appointed officer for that purpose, make such alterations as

may be ordered by the said Council or by such officer within the time prescribed by such notice; any owner or occupier neglecting or refusing to comply with the terms of such notice the said Council shall and may have the required alterations carried out at the costs and expense of the said owner or occupier hereof; and in case of neglect or refusal to pay such expense after demand the same shall and may be recovered in the manner provided by section No. 14 of the Nuisances Prevention Act of 1875.

Penalty for non-compliance with alterations.

6. Any owner or owners of existing closets or soil pits may be required to alter and improve them in such manner as may be deemed necessary by the said Council in order to bring them into conformity in all respects with these By-laws on notice being given by the said Council, or by their duly appointed officer for that purpose, to that effect. Owners or occupiers failing to make such alterations or improvements within one month after the receipt of such notice shall be liable to a penalty of not less than one pound nor exceeding the sum of three pounds for each and every week or portion of a week during which they shall fail to comply with terms of the notice aforesaid; the same to be recoverable in any Court of competent jurisdiction within the Colony of New South Wales.

Depôts to be appointed.

7. The said Council may from time to time by regulation or regulations appoint depôts within the said Municipal District, wherein the contents of closets, cesspools, cesspits, and other offensive matter shall be deposited, and may use or cause to be used, such disinfectants as may appear necessary, so that the existing matter shall not be a nuisance or injurious to health: Provided also, that nothing herein contained shall prevent the said Council from making arrangements to deposit night-soil and other manures on private lands, or depositing of such by sale or otherwise, in accordance with the general provisions of these By-laws, but no person shall be allowed to deposit night-soil, sewerage, or other offensive matter on private lands within the said Municipality without the consent of the Council or their duly appointed officer.

Proper carts to be used.

8. The contents of cesspools, cesspits, privies, earth-closets, or other receptacles for night-soil shall be removed in properly constructed water-tight carts, by persons who have been duly authorized and licensed for the performance of such work by the said Council; and no person shall be allowed to perform such duties of nightman, without first having obtained a license from the said Council, any person infringing this part of the By-law shall on proof thereof be guilty of a misdemeanor, and subject to a penalty for every such offence of not less than ten shillings nor more than five pounds.

Premises to be kept clean.

9. All privies, earth-closets, or other receptacles, wherein night-soil may be deposited, shall be kept in such a state of cleanliness so as not to be a nuisance or injurious to health; and no householder or resident shall allow or permit any such premises to be a nuisance or offensive to neighbouring householders or residents, under a penalty of not more than five pounds, to be recovered in any competent Court of jurisdiction as aforesaid.

Time for cleansing.—Drains not to be connected.

10. The occupier of every house, building, or tenement within the said Municipal District shall cause every cesspit, cesspool, or privy therein to be emptied and cleansed from time to time as soon as the portion of the contents of such shall have so accumulated therein as to be within a distance of six inches from the top of such receptacle or cesspit, or sooner on complaint being made and notice given by the said Council's duly appointed officer for the removal of such night-soil: Provided that the contents of any cesspool, cesspit, privy, or closet-pit shall not be removed or discharged therefrom except by some nightman or nightmen duly authorized or licensed as such by the aforesaid Council, and only between the hours of 11 o'clock p.m. and 5 o'clock a.m. No cesspool, cesspit, or privy shall have connected therewith or attached thereto any pipe or other appliance capable of being used for the purpose of discharging or removing the contents of such cesspool, cesspit, or privy upon or under the surfaces of any adjoining ground, or into any drain or sewer, or into any other place or places whatsoever; any person or persons wilfully violating this part of the By-law in any respect shall be liable to and forfeit and pay a penalty not exceeding ten pounds nor less than ten shillings, to be recoverable in such aforesaid Court.

Disinfectant to be used.

11. The occupier of every house, building, or other tenement on or in which the privy or closet belonging thereto shall not be provided with a cesspit, shall at all times cause to be kept in

such privy or closet a supply of dry powdered earth, ashes, charcoal, lime, or some other material efficient and sufficient for decolorizing the night-soil deposited therein; and shall also cause all such night-soil which may be deposited in any box, pan, bucket, or other receptacle in such privy or closet, to be immediately on the deposit thereof covered with a quantity of dry powdered earth or such other decolorizing material as aforesaid, sufficient to thoroughly and effectually decolorize the contents of such bucket, pan, or other receptacle.

Depôts only to be used.

12. Licensed nightmen for the removal of night-soil shall, under the direction of the Inspector of Nuisances for the time being or their officer or officers appointed by the said Council, make a trench on the depôts fixed upon by the said Council for the purpose of depositing therein all night-soil that shall from time to time be taken thereto; and the whole of such night-soil shall as deposited be covered with earth and disinfectants so as to prevent any nuisance to arise therefrom; and any nightman or other person who shall deposit night-soil either on the appointed depôt or any other land within the said Municipal District without covering or otherwise decolorizing the same, shall be liable to a penalty not exceeding £2, to be recovered in any Court as aforesaid.

Inspector to enter premises and abate nuisance.

13. It shall be lawful for the Inspector of Nuisances or other officer duly appointed by the said Council, to demand admission into and upon the premises from the owner or occupant, to inspect any premises within the said Municipal District for the purpose of carrying out the provisions of the Nuisances Prevention Act aforesaid, the said Inspector of Nuisances or any other person duly appointed by the said Council shall have full power without any other authority than this By-law to go on any such premises for the purpose of making any such examination or inspection; and if any such premises shall be found to be a nuisance or otherwise offensive, notice in writing by the said officer shall be given by delivering the same to such proprietor or other person resident on the said premises, or by leaving the same at the house or dwelling of such proprietor or resident, that if within seven days after the service of such notice the said nuisance shall not be removed, the proprietor, tenant, or occupier of the aforesaid premises shall, upon such neglect or default, and upon conviction thereof before any competent Court, be liable to any penalty not exceeding twenty pounds, to be recoverable as aforesaid.

Position of closets.

14. Every cesspool, cesspit, or earth-closet, shall be in such a position that the same may be emptied without the contents thereof being carried through any dwelling-house; and any person or persons having or building any cesspool or cesspit contrary to this part of the By-law shall be liable to a penalty of not less than one pound nor more than five pounds, to be recovered on conviction by any competent Court as aforesaid.

Persons building to give notice to Inspector.

15. Any person or persons who intend to construct any privy or closet, shall give notice in writing to the Inspector of Nuisances for the time being of their intention so to do; and the said Inspector shall within forty-eight (48) hours, inspect the premises on which such is intended to be constructed, and if in accordance with this By-law and the Nuisances Prevention Act, shall give the necessary permission for the construction of such closet; any person constructing a closet or other receptacle for the deposit of night-soil without giving such notice and receiving such permission shall upon conviction thereof be liable to a penalty of not less than ten shillings nor more than ten pounds.

Penalty for interrupting Officers.

16. Any person or persons obstructing the said Council or their appointed officers or servants, or any or either of them in the execution of their duty in any way or manner, shall be liable to a fine or penalty not exceeding five pounds sterling, in accordance with the provisions and powers contained in the Nuisances Prevention Act, 1875.

Persons not allowed to remove night-soil.

17. No person will be allowed to fill up any existing cesspit, to empty, carry away, or in any manner dispose of night-soil, without having first obtained the permission of the Inspector. Any person acting contrary to this portion of the By-law shall be liable to a penalty of not more than five pounds nor less than one pound.

The foregoing By-laws were made and passed at a meeting of the Council of the Municipal District of Broken Hill, held on the eleventh day of April, 1899.

(L. E.) Z. LANE,
Mayor.

CUTHBERT ALLISON, Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF MACLEAN--BY-LAWS)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 153, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 15th June, 1889.

MACLEAN MUNICIPALITY.—BY-LAWS.

THE following By-laws made by the Council of the Municipal District of Maclean under the "Municipalities Act of 1867," and the "Nuisances Prevention Act 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

MACLEAN MUNICIPAL BY-LAWS.

PART I.

Regulating their own proceedings, and the duties of their officers and servants, and preserving order at Council Meetings.

Meetings of the Council.

1. The ordinary sittings of the Council shall be on the second and fourth Tuesday in every month, at the hour of seven p.m., unless such day shall be a public holiday. In that case the meeting shall be held on such other day as the Mayor shall appoint.

Election of Chairman in absence of Mayor.—Adjournment for want of quorum.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down and recorded in the Minute Book.

Business of ordinary meetings.

3. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and signed by the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Correspondence to be read, and orders made thereon if expedient.
3. Petitions (if any) to be presented.
4. Reports from Committees and minutes from the Mayor (if any) to be presented and orders made thereon.
5. Payments.
6. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the Committees or Officers to be made.

7. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.

8. Orders of the day to be disposed of as they stand on the business paper. Provided that it shall be competent to the Council at any time by resolution without notice to entertain any particular motion or to deal with any particular matter of business out of its regular order on the business paper without any formal suspension of this section. And also in like manner to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

4. At special meetings of the Council the business, after the minutes shall have been read and confirmed, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor or Aldermen at whose instance the special meeting shall be called may have directed.

Business paper for ordinary meeting—how prepared.

5. The business paper for every meeting of the Council other than a special meeting shall be made up by the Council Clerk not less than forty-eight hours before the day appointed for such meeting. He shall enter on such business paper a copy or the substance of every notice of motion, and of every requisition or order as to business proposed to be transacted at such meeting which he shall have received or shall have been required or directed so to enter in due course of law, and as hereinafter provided. Every such entry shall be made (subject to the provision of section 4 of this Part of these By-laws) in the same order as such notice, requisition, or direction shall have been received.

Summons to members.

6. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

7. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with. And such business paper, so noted, shall be a record of the Council.

Notices of motion, &c., to be numbered as received and preserved until disposed of, unless withdrawn before the business paper is made up.

8. All notices of motion and all requisitions from Aldermen and directions from the Mayor as to the entry of any particular matters of business for the consideration of the Council at the then, next, or any future meeting, shall be numbered by the Council Clerk as they are received. And each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the Minute Book of the manner in which such matter has been so disposed of shall have been duly verified, as required by section 4 of this Part of the By-laws: Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk, shall be at liberty to withdraw the same at any time before the making up of such business paper.

Motions—how to be moved.

9. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from such business paper, and be considered to have lapsed.

Absence of proposed mover.

10. No motion of which notice shall have been entered on the business paper, shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motions to be seconded.

11. No motion in Council shall be discussed unless and until it be seconded.

Motions to be in writing, and not withdrawn without leave.

12. Every notice of motion shall be in writing, dated and signed by the Alderman proposing the same, and no motion shall be withdrawn without leave of the Council. No motion, the effect of which, if carried, would be to rescind any motion which has already been passed by the Council, shall be entered upon the business paper, unless a call of the whole Council has been duly made and granted for that purpose.

Amendment may be moved.

13. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Only one Amendment at a time.

14. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of. If an amendment be carried, the amendment shall become the question before the Council, whereupon any further amendment may be moved.

Petitions and correspondence.

15. The Council may at any meeting resolve, without previous notice, that any petition be received, and that the same, or any correspondence read, be referred to a Committee to report, or that requests contained therein be granted.

Mayor to preserve order.

16. The Mayor or Chairman shall preserve order, and may at any time call to order any Alderman who may appear to him to be out of order.

Calls to order.

17. Any Alderman may at any time call the attention of the Mayor to any Alderman being out of order, or to any point of order.

Mayor's decision on points of order final.

18. Every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereon shall be conclusive, except as hereinafter provided.

Power of the Council as to laying down general rules, &c.

19. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice may, by motion respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar question of order or of practice which may hereafter arise. Any rule or principle thus laid down shall be binding on all parties, unless, and until, it be rescinded, but shall have no retrospective operation.

Mayor may take part in proceedings.

20. The Mayor may take part in all the proceedings of the Council or Committees thereof.

Questions put by Mayor.

21. The Mayor shall put all questions, first in the affirmative and then in the negative (provided that where an amendment is moved to any motion, the amendment shall be first put), and may do so as often as may be necessary to enable him to determine the sense of the Council thereon, and thereupon he shall declare his decision, which shall be final, unless a division be called for.

Mayor to decide as to pre-audience of Aldermen.

22. If two or more Aldermen rise to speak at the same time, the Mayor shall decide which of them shall be entitled to pre-audience.

Aldermen to stand while speaking, &c.

23. Every Alderman shall stand while speaking, and shall address the chair. And all members of the Council shall, on all occasions when in such Council, address and speak of each other by their official designations as Mayor, Chairman, or Alderman, as the case may be.

No Alderman to speak twice on the same question or amendment except in Committee.

24. No Alderman shall speak twice on the same question, unless in Committee, or in explanation, where he shall have been misrepresented or misunderstood, and then only by leave of the Mayor or Chairman: Provided that any Alderman, although having previously spoken, may speak once on every amendment, and that the mover of every question shall always have a right of final reply.

No Alderman to make personal reflections.

25. No Alderman shall digress from the matter under discussion, or make personal reflections on, or impute motives to, any other Alderman, or speak on any question more than twenty minutes.

Aldermen using offensive expressions to apologise.

26. When any member of the Council shall make use of any language or expression offensive or capable of being applied offensively, to any Alderman, the member so offending shall be required to withdraw such language or expression, and to make an apology satisfactory to the Council. And if any Alderman shall refuse to withdraw such language and apologise, he shall be deemed guilty of misconduct, and be liable to a fine of not less than twenty shillings nor more than five pounds.

Debate may be adjourned.

27. A debate may be adjourned to a later hour of the same day, or to another day.

28. The Alderman upon whose motion any debate shall be adjourned shall be entitled to pre-audience on resumption of the debate.

Adjournments.

29. Any motion for adjournment of the Council, if seconded shall be immediately put without discussion; but if such motion be negatived, it shall not be competent for any Alderman to make a similar motion until fifteen minutes shall have elapsed.

Any Alderman may divide Council.

30. It shall be competent for any Alderman to divide the Council on any question, both in full Council and in Committee of the whole Council; and no Alderman shall leave his seat or place till the name of the Aldermen, and how voting, shall have been taken down by the Council Clerk, or person officiating for him.

Divisions to be entered on minutes.

31. All divisions of the Council shall be entered on the minutes of the proceedings.

Questions to be read when required.

32. Any Alderman may require the question or matter under discussion to be read once for his information, or may require the production of any records of the Council bearing upon any such question or matter, and upon such request the question or matter under discussion shall be read. But no such requisition shall be made so as to interrupt any Alderman while speaking.

Mode of proceeding in cases not provided for.

33. In all cases not herein provided for resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Lapsed Questions.

34. If a debate, or any motion moved and seconded, be interrupted by the number of the members present becoming insufficient for the transaction of business, such debate may be resumed at the point where it was so interrupted, upon motion by notice.

35. If a debate upon any order of the day be interrupted by such insufficiency of numbers as aforesaid happening, such order may be restored to the notice paper for a future day, on motion upon notice, and then be resumed at the point where it was so interrupted.

Committees.

36. Besides such Select and Special Committees as may from time to time be found necessary, there shall be Standing Committees, namely:—a Finance Committee and a Public Works Committee.

37. The Standing Committees shall consist of three members, two to form a quorum. Every Committee, of which the Mayor of the Municipality is not a member, before proceeding to other business, shall choose its chairman. If the Chairman of a Committee shall cease to be a member of the Council, or shall decline to act further as such Chairman, a new Chairman shall be chosen before any further business is entered upon.

38. When the report of a Select Committee is brought up and presented to the Council, the question as to its reception may be moved, and put at once; but it shall not be adopted or taken into consideration without notice in the usual way.

39. Every Committee shall have a right to take evidence upon any question or questions of fact, wherein it is the duty of such Committee to report. A minute of the evidence thus taken, or of its substance, must, however, in all cases, be appended to the Committee's report.

40. Minutes of all proceedings of Committees, as well as their reports, numbered in consecutive order, shall be entered in the Committee's Minute Book, and being signed by the Chairman of the Committee, or in his absence by some other member of the Committee, shall be delivered by him to the Council Clerk twenty-four hours previous to the meeting of Council, when such report is to be brought up.

41. The Chairman of every Committee shall have the right, without asking leave of the Council, to remove from the Council Chamber, for any space of time not exceeding sixty hours, any book, document, or paper, other than the Minute Book, either for inspection by such Committee, or for reference in preparation of the report. In all such cases, however, he shall deliver to the Council Clerk an acknowledgment under his hand of having received such book, document, or paper, and shall be held responsible for the safe keeping of the same.

42. The Standing Committees shall be reappointed within one month after commencement of Municipal year.

43. Any Alderman moving for a Select Committee, may propose certain Aldermen as members of the same; or he may simply state the nature of such intended Committee, leaving the selection to be made by ballot.

44. Every Alderman proposing the appointment of a Select Committee must name himself as one.

45. The appointment of every Special Committee shall continue until the specified duty for which it has been appointed shall have been discharged.

46. Before any proposed By-law is discussed in Council, a copy thereof shall be open for public inspection in the office of the Municipality not less than seven days.

47. No By-law shall be passed until it has been reported upon by a Committee of the whole Council, nor until it has been twice read in Council on different days.

48. No matters of account shall be disposed of by the Council until they have been examined and reported upon by the Finance Committee.

49. No payments out of the funds of the Municipality shall be made but such as are authorized by a vote of the Council: Provided always, that the Mayor with the assent of any two members of the Committee of Public Works may, in cases of emergency, authorize the expenditure of any sum not exceeding ten pounds (£10); but such discretionary expenditure shall be reported to the Council at its next meeting.

Finance Committee.

50. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues; they shall inquire and report from time to time as to all matters which they may consider to affect the finances of the Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Public Works Committee.

51. The Public Works Committee, as such, shall have the general inspection of all public works in progress throughout the Municipality, and shall have the right of calling the attention of the Council by report to any matter connected with such works, or with the state of any public thoroughfare which may seem to require such attention, or which they may be directed by resolution of the Council to inquire into and report upon.

52. No public works involving a probable expenditure of more than ten pounds (£10) shall be undertaken until the Public Works Committee have reported to the Council an estimate of the cost thereof.

53. All accounts against the Municipality relating to works shall be examined by the Public Works Committee, and such as are found correct shall be certified and passed by the Finance Committee.

Special Committees.

54. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully intrusted to a Committee, and for which, in the opinion of the Council, a Special Committee ought to be appointed. And no Standing Committee shall interfere with the performance of any duty which may for the time have been intrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be intrusted to such Special Committee. The mover of any such resolution may name therein any such members as in his opinion ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; or an amendment to the effect that such Special Committee be appointed by ballot may be carried.

Rules to be observed in Committee.

55. The rules of the Council shall be observed in a Committee of the whole Council, except the rule limiting the number of times of speaking.

Petitions.

56. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council, and that the contents do not violate any By-law or any provision thereof.

57. Every Alderman presenting a petition to the Council shall write his name at the beginning thereof.

58. Every petition shall be in writing and not printed or lithographed, and shall contain the prayer of the petitioners at the end thereof, and be signed by at least one person on every skin or sheet upon which it is written.

59. Every petition shall be signed by the persons whose names are appended thereto, by their names or marks, and by no one else, except in cases of incapacity by sickness; and all such signatures shall be received as the signatures of the parties purporting to sign the same, without proof thereof.

60. No letters, affidavits, or other documents shall be attached to any petition.

61. Every Alderman presenting a petition to the Council shall confine himself to a statement of the persons from whom it comes, of the number of signatures attached to it, of the material allegations contained in it, and to the reading of the prayer thereof.

Member or officer of Council not to be surety.

62. In cases where surety is required by the Municipalities Act, it shall not be competent for the Council to accept as surety any of their members, or any person holding office under the Council.

Duties of the Council Clerk.

63. The Council Clerk shall attend at the office of the Council, for the purpose of transacting the ordinary business of the Council, on every Tuesday and Friday, from 11 a.m. to 12 noon; and on Saturday, from 10 a.m. to 1 p.m.

64. The Council Clerk in addition to the duties which by the Municipalities Act of 1867, or by the present or any other By-laws thereunder, he may be required to perform, shall be the Clerk of all Revision Courts held in the Municipality under the provisions of the said Municipalities Act; he shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council; he shall generally assist the Mayor in carrying out the orders of the Council and the duties of the Mayor.

Custody of records, seal, &c.

65. The common seal and all charters, books, papers, and records of the Council shall be kept in the Council Chambers or office of the Council, in the custody of the Council Clerk, unless the Council shall otherwise order for any purpose; and the common seal shall not be used, except with the signature of the Mayor, or in case of absence or illness of the Mayor, of two Aldermen, and countersigned by the Council Clerk.

Bonds for good conduct and deeds of real and personal estate.

66. All bonds given by officers or servants of the Council for the faithful performance of their duties, and deeds of real and personal estate, shall be deposited with the Bankers of the Municipality, as the Council may order, and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Records, &c., not to be defaced or altered.

67. Any person who shall deface, alter, or destroy, or attempt to deface, alter, or destroy any such common seal, charter, deed, muniment, book, paper, or record, shall on conviction thereof forfeit and pay for the first offence a penalty not exceeding fifty pounds nor less than five pounds, and upon every subsequent conviction a penalty of not less than twenty pounds.

Not removed.

68. Any person who shall remove or attempt to remove (except for the purpose of any legal proceedings) any such seal, charter, deed, muniment, book, paper, or record from the Council Chambers, without leave from the Council first had and obtained, shall on conviction thereof forfeit and pay a penalty of not more than twenty pounds nor less than two pounds, and for every subsequent offence a penalty of not less than five pounds nor more than fifty pounds.

Duties of other officers and servants.

69. The duties of all officers and servants of the Municipality shall be defined by such regulations as may from time to time be fixed by the Council.

Special powers of Mayor.

70. The Mayor shall exercise a general supervision over all officers and servants of the Municipality, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, explanation, or information is on record, as hereinbefore provided; or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanation or information may, except as hereinafter provided, be either recorded *vis voce* or put into writing, as the Mayor may direct.

Duties of Mayor as to correspondence.

71. The Mayor shall have the same duty in reference to letters addressed to the Council before directing the same to be read as by By-section 56 of the By-laws is imposed upon Aldermen presenting petition. The Mayor shall direct as to the correspondence to be read, and to the order thereof, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman, providing that should any correspondence not be read, the same may be moved for by motion upon notice.

Statement of accounts.

72. Not later than the months of March and September in each year, the Mayor shall lay before the Council the accounts for the previous half-year duly audited; but should any auditor, who has by letter addressed to the Council Clerk accepted that office, not attend for the purpose of auditing the accounts, when required by authority of the Mayor to do so, or refuse to certify to the correctness of the account, unless he can prove to the satisfaction of the Council that the account is incorrect, he shall pay a fine of ten pounds, to be recovered in a summary way before any two Justices of the Peace, the said fine to be carried to the credit of the Municipal funds.

How complaints against officers, &c., are to be dealt with.

73. All complaints against officers or servants of the Municipality must be in writing, and must in every case be signed by the person or persons complaining. And no notice whatever shall be taken of any complaint which is not in writing or is anonymous. All such complaints may be addressed to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same. And if any such complaint be made to the Council or to any member or officer thereof, it shall be referred to or investigated by the Mayor before it shall be in any way (otherwise than by such reference) ordered upon or dealt with by such Council: Provided that every report, explanation, and information which may be made or rendered in reference to every such complaint, shall be in writing. And such Mayor shall state in writing the result of every such investigation, and his opinion as to what order (if any) ought to be made in connection therewith. And such complaint, with all reports, explanations, and information as aforesaid, in connection therewith, and the Mayor's statement as aforesaid thereon, shall be laid before the Council at the next meeting thereof, which shall be held after the Mayor shall have made such statement, and shall be duly recorded: Provided further that nothing herein contained shall be held to affect in any way the special powers conferred on the Mayor by section 152 of the Municipalities Act of 1867, or any other special power which now is, or hereafter may be, conferred by statute upon such Mayor.

Leave of absence.

74. No leave of absence shall be granted to the Mayor or to any Alderman, otherwise than by a resolution of the Council.

Mode of calling for tenders.

75. Whenever it is decided that any work shall be executed, or any material supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice, as hereinafter provided.

Suits and prosecution for penalties, &c.

76. Such suits or informations for the enforcement of penalties for or in respect of breaches of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute the operation of which may have been extended to the Municipality, as may have been directed by the Council, or by the By-law Committee, or by the Mayor, to be commenced or laid, shall be so commenced or laid as follows, namely:—When against a member of the Council, or an auditor, or any officer of the Municipality—by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose; when against any other person—by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council, or by the By-law Committee, or the Mayor, as the case may be, on directing such suit or information as aforesaid. And no such suit shall be brought, or information laid as aforesaid, against any member of the Council or auditor, except by the order of such Council; nor shall any similar proceeding be taken against any officer of the Council except on the order of such Council or of the Mayor, nor against any other person except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on an express resolution of the Council, in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where on the trial or hearing of any such suit or information the same shall have been dismissed on its merits: Provided that in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

How notices are to be published.

77. In all cases where public notice is or shall be required to be given by any By-law, of any appointment, resolution, act, or regulation done, made or passed, or proposed to be done, made, or passed by the Council, or by any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers, for the space of seven days, or advertising the same twice in some newspaper circulating in the Municipality.

PART II.

Determining the time and modes of collecting and enforcing payment of their rates, either current or in arrear.

Rates—Laying Rates, &c.

Collection of rates.

1. All rates levied or imposed by the Council under sections 164, 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after each day or days as the Council may by resolution at the time of making or imposing such rates or any of them have appointed. All such rates shall be paid at the Council Chambers at the hours appointed by the Council for that purpose.

Rate Collector to furnish list of defaulters.

2. Every person not paying his or her rate at the time appointed, shall be deemed a defaulter, and it shall be the duty of the Rate Collector to furnish the Mayor and Council, or any Committee as directed, with lists of all persons so in default.

3. The Rate Collector shall, at least once a week, pay into the credit of the Council's Bank all moneys collected by him, and render an account thereof to the Council Clerk.

Mayor to enforce payment.

4. It shall be the duty of the Mayor to cause such defaulters to be sued for the amount of such rates in any Court of competent jurisdiction, or to issue distress warrants against all such persons, and to cause such warrants to be enforced.

Enforcement of distress.

5. The Bailiff shall be appointed by resolution of the said Council, and shall be at any time removable by a like resolution.

6. The Bailiff shall find two sureties to the satisfaction of the Mayor, to the extent of twenty pounds sterling each for the faithful performance of his duties.

7. It shall be the duty of the Bailiff to make all levies by distress for the recovery of rates in the manner hereinafter provided.

8. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

9. It shall be lawful for the Bailiff or his deputy, and such assistants as he may take with him, to enter into any part of the land, building, tenement, or other property, in respect of which such rate or rates shall have been made as aforesaid, and to distrain the goods therein or thereon, and to remain in such building, tenement, or other property in charge thereof. And if the sum for which any such distress shall have been made shall not be paid, with costs as hereinafter provided, on or before the expiration of five days, the Bailiff shall sell the goods so distrained, or a sufficient portion thereof by public auction, either on the premises or at such other place within the Municipality as the said Bailiff may think proper to remove them to for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for, and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner; and any person interfering with the said Bailiff in the execution of any of the duties devolving upon him under these By-laws, or hindering or preventing him from delivering to the purchaser thereof any property so sold by the said Bailiff, shall be liable to a penalty of five pounds (£5).

10. At the time of making a distress the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress was made; and the Bailiff shall give a copy of the inventory to the ratepayer, on demand, at any time within one month after making such distress.

Goods may be impounded.

11. The Bailiff, on making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of three days, as hereinbefore mentioned, to come and go to and from such place or part of the land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

Owner direct order of sale.

12. The owner of the goods or chattels so distrained upon may, at his or her option, direct and specify the order in which they shall be successively sold, and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

13. The Bailiff shall render an account to the Council Clerk of all proceeds of every such distress within forty-eight hours after having received the same, and within the like period deposit all such proceeds in the Council's Bank to its credit.

Deputy.

14. The Bailiff may, with the sanction in writing of the Mayor, or in his absence with the sanction of any two Aldermen of the Municipality, authorize by writing under his hand any person to act temporarily as his deputy; and the person so authorized shall have and exercise all the powers of the Bailiff himself, but the Bailiff and his sureties shall in every case be responsible for the acts of such deputy.

Costs.

15. There shall be payable to the Bailiff, for the use of the Council, for every levy and distress made under this By-law, the costs and charges in the Schedule hereunto annexed marked C.

SCHEDULE A.

Warrant of Distress.

I, _____, Mayor of the Municipality of Maclean, do hereby authorize you, _____, Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____, for the sum of _____ being the amount of Municipal rates due to the said Municipality to the _____ day of _____, for the said dwelling-house, land, or premises, as the case may be, and to proceed thereon for the recovery of the said rates according to law.—
Dated this _____ day of _____ 18 _____

Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of a warrant under the hand of the Mayor of the Municipality of Maclean, dated _____, distrained the following goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____, within the said Municipality, for the sum of _____, being the amount of rates due to the said Municipality to the _____ day of _____ 18 _____.—Dated this _____ day of _____

Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	6
For serving every warrant and making levy ...	2	6
For making and furnishing copy of inventory	2	0
For man in possession each day or part of day	6	0
For sale, commission, and delivery of goods per pound sterling on proceeds of sale.....	1	0

PART III.

Streets and Public Places, &c.

New roads to be reported upon.

1. No new public road, street, way, park, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been examined by a Committee for Works, and reported upon to the Council by such Committee.

Plans of proposed new road, &c., to be deposited.

2. Whenever any proprietor or proprietors of land within the said Municipality shall open any road, street, or way, or lay out any park or other place for public use or recreation, through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, park, or other place, he or they shall furnish the Council with a plan or plans, signed by himself or themselves, showing clearly the position and extent of such road, street, way, park, or other place as aforesaid. If the Council determine to take charge of any such road, way, or other place as aforesaid, the plan or plans, so signed as aforesaid, shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument dedicating such road, way, reserve, or other place to public use or recreation as aforesaid, as may be considered necessary by the Council, and such further instrument of dedication shall also be preserved as a record of the Council.

Roads and streets, and encroachments thereon, &c.

3. The Surveyor of the Municipality, Clerk of Works, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and foot ways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, and thoroughfares, recourse shall be had, when practicable, to the plans under which the land, with frontage to the road, street, lane, or thoroughfare in question, shall have been sold or let. And it shall be the duty of such Surveyor, Clerk of Works, or officer to place posts at the corners or intersections of such streets, roads, lanes, and thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way and 12 feet for the footway on each side where the road, street, lane, or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council, in any such road, street, lane, or thoroughfare, or other public place of other width than 66 feet: Provided that there shall be no change of level in any such public road, street, lane, thoroughfare, or public place, until the same shall have been submitted to and adopted by the Council as hereinafter provided: Provided further that this By-law shall be read subject in all respects to the "Width of Streets and Lanes Act of 1881."

Change of street levels.

4. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section showing the proposed alteration to be exhibited at the Council Chambers for fourteen days, for the information and inspection of rate-payers, and shall notify by advertisement in some newspaper circulating in the Municipality that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman, and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

Footways may be levelled.

5. When any footway shall have been marked out in manner hereinbefore directed, the Surveyor, or such officer or persons so authorized as hereinbefore mentioned, may cause the same to be levelled and made as nearly as practicable of equal height and breadth, and with an equal slope and inclination; and for this purpose may remove any flagging, steps, or other matter, thing, or obstruction that may injure or obstruct the said footway, or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for any of the said footways.

Temporary stoppage of traffic for repairs, &c.

6. The Mayor may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person who shall travel on such street, lane, or thoroughfare, or remove or destroy any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds nor less than two pounds for every such offence.

No encroachment allowed on street, &c.

7. Whenever any road, street, or lane has been marked out in manner herein provided, no house, shop, fence, or other structure shall, except as hereinafter mentioned, be allowed to project or encroach on any part thereof. And it shall not be lawful for any person to erect or put up any building, erection, obstruction fence, or enclosure, or to make any excavation, hole, or opening in, under, or upon, or near to any such road, street, lane, or thoroughfare, unless the consent of the Council or Mayor has been obtained to the erection or making of any such building, erection, obstruction, fence, or enclosure, excavation, hole, or opening as aforesaid; and every person offending against this By-law shall forfeit and pay for the first offence a sum not exceeding five pounds nor less than two pounds, and for the second and every subsequent offence a sum not exceeding ten pounds nor less than three pounds.

Obstructing public footways.

8. If the owner or occupier of any land situated on the side of any street or road in this Municipality shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any footpath or footway on the side of any such street or road, and on demand made by the Council shall not cut, lop, or cause to be lopped, all such trees, shrubs, or plants to the height of eight feet at least, the said Council, by their servants, labourers, and workmen may cut, or cause to be cut and lopped, all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, plants, or shrubs, so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist, or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall on conviction of every such offence forfeit and pay a sum not exceeding ten pounds.

No balcony, &c., to project.

9. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, or window forming part of, or attached to, any external wall to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony or any other external projection as aforesaid which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding twenty pounds nor less than five pounds, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than 30 feet wide: Provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice.

10. The Surveyor, or other such officer or person, may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall in this case be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroaching structure belongs, or who has created the same or caused it to be erected.

Council may remove encroachments.

11. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid the person causing the same shall not remove it within thirty days, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its own proper officer, and at the cost of the person so offending: Providing that the expenses thereby incurred shall in no case exceed the sum of ten pounds, or at the Council's option to proceed against the offender for

breach of By-law, the penalty not to exceed twenty-five pounds nor be less than five pounds; and in case of every successive offence the penalty on conviction, not to be less than five pounds.

Or may proceed by action.

12. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-law as aforesaid.

To apply also to obstructions by digging, &c.

13. The foregoing provisions shall be equally applicable to obstructions by digging or excavation; and any person who shall wilfully obstruct or interfere with the Surveyor or other officer as aforesaid, or any person acting for or under him, or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Surveyor or officer, shall on conviction forfeit and pay a penalty of not more than twenty pounds nor less than two pounds.

Hoards or fences to be erected.

14. Every person intending to build or take down any building within the limits of the Municipality of Maclean, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done where any street or footway will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street, with a convenient platform and hand-rail, or upon the public street or road, within a distance of less than twelve feet from the building line thereof, if there be room enough to leave as a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence, with such platform and hand-rail as aforesaid, standing in good condition, to the satisfaction of the officer of the Council of the said Municipality during such time as the public safety or convenience requires, and shall in all cases in which it is necessary, in order to prevent accidents cause the same to be sufficiently lighted during the night; and every such person who shall fail to put up such fence or hoard, or platform with such hand-rail as aforesaid, or to continue the same respectively, standing in good condition as aforesaid, during the period of such building or taking down, or who shall not, while the said hoard or fence is standing, keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the officer of the Council of the said Municipality within a reasonable time afterwards, shall for every such offence be liable to a penalty not exceeding two pounds for every day such default is continued.

PART IV.

Offences, nuisances--General good order of the Municipality.

Damaging public buildings, &c.

1. Any person who shall damage any public building, wall, parapet, sluice, bridge, road, street, footway, sewer, water-course, fence, tree enclosure, or other property of the Municipality, shall pay the cost of repairing the same; and if the same be wilfully done, shall also forfeit and pay a sum not exceeding twenty pounds nor less than five pounds: Provided that such cost and penalty shall not exceed in the whole the sum of fifty pounds.

Injuring public fountains, &c.

2. Any person who shall injure any public fountain, pump, cock, or water-pipe, or any part thereof, shall pay the cost of repairing the same; and if the injury be wilfully done shall also forfeit a sum not exceeding twenty pounds nor less than one pound; and any person who shall have in his possession any private key for the purpose of opening any cock, or who shall in any manner clandestinely or unlawfully appropriate to his own use any water from any public fountain or pipe, shall forfeit a sum not exceeding twenty pounds nor less than five pounds; and any person who shall open, or leave open, any cock of any public fountain or pump, so that the water shall or may run to waste, shall forfeit a sum not exceeding two pounds nor less than five shillings; and any person who shall wash any clothes, omnibus, carriage, cart, or other vehicle, or any horse or animal, at any public fountain or pump, shall forfeit and pay a sum not exceeding five pounds nor less than one pound.

Injuring or extinguishing lamps.

3. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for such offence a sum of not more than one pound nor less than five shillings.

Trees and enclosures.

4. The Council shall have power to plant trees on the public streets and ways of the said Municipality; and any person who shall wilfully, or without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood growing in or upon any street or place under the management of the Council, or in or upon any public reserve or park, shall forfeit a sum not exceeding ten pounds nor less than two pounds.

Extirpation of noxious weeds.

5. Any owner or occupier of land within the Municipality of Maclean who shall permit to grow or remain on the said land, or upon the public streets or roads within a distance of twelve feet from the boundary line thereof, any of the weeds known as "Bathurst burr," "Scotch thistle," "prickly-pear," "sweet-briar," or any other noxious weed, or who shall fail to extirpate or destroy the same within thirty days after the receipt of a notice in writing by post or otherwise, from the Council, or proper officer of the Council, so to do, shall, for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound.

Throwing dead animals, &c., into any water-course, &c.

6. Any person who shall throw or cast any filth, rubbish, or any dead animal, or any animal with intent to drown the same, into any water-course, water-hole, creek, or canal, or who shall permit or suffer slops, suds, night-soil, sewerage matter, or filth, to flow from his or her premises over any of the footways or streets of the Municipality, or shall permit, or cause by means of pipes, shoots, channele, or other contrivances, night-soil, sewerage matter, slops, suds, or filth of any kind whatsoever to flow or to be cast in any water-course, water-hole, creek, or canal, or shall obstruct or divert from its channel any sewer or water-course, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than one pound, and shall, in addition to any such forfeiture, pay the cost of removing such filth or obstruction, or of restoring such water-course or canal into its proper channel.

Throwing filth on roadway, &c.

7. If any person shall, in any street, road, lane, or public place, throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal, in or so near to any of the said streets or roads as that any blood or filth shall run or flow upon or over, or be on any carriage or foot way, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any footway, any waggon, cart, dray, sledge, or other carriage, any wheel-barrow, or truck, or any cask, or shall wilfully lead, drive, or ride any horse, or other beast upon any footway aforesaid, shall forfeit and pay a sum not exceeding five pounds nor less than two pounds.

Placing goods, &c., on roadway, &c.

8. If any person shall set or place, or cause or permit to be set or placed, any stall, show-board, basket, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or caused to be hooped, placed, washed, or cleansed, any cask or vessel in or upon or over any road, footway, or public place, within the said Municipality, or shall set out, lay, or place, or shall cause or procure, permit or suffer to be set out, laid or placed, any coach, cart, dray, barrow, truck, or other carriage, upon any footway, or if any person shall set or place, or cause to be set or placed, in, upon, or over any of the said carriage or footways, any timber, stone, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as hereinafter directed), or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed any meat or offal, or other thing or matter whatsoever from any house or premises, over any part of such footways or carriage-ways, or over any area of any house or premises, or any other matter or thing from and on the outside or any part of any house or premises, over or next to any such street or road, and shall not immediately remove all or any such matters or things, being thereto required by the Council or any officer thereof, and shall not continue and keep the same so removed; or if any person having, in pursuance of any such requisition as aforesaid, removed, or cause to be removed, any such stall, show-board, basket, goods, coach, cart, dray, barrow, truck, carriage, timber, stone, brick, lime, meat, offal, or other matter or things, and shall at any time thereafter again set, lay, or place, expose, or cause, procure, permit, or suffer to be set, lay, placed, or exposed, the same or any of them, or any other article or thing whatsoever (save and except aforesaid) in, upon, or over any of the carriage or footways or next unto any streets or roads, as aforesaid,—in every such case every person so offending shall forfeit a sum not exceeding two pounds nor less than ten shillings.

Drawing or trailing timber, &c.

9. If any person shall haul or draw, or cause to be hauled or drawn, upon any street, road, or public place, any timber, stone, or other thing, otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon wheeled carriages, to drag or trail upon any part of such carriage-way so as to occupy or obstruct the street or road beyond the breadth of said carriage, every such person so offending shall forfeit and pay for every such offence the sum of two pounds over and above the damages occasioned thereby: Provided that such penalty and damages shall not together exceed the sum of five pounds nor be less than one pound.

No turf, gravel, &c., to be removed from streets without leave, &c.

10. Any person who from any part of the roads, streets, thoroughfares, reserves, or other lands or public places, shall remove, or cause to be removed any turf, clay, sand, soil, gravel, stone, or other material, without leave first had and obtained from the officers or persons having lawful charge of such roads, streets, thoroughfares, reserves, or other lands, or public places, or who shall wantonly break up or otherwise damage a part of the said roads, streets, thoroughfares, reserves, or other lands, or public places, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than five shillings, and for every subsequent offence shall forfeit and pay a sum of not less than one pound. The owner of any vehicle shall, for the purpose of this By-law, be held and taken to be owner thereof, until the contrary be shown.

No driver to ride on vehicle without a person to guide his beast (vehicle with reins excepted), or to go to a distance from his vehicle, or drive on wrong side, &c.

11. If the driver of any cart, waggon, dray, or vehicle of any kind shall ride upon the same in any street, road, or thoroughfare, not having some person on foot to guide the animals drawing the same (such vehicles as are drawn by horses driven or guided with reins only excepted), or if the driver of any carriage or vehicle whatsoever shall wilfully be at such a distance from such carriage or vehicle, or in such a situation whilst it shall be passing upon such street, road, or thoroughfare that he cannot have the direction or government of the horse or horses or cattle drawing the same; or if the driver of any waggon, cart, dray, coach, carriage, or other vehicle shall not drive on the left or near side of such road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any vehicle under his or her care, upon such road, street, or thoroughfare, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any person or vehicle, or carriage, in or upon the same—every such driver or person so offending shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

Name and place of abode, &c.

12. The owner of every such waggon, cart, dray, or vehicle of any kind as last above mentioned, who shall allow the same to be driven through the said Municipality of Maclean without having his name and place of abode painted in full length on the off side legibly, the driver or person in charge of any such waggon, cart, or dray as aforesaid who shall refuse to give his and the owner's name and address, shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

Lights on vehicles.

13. Every person whilst driving, leading, or riding upon any cart, carriage, van, buggy, or other vehicle whatsoever, drawn by any horse, ass, mule, or other animal through any part of the Municipality between the hours of sunset and sunrise shall carry a lighted lamp affixed in a conspicuous place on the off side of such cart, van, waggon, buggy, or other vehicle, under a penalty of ten shillings for the first offence, and for every subsequent offence not less than one pound nor more than ten pounds.

As to riding or driving improperly through streets, &c.

14. Any person who shall ride or drive through any road, street, or public place negligently, carelessly, or furiously, or so as to endanger the life or limb of any person, or to the common danger of the passengers, shall forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Riding or driving round corners, &c.

15. Any person who shall ride or drive round the corner of any street, road, or public place, within the said Municipality, at a pace faster than a walk, shall on conviction forfeit and pay a sum not exceeding two pounds nor less than ten shillings for every such offence.

Erection of houses, &c.—Fee for permission.

16. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place within the Municipality without having first served notice in writing to the Mayor or Council Clerk before commencing the same, stating his intention and describing the proposed situation of the building or erection, and shall, at the time the said notice

is given as aforesaid, pay to the Council Clerk a fee of five shillings for permission to erect any such house, shop, or building, in any street, lane, or other place within the said Municipality, and every owner thereof, and every contractor for such house, shop, or building, or any part thereof, commencing to build or work thereon without such notice having been given, shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than five shillings.

Admixing placards on walls, and chalking thereon.

17. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, fence, house, or building, or to deface any such wall, fence, house, or building by chalk or paint, or in any other manner, unless with the consent of the owner thereof. And any person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding ten shillings.

Swine, &c., not to wander about streets.

18. Any person who shall breed, feed, or keep any kind of swine, in any house, yard, or enclosure, situate and being in or within forty yards of any street or public place in the Municipality, or who shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of like nature belonging to him, or under his charge, to stray or to go about, or to be tethered or depastured in any street, road, or other public place within the Municipality, shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than five shillings.

Restrictions on certain trades, &c.

19. It shall not be lawful for the business of soap-boiler, tallow-melter, tanner, currier, pig-keeper, or any occupation, trade, or manufacture of an obnoxious or unwholesome nature, prejudicial to the health of, or otherwise offensive to any of the inhabitants thereof, to be commenced or established within the limits of that portion of the Municipality, to be defined from time to time by resolution of this Council without consent of the Council first had and obtained; and whosoever shall offend against this By-law shall forfeit and pay, on conviction, a penalty not exceeding fifty pounds nor less than ten pounds, and a further sum of two pounds for each and every day during which he continues to offend.

Hours for removing night-soil, &c.

20. Any person who shall remove any night-soil or ammoniacal liquor, bones, or other offensive matter, or shall come with carts or carriages for that purpose, between the hours of five in the morning and eleven o'clock at night, or shall at any time remove any such night-soil or ammoniacal liquor, otherwise than in properly covered and water-tight carts or vehicles, or in such a manner as to upset, cast, spill, or strew any of the said night-soil, ammoniacal liquor, slop, urine, or filth, in, or upon, or near to any of the streets, roads, public places, or footways of the Municipality, or shall deposit or throw night-soil, ammoniacal liquor, bones, or other offensive matter, nearer to any street, road, or dwelling-house, than shall from time to time be directed by the Council, or by the Inspector of Nuisances, or shall allow vehicles used for this purpose to stand on any premises nearer to any road, street, or dwelling-house, other than shall from time to time be directed by the Council or Inspector, shall, upon conviction, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound; and in case the person or persons so offending cannot be found, then the owner or owners of such carts, carriages, or other vehicles employed in and about emptying or removing such night-soil, bones, or other offensive matter, and also the employer or employers of the person or persons so offending shall be liable to and forfeit and pay such penalty as aforesaid.

Inspection of premises.—Yards, &c., to be kept clean.

21. Upon the reasonable complaint of any householder that the house, premises, yards, closets, or drains of the neighbourhood or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of; and the officers of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose. An owner or occupier of any house or place within the said Municipality who shall neglect to keep clean all private avenues, passages, yards, paddocks, and ways within, attached to, or occupied in conjunction with the said house, or place, so as by such neglect to cause a nuisance by offensive smell, shall forfeit and pay a sum not exceeding two pounds, and not less than ten shillings.

Discharging firearms, &c.

22. Any person who shall discharge any fire-arms without lawful cause, or let off any fireworks or other explosive matter in or near to any road or street, shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Entrance to cellars, &c., to be covered, &c.

23. If the owner or occupier of any premises, having any rails or bars over the areas or openings to any kitchen or cellars, or other part of the said premises beneath the surface of the footway of any streets or public places, or having any doorway or entrance into the basement or cellar-story thereof, shall not either keep the same, or the rails of such kitchen, cellars, or other parts in sufficient and good repair, or constantly keep the same securely guarded by rails, or cover the same over with a strong flap or trap-door, according to the nature of the case, and so as to prevent danger to persons passing and repassing; or, if any such owner or occupier shall leave open, or not sufficiently nor substantially keep covered and secured, any coal or other hole, funnel, trap-door, or cellar-flap belonging to or connected with his premises, save and except only during reasonable time for use, alteration, or repair; or, if such owner or occupier shall not repair and from time to time keep in good and substantial repair, all and every of any such rails, guard-rails, flaps, trap-doors, and other covering, then and in every such case the person neglecting so to do shall, for every such offence, forfeit and pay a sum not exceeding five pounds nor less than two pounds.

Cellars or openings beneath footways prohibited.

24. It shall not be lawful for any person to make any cellar, or any opening, door, or window, in or beneath the surface of the footway of any road, street, or public place within the said Municipality, except by permission of the Council; and if any person shall so offend he shall forfeit and pay any sum not exceeding five pounds over and above the expense of remedying or removing any such cellar, opening, door, or window, such expenses to be assessed and allowed by the convicting Justice or Justices: Provided that such expense and penalty shall not together exceed fifty pounds.

Wells to be covered over, &c.

25. Every person who shall have a well situated between his dwelling-house or the appurtenances thereof, and any public place, road, street, or footway within the limits of the said Municipality, or at the side of such public place, road, street, or footway, or in any yard or place open and exposed to such public place, road, or footway, shall cause such well to be securely and permanently covered over; and if any person having such a well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given him or her by any officer of the said Council, or shall have been left at such person's usual or last known abode, or at the said premises, in the manner and with such materials as the Council or its officer shall direct, and to their satisfaction such person shall forfeit and pay a sum not exceeding ten shillings nor less than five shillings for every day that such well shall remain open or uncovered contrary to the provisions hereof: Provided that, with respect to wells open at the time when this By-law shall come into operation, such penalty shall not be recoverable if the same be properly covered within one week thereafter.

Notices not to be painted on pavement.

26. Any person who shall stamp, stain, paint, write, or post any advertisement or notice upon any footway or kerbstone within the Municipality of Maclean, shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

Offensive or indecent placards.

27. Any person who shall in any street or public place within the Municipality of Maclean, post, write, expose to view, or distribute any placard, handbill, or other document whatever of an offensive or indecent character shall be liable to a penalty not exceeding ten pounds nor less than two pounds.

Musicians to move on.

28. Any street musician or vocalist who shall not, when requested by any householder within the Municipality of Maclean, or his servant or by any officer or servant of the Council of the Municipality aforesaid, or by any police officer, depart from the neighbourhood of the premises of such householder, shall be liable to a penalty not exceeding two pounds nor less than five shillings.

Persons not to stand or loiter in streets.

29. All persons standing or loitering upon any of the carriage-ways, footways, or other public places in the Municipality of Maclean, to the inconvenience of passers-by, or in any way interrupting the traffic, who shall not discontinue to do so on being required by any officer or servant of the Council of the said Municipality or by any police officer, shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

Holes made for cellars, &c., to be enclosed, &c.

30. If any person shall dig or make, or cause to be dug or made, any hole, or leave, or cause to be left, any hole in or adjoining any street, road, lane, or public place, for the purpose of making any cellar or cellars, or the foundation or founda-

tions to any house or other building, or for any other purpose whatsoever, and shall not forthwith enclose the same in a good or sufficient manner, and keep up or cause to be kept up and continued, any such enclosure, or shall not, when thereunto required by the said Council or officer thereof, well and sufficiently fence or enclose any such hole, within the time and in the manner provided by the preceding By-laws, and shall not place a light upon the said enclosure and keep the same constantly burning from sunset to sunrise, during the continuance of such enclosure, then and in every such case the person so offending shall forfeit and pay for every such offence and for every refusal or neglect, any sum not exceeding five pounds nor less than ten shillings, and on conviction for every subsequent offence not less than one pound.

Excavations, &c., to be protected by fence or wall.

31. It shall not be lawful for any person to make any quarry, excavation or opening in the ground, on any property adjoining or near to any public road or foot-path within the limits of this Municipality, until the owner or occupier of the said property shall have erected a good substantial fence or wall at the least four feet high around such parts of the said property as adjoin such public road or foot-path; and any person neglecting or refusing to enclose any premises upon which any such quarry or excavation shall be made, shall forfeit and pay for every such offence a sum not exceeding five pounds nor less than ten shillings; and all existing quarries, excavations, or precipices, situated within the limits of this Municipality shall be closed and protected in the manner aforesaid, within one week after due notice to that effect shall have been given by the said Council; and in the event of the failure or neglect of the owner or occupier of any such last-mentioned property to enclose the same, after notice as aforesaid, such persons so offending shall be subject to the penalty before mentioned.

Various obstructions and annoyances.

32. Every person who, in any street or other public place or passage within the said Municipality, shall commit any of the following offences, shall on conviction for any and for every such offence forfeit and pay a penalty of not more than two pounds nor less than five shillings:—

Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcass, or any part of the carcass of any slaughtered animal, without sufficient and proper cloth covering the same, for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.

Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person.

Every person who shall place any flower-pot in any upper window, near to any street or public place, without sufficiently guarding the same from being thrown down.

Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, wood, rubbish, or other material or thing (unless within a board or enclosure, when any house or building is being erected, pulled down, or repaired).

Every blacksmith, metal-founder, lime-burner, brick-maker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window, and closing such aperture, or placing a screen before the same every evening, within one hour after sunset, so as effectually to prevent the light from showing through the doorway, window, or aperture next or upon such street, lane, or passage.

Every person who shall, within the distance of one hundred yards from any dwelling-house burn any rags, bones, cork, or other offensive substance (garden refuse excepted), to the annoyance of any inhabitant.

Every person who shall carry goods, tools, implements, ladders, scaffolding, or any frame, upon any footway to the annoyance of any person.

Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb of any person in any street or public place within the said Municipality.

Unlawful games.

33. No games with dice or other games of chance for money, prize-fighting, or any dog-fighting, cock-fighting, or other entertainment opposed to public morality, or involving cruelty to animals, or likely to cause a breach of the peace, shall be established, held, or given within this Municipality; and any person or persons who shall establish, hold, give, or cause to be established, held, or given any such game, exhibition, or entertainment, shall for every such offence forfeit and pay a sum of not less than ten pounds nor more than fifty pounds.

Mode of granting licenses.

34. Applications for licenses as aforesaid must be in writing addressed to the Mayor and Aldermen, and must be endorsed by two householders, testifying to the respectability of the applicant. The application must describe clearly the nature of the entertainment for which the license is sought, and the premises in which it is to be held.

License fees.

35. Licenses shall be granted by resolution of the Council upon payment of license fees as follows:—For every license granted between the 1st January and 31st December, one pound one shilling. All licenses shall expire on the 31st December in each year, and may be renewed by resolution of the Council, upon written application, and on payment of the annual fee of one pound one shilling.

Polluting water, reservoirs, &c.

36. Whoever shall bathe in any stream, reservoir, conduit, aqueduct, or other water-works belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein any animal, whether alive or dead, or any rubbish, filth, or thing of any kind whatsoever, or shall cause or permit or suffer to run, or to be brought therein, the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper liquid, or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other water-works, as aforesaid, or shall do anything whatsoever whereby any water or water-works belonging to the said Council, or under their management or control, shall be fouled, obstructed, or damaged, shall for the first offence forfeit and pay any sum not exceeding five pounds; for a second offence any sum not less than one pound nor more than ten pounds; and for a third and every subsequent offence a sum not more than twenty pounds nor less than five pounds.

37. It shall be the duty of the Inspector of Nuisances to report without delay the existence of any nuisance arising from live or dead animals of any kind or species within the Municipality, and to give notice to the owner or owners thereof, or the owner or occupier of the premises upon which such animals may be, to remove and destroy the same (if very offensive) within a period of six hours; and if not removed or destroyed within that period, to cause the removal and destruction of the said nuisance without delay, and the owner or owners thereof, or the owner or occupiers of the premises in default, and on conviction thereof before any two Justices of the Peace, in each case shall forfeit and pay any sum not exceeding ten pounds and not less than forty shillings, in addition to all legal and other expenses incurred in the proceedings and in the removal and destruction of said nuisances.

PART V.

Noisome and offensive trades.

No noisome or offensive trades to be carried on to the injury of any inhabitants.

1. No person shall carry on any nuisance or offensive trade within the said Municipality, so as to injure or be a nuisance as hereinafter stated to the inhabitants thereof.

Definition of "noisome and offensive trades."

2. Any manufacture, trade, calling or operation in the conducting, following, or carrying on of which, or in consequence of, or in connection therewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, effluvia, liquid, or any large quantities of smoke shall be evolved or discharged, which gas, vapour, effluvia, liquid, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Municipality, shall be considered a "noisome and offensive trade" within the meaning of these By-laws.

Complaint.—Inquire and report.—Order of Council thereon.—Notice to discontinue, &c.—Penalty.

3. Upon complaint, in writing, by any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder, and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on, and of the premises or property of the complainant, and shall inquire into the grounds

for such complaint, and shall report thereon to the said Council. And if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a "noisome or offensive trade" within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade and discontinuing the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality. And if such trade shall not be discontinued, or shall not be so conducted as that it shall wholly cease to be noisome and offensive within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid shall for the first offence forfeit and pay a sum of not less than forty shillings nor more than five pounds; for a second offence a sum of not less than five pounds nor more than twenty-five pounds; and for a third and every subsequent offence a sum not exceeding fifty pounds nor less than ten pounds.

Mode of proceeding when a "noisome and offensive trade" is about to be commenced.—Penalty.

4. The like proceedings shall be taken whenever there shall be a complaint as aforesaid that any manufacture, trade, calling, or operation is about to be commenced or entered upon which is likely to prove "noisome and offensive" within the meaning of these By-laws, and the notice to be given as aforesaid shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same; and the Council shall take such measures as shall effectually and permanently prevent the same from becoming "noisome and offensive" within the meaning of these By-laws to any resident within the Municipality. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way "noisome or offensive" within the meaning of these By-laws, shall for every such offence forfeit and pay a sum not exceeding fifty pounds nor less than five pounds.

Service of notice.—Liability.

5. Service of any such notice as aforesaid upon the occupier or owner of any premises or land within or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or occupation, within the meaning and for all the purposes of these By-laws.

PART VI.

Public Health.

Houses to be purified on certificates of two medical practitioners.

1. If, upon the certificate of any duly qualified medical practitioner, it appear to the Council that any house, or part thereof, or the premises occupied in connection therewith, within the limits of the Municipality, is in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, purifying, or fumigating of any house, or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, purify, or fumigate the same, as the case may require; and if the person to whom notice is so given shall fail to comply therewith within the time specified in the said notice, he or she shall be liable to a penalty of not less than forty shillings nor more than ten pounds: Provided that each day during which such house shall, after such notice as aforesaid, remain uncleansed, or unfumigated, shall be a separate offence: Provided also that no such penalties shall collectively amount to any greater sum than fifty pounds.

Sale or letting of infected premises or goods.

2. If any person shall sell, let, or cause to be sold or let, any dwelling-house or part thereof, or premises occupied in connection therewith in the said Municipality, which then is, or shall

have been within thirty days prior to the date of such sale or letting, occupied by any person suffering from any infectious or contagious disease, without giving due notice thereof to the person or persons purchasing, renting, or hiring any such house or premises, the person so selling, letting, or causing to be sold or let, shall be liable to a penalty not exceeding fifty pounds nor less than ten pounds. And any person who shall sell, let, or cause to be sold or let, in the said Municipality, any article of furniture, bedding, household, or personal effects, knowing the same to have been within three months prior to the date of such sale or letting used by any person or persons suffering from any infectious or contagious disease, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Exposing infected articles.

3. Any person who shall expose, or cause to be exposed, in any road, street, public place, or unenclosed land adjacent to any dwelling, road, street, or public place, any article whatsoever, knowing the same to have been in the use or occupation of any person suffering from any infectious or contagious disease within thirty days prior to the date of such exposure as aforesaid, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Rubbish or offensive matter, &c.

4. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Municipality without permission first obtained from the Municipal Council and the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

PART VII.

Sewerage and Drainage.

No private sewers to be made to communicate with the public sewers without notice.

1. It shall not be lawful for any person without notice to the Council or otherwise than according to such plans and directions as such Council make and give, to make or branch any private drain or sewer into any of the public drains or sewers, or to any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer communicating or to communicate therewith without such notice, or otherwise than as aforesaid, every person so offending shall for every such offence forfeit and pay any sum not exceeding fifty pounds, and shall at his own expense make good all roads, streets, kerbing, &c., which shall have been injured by or through any such work; and all such repairs shall be performed to the satisfaction of such officer as the Council shall appoint to superintend such work; and any person who shall do or perform anything contrary to this clause, or shall neglect to make good all such damage as aforesaid, shall on conviction thereof forfeit and pay a sum not exceeding fifty pounds nor less than one pound.

Proprietors of private sewers, &c., to repair and cleanse same.

2. All private drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council or officer thereof, at the cost and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed according to the direction of the Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds nor less than ten shillings.

Water from roof, &c.

3. Every owner or occupier of any dwelling-house, shop, or other building who shall permit rainwater to fall from any roof, balcony or other projection, upon any street, road, lane, or footway, or to flow over the pathway of any such street, road, or lane, or shall cause or permit any such roof or rain water to be discharged by any pipe upon any such street, road, lane, or footway shall, if such nuisance be not abated within seven days after notice to abate the same shall have been given by the Council, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

Drains and footpaths.

4. No surface drain shall be made in any footpath, nor any pipes laid under or across the same, without the authority of the Council; and no such pipe or drain shall be used for the discharge into any street or roadway, of any offensive liquid or matter of any kind whatsoever; and any person who shall so offend shall forfeit and pay a sum not exceeding fifty pounds nor less than one pound.

Drains for discharge of surface water from land.

5. Every owner or occupier of land so situated that surface or storm water from or upon the same shall overflow or shall tend naturally, if not otherwise discharged, to overflow any road, lane, or footway, shall within seven days next after the

service of notice by the Council abate such nuisance where possible; and in default of compliance with any such notice within the period aforesaid, such owner or occupier shall forfeit any sum not exceeding five pounds; and if within seven days after such conviction such owner or occupier shall still have failed to comply with such notice, or be otherwise in default as aforesaid, he shall forfeit and pay a sum not less than two pounds nor more than twenty pounds: And every such owner or occupier who shall still have made defaults as aforesaid for more than seven days after such second or any future conviction, shall be held guilty of a further offence within the meaning of this section.

Natural water-courses.

6. Any person who shall close or intercept any natural water-course, by building or otherwise, shall provide another outlet for the surface-water with pipes or sewers of a size and in a manner to be approved by the Council, and any person failing to comply with the provisions of this By-law shall forfeit and pay a sum not exceeding fifty pounds nor less than five pounds.

7. That owners of houses or agents thereof who have laid pipes or drains to convey slops, suds, refuse, or dirty water of any kind whatsoever, into the street, water channel, water-course, water-hole, river, creek, or canal, shall construct a cesspit and charcoal filter of a design hereinafter mentioned to each house; such cesspit to be made according to plan and specification to be seen at the Council Chambers—the said cesspit and filter to be constructed to the satisfaction of the Public Works Committee, or other duly authorized officer. And any owner of such house or his agent who shall refuse or neglect to construct such cesspit and charcoal filter within seven days after receiving a written notice, signed by the Mayor or Council Clerk, or other duly authorized officer, shall forfeit any sum not exceeding five pounds nor less than two pounds. Should any owner of such house or his agent refuse or neglect to cleanse such cesspit and charcoal filter after twenty-four hours' notice from a duly authorized officer, he shall forfeit any sum not exceeding two pounds nor less than ten shillings.

PART VIII.

Preventing and Extinguishing Fires.

Fires or combustible materials, &c.

1. Every person who shall place or knowingly permit to be placed in any house, yard, workshop, out-office, or other premises, fire, gunpowder, or combustible or inflammable article of any kind, in such a manner as to endanger contiguous buildings (except with the consent of the owners and occupants thereof), shall, on conviction for every such offence, forfeit and pay a penalty of not more than five pounds nor less than one pound; and shall forthwith remove such fire, gunpowder, or combustible or inflammable article. And every such person who shall suffer any such fire, gunpowder, or other combustible or inflammable article to remain as aforesaid for forty-eight hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

2. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, and places or for the covering of any such stack, any inflammable material, or shall place, keep, or store any hay, straw, or other inflammable material, in any building so as to endanger contiguous buildings, or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit on conviction for every such offence a penalty of not more than five pounds nor less than one pound, and also remove such fence, stack, covering, or inflammable material within forty-eight hours after such conviction. And any person failing to remove such fence, stack, covering, or inflammable material within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Burning shavings, &c., in streets.

3. Any person burning any shavings, or other matters or things, in any street, road, or public place, shall forfeit and pay a sum not exceeding two pounds nor less than five shillings.

Fireworks.

4. Every person who shall light any bonfire, tar barrel, or firework upon or within sixty feet of any building, public or private street, or any public place, or shall sell gunpowder, fireworks, or other combustible matter, by any artificial light, other than gas, shall forfeit a sum not exceeding five pounds nor less than ten shillings.

Wilfully setting fire to chimney.

5. Every person who wilfully sets, or causes to be set on fire, any chimney, flue, smoke-vent, or stove-pipe herein called in common a "chimney," shall forfeit a sum not exceeding five pounds.

PART IX.

Public Baths.

1. The Maclean Public Baths shall be leased annually, every such lease to expire on 31st day of December in each year.

2. Every such lease shall be sold by public auction to the highest bidder, notice of such sale to be advertised at least fourteen days previous to the day of sale, in some newspaper published in the Municipality; and the upset price, the conditions of such sale, and the covenants of such lease having first been fixed by resolution of the Council.

3. The purchaser of every such lease shall, within seven days from the date of purchase, pay into the funds of the Council or their agent, the amount of the purchase money, and shall also, within a like period, execute the lease.

4. Such lessee shall also, within the time specified in the above clause, provide two sureties, who shall execute a bond to the Council in the penal sum of twenty pounds for the faithful discharge of all the covenants of the said lease, and all expenses in connection with such bond and lease shall be paid by the lessee.

5. The lessee shall from the date of his lease be entitled to receive and collect all fees and dues sanctioned by these By-laws, as in Schedule "A" hereunto annexed, and not to demand or receive any other fee than those therein specified.

6. The lessee shall provide and have placed at convenient places at the baths, at least two life-buoys and ropes for the same, and keep the same constantly ready and fit for use.

7. The lessee shall cause to be affixed near the said baths a notice-board, setting forth in plain letters the name of the baths and of the lessee, the scale of charges, and a table of the hours when the baths are open to the public.

8. The lessee shall be responsible for the maintenance of good order of persons using the baths, and shall remove therefrom any person causing a disturbance, riot, or being guilty of cursing or swearing, or behaving in an indecent manner.

9. Every person guilty of a breach of these By-laws shall be deemed guilty of an offence, and shall be liable to a fine of not less than one shilling nor more than ten pounds, to be recovered before any Court of Petty Sessions hold at Maclean.

SCHEDULE A.

Fees to be paid to the lessee of Public Baths:—

	£	s.	d.
For every person bathing	0	0	3
To bathe at any time during the hours defined, for a weekly ticket	0	1	0
To bathe at any time during the hours defined, for a monthly ticket	0	3	0
To bathe at any time during the hours defined, for a quarterly ticket	0	7	6
To bathe at any time during the hours defined, for an annual ticket	1	7	0

Hours at which the Public Baths shall be opened:—

From 1st October to 30th June	from 5 a.m. to 8 p.m.
From 1st May to 30th September	from 6 a.m. to 8 p.m.

PART X.

Planting Trees.

1. The Council shall, by resolution, annually place upon the estimates a sum of money to be expended in the planting and preserving trees and shrubs in the public streets and recreation grounds within the Municipality, and from time to time determine what streets or recreation grounds shall be so planted.

2. The Council shall cause trees or shrubs to be planted in any street or recreation ground, in accordance with these By-laws, in the following manner, that is to say:—Where the streets are over one and a half chain wide, at a distance of eighteen feet from the kerbing, and at a distance of thirty feet apart; where the streets are one chain or less wide, at a distance of fifteen feet from the kerbing, and at a distance of thirty feet apart; and upon recreation grounds in accordance with a plan to be approved of by resolution of the Council.

3. The trees to be planted in the public streets shall consist of such as may be authorized by resolution of the Council, and such other trees in addition upon recreation grounds as the Council may determine.

PART XI.

Ferries.

1. The Council shall by resolution establish such ferries as may be required for the public convenience, and lease the same for a period not less than one year nor more than five years.

2. All leases shall be sold by public auction or by tender, as the Council may determine. Such sales shall be advertised in some paper published in the Municipality, and given not less than fourteen days' notice. The upset price of each ferry to be fixed by the resolution of the Council.

3. The purchaser shall, at the time of sale, if by auction or notification of acceptance of tender, pay to the Council one-fourth of the annual rent, and provide within seven days two sureties, who are willing to enter with him into a bond to the amount of one hundred pounds,—such sureties to be approved by the Council. All expenses connected with the bond and lease to be paid by the lessee.

4. The lessee shall pay at intervals of three months one-fourth of the annual rent in advance upon such days as may be fixed in the lease, to such person as the Council may appoint to collect the same. In default of payment the lease will become void and forfeited.

5. The lessee must, either himself or by his servants, ply the punt and boat at all hours between sunrise and sunset, and without unnecessary delay, for the convenience and accommodation of the public: Provided that he shall not be compelled to work the punt on Sundays, Good Friday, or Christmas Day.

6. The lessee shall, immediately on taking possession, put up in some conspicuous place at or near the ferry, a board with a table printed in distinct and legible letters, containing at the top the name of the ferry, and a list of all tolls and dues payable thereat (as hereinafter provided in the Schedule hereto), and the name of the lessee.

7. No tolls or dues shall be demanded or taken in addition to those provided in the Schedule annexed to these By-laws; and no tolls or dues shall be demanded in respect of any horses or carriages, or in respect of any person attending a funeral, or from any minister of religion, or from any member or officer of the Council while upon the business of the Council.

8. Any person who shall be guilty of a breach of these By-laws shall be deemed guilty of an offense, and shall be liable to a fine not exceeding five pounds, to be recovered before any two Justices of the Peace in Court of Petty Sessions assembled.

SCHEDULE OF TOLLS.

	s.	d.
For every foot passenger	0	3
For every child attending school	Free	
For every horse, mare, gelding, ass, or mule, drawing or not drawing	0	6
For every dray or cart with two wheels only.....	0	6
For every waggon, carriage, or other vehicle with four wheels	1	0
For every ox or head of neat cattle, drawing or not drawing, not exceeding ten	0	6
Every additional head over ten	0	4
For every sheep, lamb, pig, or goat, not exceeding ten...	0	1
Goods per hundred weight, or part of a hundred weight	0	3

The above tolls to be doubled from sunset to sunrise.

PART XVII.

Public Wharves.

1. The Maclean Public wharves shall be appropriated to the landing and embarking of passengers, the loading and unloading of farm produce, general merchandise, building materials, or any produce whatever.

2. The Council may appoint wharfingers, or let by tender, or sell by public auction, the tolls and dues arising from the wharves.

3. The wharfingers or lessees shall find two sureties in the amount of twenty pounds, for the faithful performance of their duties.

4. The wharfingers or lessees shall preserve order and regularity upon the said wharves, and may remove therefrom any person making a riot of disturbance, or guilty of cursing or swearing or using indecent language, offending against common decency, being drunk, or in any way misconducting himself or herself thereon.

5. The wharfingers or lessees shall be entitled to demand and receive the tolls and dues set out in the Schedule hereto annexed, from all parties using the wharves.

6. No dray, cart, or vehicle shall be allowed to remain on the wharves longer than the time actually required for loading or unloading the same.

7. No goods, merchandise, produce, live stock, lime, timber, stone, or other building materials, shall be allowed to remain on the wharves more than twenty-four hours from the time when the same may have been landed thereon.

8. It shall be compulsory on all parties loading or discharging cargo at the wharves to keep and leave a space of six feet clear, as passages to the landing stages.

9. No vessel or boat shall be allowed to be made fast to the wharves or occupy the berth but for the purpose of loading or unloading.

10. The vessel or boat first arriving shall be entitled to precedence in the use of the wharves, and shall be loaded or unloaded, after which such vessel shall haul off from the wharves.

11. The master of every vessel shall, before unloading any cargo, give to the wharfinger or lessee particulars in writing, signed by himself, of such cargo, with the name of the consignee; and if the same shall not be removed within the time limited by these By-laws the wharfinger or lessee shall have power to remove or, if he think fit, to store the same at the expense or risk of consignee; and further, if such goods be not claimed and removed, and all charges and expenses accrued in respect thereof, paid within thirty days from their landing, shall dispose of the same by public auction, and dispose of the proceeds first in payment of all charges and expenses, and shall pay the balance, if any, to the consignee.

12. The Municipal Council wharfinger, or lessee, shall not be liable to any consignor, consignee, owner or master of vessel, or any other person landing or shipping goods, for any loss or damage to any goods placed upon the wharf, or in respect to any loss or damage occasioned by the removal or sale thereof under the preceding section of these By-laws.

13. In discharging coal, sand, ballast, or gravel it shall be compulsory on the masters of vessels to comply with the ordinary harbour regulation in respect to such discharging.

SCHEDULE A.

14. Tolls and dues payable at the Maclean public wharves by vessels taking up berths shall pay as follows:—

	s.	d.
Fifty tons register or under	5	0
Fifty tons register or under one hundred	10	0
For every additional fifty tons or part of fifty tons	5	0
Vessels not occupying a berth for more than one hour...	2	6
For every vessel loading or embarking passengers at the wharf, for every half-hour or part of half-hour...	1	0

SCHEDULE B.

15. Time allowed to discharge or load at public wharf, from taking up the berth:—

For vessels not exceeding fifty tons register.....	24 hours
For vessels over fifty tons and under one hundred tons	48 hours
For every additional fifty tons or part of fifty tons	24 hours

PART XVIII.

Public Parks.

1. The Municipal Council of the Municipality of Maclean shall expend in the improvements of public parks all such sums as may be derived as revenue from such parks, including sale of grass right, fees, collected donations, public subscription, or Government grant in aid thereof, and such sums in addition as shall be voted by the Council from the Municipal revenue.

2. The improvements to be made by the Council shall consist of fencing, planting, and protecting trees and shrubs, laying out footpaths, construction of gardens, erection of park-keeper's lodge and other necessary buildings; formation and protecting of cricket grounds, and any other purpose of improvement and public recreation not repugnant to the terms of the deed of grant under which the said grounds are held.

3. The park shall be open at all times to the public, but may, if the Council by resolution so direct, be closed for any period not exceeding three days. No vehicle or horse traffic shall be allowed except for the following purposes and in the following manner, that is to say:—The Council shall have the right to enter at any time by their servants with horses and drays for the purpose of carrying out any improvement, or for the removal of earth or obtaining water; and the Mayor for the time being shall have power to grant permission to any ratepayer or licensed water-carrier, licensed under the Council, to enter for the purpose of obtaining water in cases of necessity.

4. The Council shall in the month of December, in each year, cause to be sold by public auction the right to graze a specified number of quiet cattle, horses, or sheep upon the park upon such conditions as the Council shall determine previous to such sale.

5. The Council shall provide and maintain spaces within the park, in which the games of cricket and football may be practised, and matches played; and the Mayor shall have power upon application in writing from the officers of any cricket or football club to grant the exclusive use of such enclosure for any specified hours, and upon such days as may in his opinion be necessary and advisable, and in the event of more than one application for the same time to determine which will be granted, and be empowered upon notice placed in the park, or advertised in a local newspaper at the expense of the applicant, to debar any interference upon the said enclosure upon the day and time specified in such notice.

6. Any person destroying or damaging any fence, enclosure, tree, or shrub, footpath, or other improvement on the park, shall, upon conviction before two Justices, pay a fine of not exceeding £10, or in default to be imprisoned for any term not exceeding three months.

7. The Council shall have power upon any special public occasion or demonstration to close the said park, and to collect such fee for admission thereto as they may think fit, or to dispose of the right to collect such fee—provided that such fee shall in no case exceed one shilling to each person.

8. The Council shall have power and may appoint a park-keeper, who shall, under the direction of the Mayor, have full power to proceed against any person committing a breach of these By-laws.

9. Any person committing any indecent behaviour, or causing tumult, or in any way interfering with the comfort and privileges of the citizens, shall be guilty of an offence, and upon conviction shall pay a fine of not exceeding £5, or one month imprisonment; and the park-keeper or other officers of the Council, and police officers, shall have full power to remove any such offenders from the ground.

10. All fines incurred by any breach of these By-laws shall be paid to the Maclean Municipal Council, and expended in the improvement of the park in such way as the Council shall determine.

11. A copy of these By-laws shall be printed upon a notice board, and placed in some conspicuous place in each park for public information.

12. By resolution of the Council, the above By-laws may be extended to any recreation ground which shall now, or may hereafter, be vested in the Council as a place for public recreation within the Municipality of Maclean.

PART XIV.

BY-LAWS for the regulation and licensing of public carriers, carts, water-drawers, and public vehicles, omnibuses, cabs, hackney carriages, cabs, water-carts, drays, carts, or vans, and the drivers or conductors of passenger-carrying vehicles.

1. No vehicle shall ply or be used for hire within the Municipality of Maclean until and unless the same be duly licensed in the manner hereinafter described.

2. Before any license for plying a vehicle or to drive or conduct the same shall be granted, the party requiring such license shall deliver to the Council Clerk a requisition in the form of Schedule hereunto annexed, marked with the letter "A," duly filled up and signed; and, in case of drivers or conductors, shall obtain a certificate from two respectable rate-payers to the effect that the applicant is of good character and competent to act as such driver or conductor, as the case may be.

3. No license shall be granted in respect of any vehicle which, in the opinion of the Mayor or such officer as may be duly appointed for that purpose, is unsafe or in bad repair, or otherwise unfit for the accommodation and conveyance of passengers therein, nor until the number of such vehicle be painted thereon on a plate or plates affixed thereon outside on the panel of each door of such vehicle or on such other place or places, and in such manner as the Mayor may direct.

4. Licenses for proprietors, drivers, and conductors of vehicles shall be in the form contained in the Schedule hereunto annexed, marked with the letter "B."

5. Every license granted under these By-laws shall be under the common seal of the Municipal Council, and signed by the Mayor and countersigned by the Council Clerk, and shall be in force from the date of such license until the 31st day of December next ensuing, and no such license shall include more than one vehicle: Provided that where the licensed vehicle shall be under repair, if the proprietor desire he may be permitted to substitute another for a period to be thereby specified by endorsement on the license, signed by the Mayor and countersigned as aforesaid.

6. For every such license there shall be paid to the Municipal Fund annually the several rates set forth in the Schedule hereunto annexed, and marked with the letter "C."

7. No license shall be granted to any person to drive any passenger-carrying vehicle who shall be under the age of eighteen years, and no license under these By-laws shall be granted unless after seven days notice.

8. All licenses shall be made out by the Council Clerk, and numbered consecutively.

9. The person in whose name a license shall appear to have been obtained shall be prima facie deemed to be the owner of the vehicle in respect of which the same shall have been taken out.

10. The Mayor shall, as often as he may deem it necessary, cause an inspection to be made of all or any licensed vehicles, and of the harness, horse, or horses, and if any such vehicle, harness, horse, or horses shall at any time be found to be unfit for use, the Mayor may cancel the license of such vehicle.

11. The number of the license granted to every omnibus or car, in figures not less than four inches in height, and for every hackney carriage or cab, in figures not less than two inches in height, and of proportionate breadth, white upon a ground of black, shall be painted outside on the panel of the door or doors of such vehicle, or on such other part or parts thereof as the Mayor may direct; and such numbers shall be kept legible and undefaced during all the time such vehicles shall ply or be used for hire at the expense of the licensee.

12. The number of the license of every hackney carriage or cab on a card or plate six inches by three painted or printed in clear legible figures and the table fares fixed by the Council shall be affixed at the upper part of the front panel or in such other place or places inside of such carriage or cab as the Mayor may direct, at the expense of the licensee, and such card or plate shall be kept so affixed and legible and undefaced during all the time the carriage or cab shall ply or be used for hire.

13. No proprietor or driver of any licensed hackney carriage or cab shall demand, receive, or take more than the several fares in the Schedule hereunto annexed marked with the letter D, provided that the sums so set forth may be varied from time to time by a resolution of the Municipal Council as occasion may seem to them to require. Notice of such alteration shall be published in the Government Gazette and in a local newspaper.

14. So far as concerns fares in these By-laws, any vehicle of whatever form or construction for which a hackney carriage license has been taken out if drawn upon four wheels shall be deemed to be a hackney carriage, and if drawn upon two wheels a cab.

15. Carters (plying for hire) of water-carts, drays, carts, or vans are to be registered at the Council Chambers, and receive a license upon payment of the rate set forth in Schedule C, hereunto annexed.

16. The name, place of abode, number of license, and the words "licensed cart," "dray," or "van," as the case may be, are to be painted in letters one inch long upon the right or off side of such cart, dray, or van, at the expense of the licensee.

17. Wherever the word vehicle shall be used in these By-laws the same shall be understood to apply to either an omnibus, a car, hackney carriage, or cab; and an omnibus shall be meant to be a vehicle upon four wheels drawn by two or more horses; and a car a vehicle upon two wheels for which an omnibus license has been taken out; and a hackney carriage shall mean a vehicle upon four wheels drawn by two or more horses; and a cab a vehicle upon two wheels for which a hackney carriage license has been taken out; and the word "carters" shall be understood to apply to carts, drays, or vans, plying for hire.

18. For every offence against the provisions of these By-laws the offender shall be liable to and pay a penalty of not more than twenty pounds nor less than ten shillings.

19. All penalties recovered under any of these By-laws shall be paid to the Municipal Council, to be appropriated towards the general revenue of the Municipality.

SCHEDULE A.

A Requisition for a License.

To the Municipal Council of Maclean.

I, _____, residing at _____ street, within the Municipality of Maclean, do hereby request that a license may be granted to me to _____ within the limits of the said Municipality.

Dated at Maclean, this _____ day of _____ 18 ____.

Description—

SCHEDULE B.

No.

Form of License.

This is to certify that _____ of _____ street, Maclean, is hereby licensed to _____ from the _____ day of _____ to the 31st day of December, 18 ____ inclusive, within the Municipality of Maclean, subject nevertheless to all and every the By-laws and regulations in force relating thereto.

Given under my Hand and the Common Seal of the Municipal Council of Maclean, in the Colony of New South Wales, this _____ day of _____ 18 ____.

Council Clerk—

SCHEDULE C.

A Table of Rates to be paid by the proprietors and drivers of licensed vehicles:—

	On and after the first of January.	On and after the first of April.	On and after the first of July.	On and after the first of October.
For each omnibus, car, hackney carriage, or cab.	£ s. d. 2 0 0	£ s. d. 1 10 0	£ s. d. 1 0 0	£ s. d. 0 10 0
For every water-cart, dray, cart, or van.	£ s. d. 1 10 0	£ s. d. 1 2 6	£ s. d. 0 15 0	£ s. d. 0 7 6

For every driver's or conductor's license for passenger-carrying vehicles for every year or part of a year—five shillings.

SCHEDULE D.

Rates and fares to be paid for any hackney carriage or other passenger-carrying vehicle, not an omnibus, plying within the Municipality of Maclean:—If drawn by one or more horses, at the rate of one shilling per mile or for any part of a mile.

Made and passed by the Municipal Council of the Municipality of Maclean, this thirtieth day of October, in the year of our Lord one thousand eight hundred and eighty-eight.

FBANK WILKINSON,
Council Clerk.

(L.S.) DAVID SEE,
Mayor.

BY-LAWS UNDER THE NOISANCES PREVENTION ACT, 1875.

BY-LAWS of the Municipality of Maclean, for the suppression of certain nuisances prejudicial to public health and for improving the sanitary condition of the Municipality, in accordance with the provisions of the "Nuisances Prevention Act, 1875."

1. Every person about to erect a closet or form a cesspit shall, before he shall commence any such work, give to the Council Clerk seven days' notice in writing of his intention, and of the proposed position of such closet or cesspit; and in default thereof, or in case of his commencing such work without such notice, he shall be liable to a penalty not exceeding ten pounds.

2. No closet shall be erected or cesspit formed except in such position as shall be approved of by the Council, or by the Inspector of Nuisances, or other officer appointed by the Council.

3. No cesspit shall be built under any dwelling-house, nor at a less distance than twenty feet therefrom, if the work will permit (no less than twelve in any case), nor in such position that the same cannot be emptied without the contents thereof being carried through any dwelling-house.

4. No cesspit shall be less than three feet six inches in diameter in the clear, by four feet deep, and every such pit shall be laid with single brick; the closet or superstructure to be placed two-thirds over the pit so as to leave one-third of an opening for cleaning out, such opening to be covered with a slab or stone. Any person who desires to cement the pit and make it water-tight shall be at liberty to do so.

5. Every closet shall be built with walls seven feet high and shall not be less than three feet six inches wide and four feet six inches long, and shall be provided with a door capable of being fastened on the inside and shall have ventilating holes four and a half inches wide.

6. When two or more closets adjoin each other there shall be a brick or stone dividing wall of not less than four and a half inches in thickness between every two closets, and such wall shall extend from the bottom of the cesspit through the roof of the closet so as to effect a complete separation.

7. A separate closet shall be provided for every tenement, and a breach of this By-law shall make the owners or occupiers of any premises upon which there shall be a joint closet liable to a penalty not exceeding five pounds.

8. In dwelling-houses where the number of persons who shall ordinarily sleep therein shall exceed twelve, the capacity of the cesspit shall be increased by four cubic feet for every person beyond the number of twelve, or else a separate closet shall be provided for every twelve persons or fraction of twelve.

9. In schools or factories, or other places of business, where a number of persons exceeding twelve shall reside, or be occupied or employed, one closet shall be provided for every twenty persons with a capacity of not less than eighty cubic feet, and separate closets shall be provided for each sex.

10. If any alterations shall be requisite in the opinion of the Inspector of Nuisances, or any other officer appointed by the Council in that behalf, for preserving public health or decency in the case of any existing cesspit or closet, the owner or occupier of such premises shall receive twenty-one days' notice to remove or alter the same, and if he fail to do so, and the Council shall adjudge such cesspit or closet to be either injurious to the health or opposed to decency by exposure or otherwise, the same shall be altered by such Inspector of Nuisances, or other officer, and the cost of such alteration shall be paid by the owner or occupier of the premises whereon the same shall be.

11. The place of deposit for night-soil shall be in such locality as may be from time to time determined upon by the Council, and no night-soil shall be deposited in any other locality within the Municipality, except as allowed by the Council.

12. Until otherwise provided by the Council, all night-soil shall be removed from cesspits by the servants of, or contractors with, the Council, in water-tight covered vehicles, between the hours of 11 o'clock in the evening and 5 o'clock in the morning.

13. Until and unless otherwise provided by the Council, all night-soil shall be disposed of by burying it in the earth.

14. In case the Council shall sell or give away any night-soil, the same shall be removed in the same manner as above provided; and on being removed from the vehicles in which it is carried it shall be decolorized by chemicals or in some other manner, or covered with earth, so as to prevent any offensive smell arising therefrom.

15. Any person desirous of erecting an earth-closet shall be at liberty to do so, but all night-soil shall be removed therefrom once in seven days or oftener, and every person having such a closet, and occupying premises where the inmates do not exceed twelve in number, shall be at liberty to use the night-soil from such earth-closet on his own premises, provided that he shall occupy a clear area of not less than two rods; but if any nuisance shall arise therefrom such person shall be liable to a penalty not exceeding five pounds sterling.

16. Any person having a cesspit, cemented or otherwise, shall be at liberty to use the night-soil on his own premises, provided the owner occupies a clear area of not less than two rods, and the inmates do not exceed twelve in number; and if any nuisance shall arise from the disposal of the night-soil, such person shall be liable to a penalty of not exceeding five pounds.

17. No person shall be at liberty to use on his premises any night-soil brought from elsewhere.

18. The owner or occupier of any house, building, passage, yard, or premises within this Municipality, shall cause the yard and ground adjoining or belonging thereto, to be kept in a cleanly condition, and so as not to be a nuisance or injurious to health.

19. Any person allowing night-soil from any closet to fall into any street, shall forfeit and pay a sum not exceeding twenty pounds or less than two pounds.

20. Any person wilfully allowing filth of any kind, or accumulation thereof, or any substance or substances from which noxious effluvia arise, to remain upon his premises, shall be liable to a penalty not exceeding ten pounds.

21. It shall be the duty of the Inspector of Nuisances to report without delay the existence of any nuisance arising from live or dead animals of any kind or species within the Municipality, and to give notice to the owner or owners thereof, or the owner or occupier of the premises upon which such animals may be to remove and destroy the same (if very offensive) within a period of six hours; and if not removed or destroyed within that period, to cause the removal and destruction of the said nuisance without delay, and the owner or owners thereof, or the owners or occupiers of the premises in default, and on conviction thereof before any two Justices of the Peace, in each case shall forfeit and pay any sum not exceeding ten pounds, and not less than forty shillings, in addition to all legal and other expenses incurred in the proceedings, and in the removal and destruction of said nuisances.

22. If at any time the cesspit or dry-earth closet on any premises shall overflow, the owner or occupier shall within twenty-four hours give notice to the Inspector of Nuisances, otherwise such owner or occupier shall be liable to a penalty not exceeding ten pounds.

23. The Council may recover, and the owner or occupier of the premises shall pay such sums for the emptying of cesspits as may be decided upon from time to time by resolution of the Council.

24. The Inspector of Nuisances shall be furnished annually with a list copied from the Rate Books of the Council, showing the names of owners and occupiers of all household property or business premises within the Municipality, the list to be furnished within three months after the filling up of the said Rate Book in each year.

25. The Inspector of Nuisances shall be provided by the Council with a supply of printed forms of notices or other documents (as by the Act prescribed) from time to time when required for service upon the owners or occupiers of premises.

26. The Inspector of Nuisances shall obtain from the contractor or night-man a list showing the names of occupiers or owners of premises where water-closets have been emptied, and the situation of such premises, and shall submit the said list to the Council quarterly, viz., at the end of March, June, September, and December in each year, with a view of carrying out the 10th section of the "Nuisances Prevention Act."

27. The Inspector of Nuisances shall report to the Mayor for the time being, or to any authorized officer of the Council, when any water-closet is connected with any drain or sewer, and take such action as may be directed by the said Mayor or officer with a view of carrying out the purposes of the Act.

28. It shall be the duty of the Inspector of Nuisances to report the existence of any gutter, drain, or filthy premises that may be brought under his notice, and take such action as may be directed by the Mayor or other authorized officer of the Council, in accordance with the provisions of the "Nuisances Prevention Act."

29. It shall be the duty of the Inspector of Nuisances to furnish the Council every three months with a list of the persons who have been proceeded against and fined for nuisances within the Municipality, together with the dates and amounts of such fines respectively.

30. The owner or occupier of any premises within the Municipality, or any other person who shall erect upon his premises, any closet or cesspit otherwise than in accordance with these By-laws, or who shall refuse to comply with the provisions of any of the preceding By-laws, or who shall commit any breach thereof, shall (in cases where no special penalty is provided) forfeit and pay a penalty not exceeding five pounds.

31. All words occurring in these By-laws, and which also occur in the "Nuisances Prevention Act, 1875," shall have the like meanings assigned to them as are provided in the 4th section of the said Act.

Made and passed by the Council of the Municipality of Maclean, this thirtieth day of October, in the year of our Lord one thousand eight hundred and eighty-eight.

(L.S.)
FRANK WILKINSON,
Council Clerk.

(L.S.) DAVID SEE,
Mayor.

BY-LAWS FOR REGULATING THE REMOVAL AND DEPOSIT OF NIGHT-SOIL.

In pursuance of the powers given in and by the "Nuisances Prevention Act, 1875," to Municipalities in the Colony of New South Wales, to which the provisions of the said Act shall have been extended, the Municipal Council of Maclean, do hereby order that the following shall be the By-laws to be observed for regulating the removal and deposit of night-soil from closets and cesspits within the said Municipality.

Interpretation.

1. By these By-laws "night-man" means and includes any and every person employed by the Council to remove or assist in removing night-soil from cesspits or earth-closets, whether as servants of the Council or as contractors thereunder, or as servants of such contractor. "Night-cart" means any vehicle used by any night-man for the purpose aforesaid. "Depôt" means a depôt for the deposit of night-soil.

Night-soil Depôts.

2. Such depôts as shall from time to time be named by resolution of Council shall be depôts for the disposal of night-soil.

Unauthorized persons not to act as Night-men.

3. No person shall act as night-man or drive any night-cart within the limits of the Municipality of Maclean, unless such person be authorized so to do by the said Council.

Certificate.

4. Such authority shall be evidenced by a certificate under the hand of the Mayor and Council Clerk, which shall contain the name and place of abode of the holder, and shall be duly numbered and registered; such certificate shall be according to the form in the Schedule to these By-laws.

Revocation of Certificate.

5. Any such certificate may be revoked, cancelled, or suspended at the will of the said Council, and thereupon such authority shall cease.

Change of abode to be notified.

6. Any authorized night-man changing his place of abode shall within two days after so doing attend the Council Clerk, who shall note the change upon his certificate and register the same.

Certificate to be carried and produced.

7. Every night-man whilst engaged in removing night-soil, or in driving any night-cart, shall carry with him his certificate, and shall produce the same when required by any officer of the Council or member of the Police Force of New South Wales. No night-man shall on any pretence part with or lend his certificate to any other person.

Night-carts to be numbered, registered, and properly lighted.

8. All night-carts shall be numbered and registered by the Council Clerk, and shall be examined by the Inspector of Nuisances or other officer appointed in that behalf, who shall certify to the Council Clerk if the same be fit for use. Every night-cart shall have its number with the words "Night-cart" conspicuously painted on the near or off side in letters of white on a black ground. Every contractor's night-cart shall have in

addition the owner's name and address so painted; and every night-cart whilst in use shall carry two lighted lamps with the number legibly painted on the glass of each, and such lamps shall be affixed, the one to the front and the other to the back of the cart.

Night-carts to be made water-tight and covered.

9. Every night-cart or vessel used in the business of a night-man shall be kept by the owner thereof water-tight and free from leakage, and shall be provided with a proper covering, to as to effectually prevent the dropping, splashing, slopping, or spilling of anything carried therein.

Hours for emptying cesspits, &c.

10. No person shall empty any privy, cesspool, or remove any night-soil within the Municipality, or shall permit or suffer such to be done, or shall use or drive or permit or suffer to be used or driven, any night-cart or other vehicle for that purpose, except between the hours of eleven o'clock at night and five o'clock in the morning, or shall put, place, leave, spill, or cast out any night-soil in or upon any of the streets or public places of the said Municipality, or shall not carefully sweep up and cleanse every place in which any offensive matter is slopped or spilled: Provided that before commencing such work it shall be the duty of the night-man to report his intention so to do to the Inspector at least twelve hours before commencing such work

Night-soil not to be brought into the Municipality.

11. No person shall bring or convey any night-soil to any depôt within the limits of the said Municipality, from any place beyond the said limit.

Night-soil to be buried.

12. Every night-man shall upon arriving with his cart at the depôt make or cause to be made a pit or trench five feet in depth and of sufficient length and width to allow of a deposit of night-soil one foot six inches in depth; and all night-soil shall be buried in accordance with the agreement for the removal and depositing of the same between the contractor and the Council, and no offensive matter shall be permitted or placed in any place but that provided by the Council.

13. For every certificate under these By-laws there shall be paid to the Council Clerk the following fees:—

	£	s.	d.
For every night-cart	1	0	0
For every master's certificate ...	0	10	0
For every labourer's certificate	0	10	0

Particulars to be given at Inspector's office.

14. Every licensed night-man, when he shall use any night-cart or vessel for the removal of any night-soil or other offensive matter, shall, within twelve hours after the performance of such work, report to the Inspector or other officer appointed in that behalf, at his office, the name of the occupier of the premises and the name of the street in which such premises are situated, where he has been so employed, and also state the place where the contents of such night-cart or vessel were deposited.

15. For every offence against any of the provisions of these By-laws the offender shall upon conviction forfeit and pay a penalty not exceeding twenty pounds nor less than twenty shillings.

SCHEDULE.

30 Victoria No. 14.

Municipality of Maclean.

Night-man's Certificate No.

Name
Address
Employed as (contractor, labourer, or driver.)

This Certificate is in force from _____ to _____
and registered at the Council Chambers, in the Municipality of Maclean, this _____ day of _____ A.D. 18 _____

Mayor.
Council Clerk.

Made and passed by the Council of the Municipality of Maclean, this thirtieth day of October, in the year of our Lord one thousand eight hundred and eighty-eight.

(L.S.) DAVID SEE,
Mayor.

FRANK WILKINSON,
Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(BOROUGH OF BOTANY—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 29th June, 1889.

BOTANY MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Botany, under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

BY-LAWS of the Borough of Botany, made under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875," respectively.

PART I.

PROCEEDINGS OF THE COUNCIL AND COMMITTEES, PRESERVATION OF ORDER AT COUNCIL MEETINGS, DUTIES OF OFFICERS AND SERVANTS, &c.

Meetings of the Council.

Ordinary Meetings.

1. Unless otherwise ordered, the Council shall meet for despatch of business on every alternate Wednesday, at the hour of 7-30 p.m., unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor may appoint.

Election of Chairman in absence of Mayor—Adjournment for want of quorum.

2. If at any meeting of the Council the Mayor be absent at the expiration of thirty minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down, and recorded in the Minute Book.

Business of ordinary meetings.

3. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and signed by the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Reports from Committees and minutes from the Mayor (if any) to be presented and orders made thereon.
3. Correspondence to be read and order made thereon if expedient.
4. Petitions (if any) to be read and dealt with.

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5. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council, or any of the Committees or officers to be made.
6. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.
7. Orders of the day to be disposed of as they stand on the business paper: Provided that it shall be competent to the Council at any time by resolution without notice to entertain any particular motion or to deal with any particular matter of business out of its regular order on the business paper without any formal suspension of this section. And also in like manner to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

4. At special meetings of the Council the business, after the minutes shall have been read and confirmed, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor or Aldermen at whose instance the special meeting shall be called, may have directed.

Business paper for ordinary meetings—how prepared.

5. The business paper for every meeting of the Council other than a special meeting shall be made up by the Council Clerk not less than one nor more than four days before the day appointed for such meeting. He shall enter on such business paper a copy or the substance of every notice of motion, and of every requisition or order as to business proposed to be transacted at such meeting which he shall have received or shall have been required or directed so to enter in due course of law and as hereinafter provided. Every such entry shall be made (subject to the provision of section 4 of this "Part" of these By-laws) in the same order as such notice, requisition or direction shall have been received.

Summons to members.

6. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper

How business paper shall be disposed of.

7. The business paper for each meeting of the Council shall, at each meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with. And such business paper so noted shall be a record of the Council.

Notices of motion, &c., to be numbered as received, and preserved until disposed of, unless withdrawn before the business paper is made up.

8. All notices of motion and all requisitions from Aldermen and directions from the Mayor as to the entry of any particular matters of business for the consideration of the Council at the then next or any future meeting, shall be numbered by the Council Clerk as they are received. Each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the Minute Book of the manner in which such matter has been so disposed of shall have been duly verified as required by section 4 of this "Part" of the By-laws: Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk, shall be at liberty to withdraw the same at any time before the making up of such business paper.

Motions and amendments.

Motions—how to be moved.

9. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from such business paper and be considered to have lapsed.

Absence of proposed mover.

10. No motion, of which notice shall have been entered on the business paper, shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motions to be seconded.

11. No motion in Council shall be discussed unless and until it be seconded.

Motions to be in writing and not withdrawn without leave.

12. Every notice of motion shall be in writing, dated and signed by the Alderman proposing the same, and no motion shall be withdrawn without leave of the Council. No motion, the effect of which, if carried, would be to rescind any motion which has already been passed by the Council, shall be entered upon the business paper, unless a call of the whole Council has been duly made and granted for that purpose.

Amendment may be moved.

13. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Only one amendment at a time.

14. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Requisition by an Alderman.

15. Every requisition by an Alderman that any particular matter of business be brought before the Council shall be regarded and treated as a notice of motion by such Alderman, and such business be taken into consideration by the Council.

Aldermen presenting petitions to make themselves acquainted with contents.

16. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions and correspondence.

17. The Council may at any meeting resolve, without previous notice, that any petition be received, and that the same or any correspondence read be referred to a Committee to report, or that the requests contained therein be granted.

Mayor to preserve order.

18. The Mayor or Chairman shall preserve order, and may at any time call to order any Alderman who may appear to him to be out of order.

Calls to order.

19. Any Alderman may at any time call the attention of the Mayor to any Alderman being out of order, or to any point of order.

Mayor's decision on points of order final.

20. Every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereon shall be conclusive, except as hereinafter provided.

Power of the Council as to laying down general rules, &c.

21. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice may, by motion on notice, respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar question of order or of practice which may hereafter arise. Any rule or principle thus laid down shall be binding on all parties, unless, and until it be rescinded, but shall have no retrospective operation.

Mayor may take part in proceedings.

22. The Mayor may take part in all proceedings of the Council, or Committees thereof.

Questions put by the Mayor.

23. The Mayor shall put all questions, first in the affirmative and then in the negative (provided that where an amendment is moved to any motion, the amendment shall be first put) and may do so as often as may be necessary to enable him to determine the sense of the Council thereon, and thereupon he shall declare his decision, which shall be final, unless a division be called for.

Mayor to decide as to pre-audience of Aldermen.

24. If two or more Aldermen rise to speak at the same time, the Mayor shall decide which of them shall be entitled to pre-audience.

Aldermen to stand while speaking, &c.

25. Every Alderman shall stand while speaking, and shall address the Chair.

No Alderman to speak twice on the same question or amendment except in Committee.

26. No Alderman shall speak twice on the same question, unless in Committee, or in explanation, where he shall have been misrepresented or misunderstood: Provided that any Alderman, although having previously spoken, may speak once on every amendment, and that the mover of every question shall always have a right of final reply.

No Alderman to make personal reflections.

27. No Alderman shall digress from the matter under discussion or make personal reflections on, or impute motives to, any other Alderman, or speak on any question more than 15 minutes.

Aldermen using offensive expression to apologise.

28. When any member of the Council shall make use of any language or expression offensive, or capable of being applied offensively, to any Alderman, the member so offending shall be required to withdraw such language or expression, and to make an apology satisfactory to the Council.

Debate may be adjourned.

29. A debate may be adjourned to a later hour of the same day, or to another day.

Aldermen adjourning debate entitled to precedence on resumption.

30. The Alderman upon whose motion any debate shall be adjourned shall be entitled to precedence on resumption of the debate.

Adjournments.

31. Any motion for adjournment, if seconded, shall be immediately put without discussion; but if such motion be negatived, it shall not be competent for any Alderman to make a similar motion until thirty minutes shall have elapsed.

Any Alderman may divide Council.

32. It shall be competent for any Alderman to divide the Council on any question, both in full Council and in Committee of the whole Council; and no Alderman shall leave his seat or place till the name of the Alderman, and how voting, shall have been taken down by the Council Clerk, or persons officiating for him.

Divisions to be entered on minutes.

33. All divisions of the Council shall be entered on the minutes of the proceedings.

Questions to be read when required.

34. Any Alderman may require the question or matter under discussion to be read once for his information, and upon such request the question or matter under discussion shall be read.

Suspension of By-laws.

35. Any of these By-laws relating to or affecting proceedings at meetings of Council may be suspended pro tempore in cases of emergency by resolution of the Council.

Mode of proceeding in cases not provided for.

36. In all cases not herein provided for, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales so far as the same are applicable to the proceedings of the Council.

*Standing and Special Committees.**Standing Committees.*

37. There shall be an Improvement Committee, a Finance Committee, a Lighting Committee, a Hall Committee, and a Library Committee. These Committees shall be reappointed every year after the first meeting of the Council, which shall be holden after the election of the Mayor.

Improvement Committee.

38. The Improvement Committee shall have the general direction of all roads, ways, bridges, public reserves, and other places under the care and management of the Council. They shall also inquire and report from time to time upon such improvements, repairs, or other matters as they think necessary or as they may be directed by resolution of the Council to inquire into and report upon.

Finance Committee.

39. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues; they shall inquire and report from time to time as to all matters which they may consider to affect the finances of the Borough, and as to such matters or subjects of the like nature as they may be directed, by resolution of the Council, to inquire into and report upon.

Lighting Committee.

40. The Lighting Committee shall once at least in each municipal year make an inspection of the Borough, and shall recommend the erection of any additional public lamps they may consider necessary, or the removal of any existing lamps, and shall submit their report to the Council in writing.

Hall Committee.

41. The Hall Committee shall have charge of the Council Chambers, Hall, and residence, and shall prepare a tariff of charges for the use of the Hall, and shall also recommend in writing any repairs, alterations, or additions they may consider necessary.

Library Committee.

42. The Library Committee shall have general control of the Public Library, and shall once at least in each year submit to the Council a written report upon the same as to its efficacy, usefulness, and the manner in which it is conducted, and may also recommend the purchase of additional books or any other matter or thing they have reason to consider will be of benefit.

Special Committees.

43. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which might be lawfully intrusted to a Committee, and for which in the opinion of the Council a special Committee ought to be appointed. And no standing Committee shall interfere with the performance of any duty which may for the time have been intrusted to any such special Committee. The appointment of every such special Committee shall be made by resolution, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be intrusted to such special Committee. The mover of any such resolution may name therein any such members as in his opinion ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; or an amendment to the effect that such special Committee be appointed by ballot, may be carried.

Rules to be observed in Committee.

44. The rules of the Council shall be observed in a Committee of the whole Council, except the rule limiting the number of times of speaking.

Reports of Committee to be signed.

45. Every report of a Committee shall be signed by the Chairman thereof.

*Protection of Funds and Records.**Member or officer of Council not to be surety.*

46. In cases where surety is required by the Municipalities Act, it shall not be competent for the Council to accept as surety any of their members, or any person holding office under the Council.

Duties of the Council Clerk.

47. The Council Clerk shall attend at the office of the Council, for the purpose of receiving payment of rates and transacting the ordinary business of the Council, at such time and place as may be determined by the Council from time to time.

48. The Council Clerk, in addition to the duties which by the Municipalities Act of 1867, or by the present or any other By-laws thereunder, he may be required to perform, shall be the Clerk of all Revision Courts held in the Borough under the provisions of the said Municipalities Act; he shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council; he shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor.

Custody of records, seal, &c.

49. The common seal and all charters, books, papers, and records of the Council shall be kept in the Council Chambers or office of the Council, in the custody of the Council Clerk, unless the Council shall otherwise order for any purpose; and the common seal shall not be used except with the signature of the Mayor.

Bonds for good conduct and deeds of real and personal estate.

50. All bonds given by officers or servants of the Council for the faithful performance of their duties, and deeds of real and personal estate, shall be deposited with the bankers of the Corporation, as the Council may order; and no officer or servant of the Council shall be received as surety for any such officer or servant.

Records, &c., not to be defaced or altered.

51. Any person who shall deface, alter, or destroy, or attempt to deface, alter, or destroy any such common seal, charter, deed, muniment, book, paper, or record shall, on conviction thereof, forfeit and pay for the first offence a penalty not exceeding fifty pounds nor less than five pounds; and upon every subsequent conviction a penalty of not less than twenty pounds.

Not remove.

52. Any person who shall remove, or attempt to remove (except for the purpose of any legal proceedings), any such seal, charter, deed, muniment, book, paper, or record from the Council Chambers, without leave from the Council first had and obtained, shall on conviction thereof forfeit and pay a penalty of not more than twenty pounds nor less than two pounds; and for every subsequent offence a penalty of not less than five pounds nor more than fifty pounds.

Expenses of proposed works to be first ascertained.—Accounts to be examined by Finance Committee.

53. No work shall be undertaken until the probable expense thereof shall have been ascertained by the Council; and all accounts to be paid by the Council shall be examined by the Finance Committee, and reported on by them before any warrant shall be issued for the payment thereof.

Outlay in urgent cases.

54. In cases of emergency arising between meetings of the Council it shall be lawful for necessary work to be ordered without vote of the Council, viz., by the Mayor, to the extent of £10: Provided that in the absence of the Mayor any four Aldermen shall have that power.

Duties of other officers and servants.

55. The duties of all officers and servants of the Corporation shall be defined by such regulations as may from time to time be moved by the Council.

Special power of Mayor.

56. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have already been prepared, or such explanation or information already given, and such return, statement, explanation, or information is on record, as heretofore provided, or unless the Council shall have expressly forbidden or dispersed with the preparation of such return or statement, or the giving of such explanation or information; all such returns or statements as aforesaid shall be in writing, and shall be recorded; all such explanation or information may, except as hereinafter provided, be either recorded *viva voce* or put into writing, as the Mayor may direct.

Statement of accounts.

57. Not later than the months of March and September in each year the Mayor shall lay before the Council for its adoption the Treasurer's account for the previous half-year, duly audited; but should any auditor not attend for the purpose of auditing the accounts when required by authority of the Mayor to do so, or refuse to certify to the correctness of the account, unless he can prove to the satisfaction of the Council that the account is incorrect, he shall pay a fine of ten pounds, to be recovered in a summary way before any two Justices of the Peace, the said fine to be carried to the credit of the Municipal funds.

How complaints against officers, &c., are to be dealt with.

58. All complaints against officers or servants of the Corporation must be in writing, and must in every case be signed by the person or persons complaining; and no notice whatever shall be taken of any complaint which is not in writing or is anonymous. All such complaints may be addressed to the Mayor, who immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same; and if any such complaint be made to the Council or to any member or officer thereof, it shall be referred to and investigated by the Mayor before it shall be dealt with by such Council: Provided that every

report, explanation, and information which may be made or rendered in reference to every such complaints shall be in writing. And such Mayor shall state in writing the result of every such investigation, and his opinion as to what order (if any) ought to be made in connection therewith; and such complaints with all reports, explanations, and information as aforesaid in connection therewith, and the Mayor's statement as aforesaid thereon, shall be laid before the Council at the next meeting thereof, which shall be holden after the Mayor shall have made such statement, and shall be duly recorded: Provided further that nothing herein contained shall be held to affect in any way the special powers conferred on the Mayor by section 152 of the Municipalities Act of 1867, or any other special power which now is or hereafter may be conferred by statute upon such Mayor.

Leave of absence.

59. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of the Council adopted after due notice.

Mode of calling for tenders.

60. Whenever it is decided that any work shall be executed or any material supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice as hereinafter provided.

Suits and prosecutions for penalties. &c.

61. Such suits or information for the enforcement of penalties for or in respect of breaches of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute the operation of which may have been extended to the Borough, as may have been directed by the Council, or by the By-law Committee, or by the Mayor, to be commenced or laid, shall be so commenced or laid as follows, namely:—When against a member of the Council, or an Auditor, or any officer of the Corporation—by the Council Clerk unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose. When against any other person—by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been intrusted; and if there shall be no such officer then by any such officer or person as shall be appointed for that purpose by the Council, or by the By-law Committee, or the Mayor, as the case may be, on directing such suit or information. And no such suit shall be brought or information laid as aforesaid against any member of the Council or Auditor except by order of such Council, nor shall any similar proceeding be taken against any officer of the Council except on the order of such Council, or of the Mayor, nor against any other person except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on an express resolution of the Council, in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where on the trial or hearing of any such suit or information the same shall have been dismissed on the merits: Provided that in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

How notices are to be published.

62. In all cases where public notice is or shall be required to be given by any By-law of any appointment, resolution, act, order, or regulation done, made, or passed, or proposed to be made, done, or passed by the Council, or by any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same twice in some newspaper circulating in the Borough.

Levying Rates, &c.

Collection of Rates.

63. All rates levied or imposed by the Council under sections 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council, may by resolution at the time of making or imposing such rates or any of them have appointed.

Council Clerk to furnish list of defaulters.

64. It shall be the duty of the Council Clerk to furnish the Mayor and Council, or any Committee as directed, with lists of all persons so in default.

Mayor to enforce payment.

65. It shall be the duty of the Mayor to cause such defaulters to be sued for the amount of such rates in any Court of competent jurisdiction, or to issue distress warrants against all such persons, and to cause such warrants to be enforced.

Enforcement of distress.

66. The Bailiff shall be appointed by resolution of the said Council, and shall be at any time removable by a like resolution.

67. The Bailiff shall find two sureties to the satisfaction of the Mayor to the extent of fifty pounds sterling each for the faithful performance of his duties.

68. It shall be the duty of the Bailiff to make all levies by distress for the recovery of rates, in the manner hereinafter provided.

69. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor, or any Alderman who may for the time being be duly authorized to perform the duties of that office.

70. If the sum for which any such distress shall have been made shall not be paid with costs, as hereinafter provided, on or before the expiration of five days, the Bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises or at such other place within the Borough as the said Bailiff may think proper to remove them for such purpose, and shall pay over the surplus (if any) that may remain, after deducting the amount of the sum distrained for and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

71. At the time of making a distress the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf, resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress was made; and the Bailiff shall give a copy of the inventory to the ratepayer on demand, at any time within one month after making such distress.

SCHEDULE A.

Warrant of distress.

I, _____, Mayor of the Borough of Botany do hereby authorize you _____, Bailiff of the said Borough, to distrain the goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____ for the sum of _____, being the amount of Municipal rates due to the said Borough to the _____ day of _____ for the said dwelling-house, land, or premises, as the case may be, and to proceed thereon for the recovery of the said rates according to law.—Dated this _____ day of _____ 18____.

Mayor.

SCHEDULE B.

Inventory.

I have this day in virtue of a warrant under the hand of the Mayor of the Borough of Botany, dated _____, distrained the following goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____ within the said Borough, for the sum of _____, being the amount of the rates due to the said Borough to the _____ day of _____ 18____.—Dated this _____ day of _____, 18____.

Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy where the same is not more than £20	2	0
Above that sum in addition for every £10	1	0
For making and furnishing copy of inventory...	2	0
For man in possession each day, or part of day	5	0
For sale, commission, and delivery of goods, per pound on proceeds of sale	1	0

Streets and Public Places, &c.

New roads to be reported upon.

72. No new public road, street, way, park, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, way, or park, shall have been examined by a Committee for Works, and reported upon to the Council by such Committee.

Plans of proposed new road, &c., to be deposited.

73. Whenever any proprietor or proprietors of land within the said Borough shall open any road, street, or way, or lay out any park or other place for public use or recreation, through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, park, or other place, he or they shall furnish the Council with a plan or plans, signed by himself or themselves, showing clearly

the position and extent of such road, street, way, park, or other place as aforesaid. And he or they shall execute any instrument, dedicating such road, street, way, park, or other place, as the Council may consider necessary.

Roads and streets, and encroachments thereon, &c.

74. The Surveyor of the Borough, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and foot ways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, and thoroughfares, recourse shall be had, when practicable, to the plans under which the land, with frontage to the road, street, lane, or thoroughfare in question, shall have been sold or let. And it shall be the duty of such surveyor or officer to place posts at the corners or intersections of such streets, roads, lanes, and thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way and 12 feet for the footway on each side, where the road, street, lane or thoroughfare, or other public place of other width than 66 feet: Provided that there shall be no change of level in any such public road, street, lane, or thoroughfare, or public place, until the same shall have been submitted to and adopted by the Council as hereinafter provided: Provided further that this By-law shall be read subject in all respects to "The Width of Streets and Lanes Act of 1881."

Change of street levels.

75. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section showing the proposed alteration to be exhibited at the Council Chambers for fourteen days, for the information and inspection of ratepayers, and shall notify, by advertisement in some newspaper circulating in the Borough, that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

Footways may be levelled.

76. When any footway shall have been marked out in manner hereinbefore directed, the Surveyor, or such officer or persons so authorized as hereinbefore mentioned, may cause the same to be levelled and made as nearly as practicable of equal height and breadth, and with an equal slope and inclination; and for this purpose may remove any flagging, steps, or other matter, thing, or obstruction, that may injure or obstruct the said footway, or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for any of the said footways.

Temporary stoppage of traffic for repair, &c.

77. The Mayor may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person who shall travel on such street, lane, or thoroughfare, or remove or destroy any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds nor less than two pounds for every such offence.

No encroachment allowed on streets, &c.

78. Whenever any road, street, or lane has been marked out in manner herein provided, no house, shop, fence, or other structure shall, except as hereinafter mentioned, be allowed to project or encroach on any part thereof. And it shall not be lawful for any person to erect or put up any building, erection, obstruction, fence, or enclosure, or to make any excavation, hole, or opening in, under, upon, or near to any such road, street, lane, or thoroughfare, unless the consent of the Council or Mayor has been obtained to the erecting or making of any such building, erection, obstruction, fence, or enclosure, excavation, hole, or opening as aforesaid; and every person offending against this By-law, shall forfeit and pay for the first offence a sum not exceeding five pounds nor less than two pounds, and for the second and every subsequent offence a sum not exceeding ten pounds nor less than three pounds.

79. If the owner or occupier of any land situated on the side of any street or road in this Borough shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any footpath or footway, on the side of any such street or road, and on demand made by the Council shall not cut, lop, or cause to be lopped, all such trees, shrubs, or plants to the height of 8 feet at the least, the said Council, by their servants, labourers, and workmen may cut, or cause to be cut or lopped all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, plants, or shrubs so cut or lopped without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose

the said Council, or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the "Municipalities Act of 1867," every person so offending shall on conviction of every such offence forfeit and pay any sum not exceeding ten pounds.

No balcony, &c., to project.

80. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, or window forming part of, or attached to, any external wall to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony, or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding twenty pounds nor less than five pounds, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than 30 feet wide: Provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice.

81. The Surveyor or other such officer or person may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall, in this case be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroaching structure belongs, or who has erected the same, or caused it to be erected.

Council may remove encroachments.

82. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within thirty days, it shall be lawful for the Council to direct the removal of the same under the superintendence of its own proper officer, and at the cost of the person so offending: Provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds, or, at the Council's option, to proceed against the offender for breach of by-law, the penalty not to exceed twenty-five pounds, nor be less than five pounds; and in case of every successive offence, the penalty on conviction not to be less than five pounds.

Or may proceed by action.

83. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council either to direct such removal and to pay all the cost thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-laws as aforesaid.

To apply also to obstructions by digging, &c.

84. The foregoing provisions shall be equally applicable to obstructions by digging or excavation; and any person who shall wilfully obstruct or interfere with the Surveyor or other officer as aforesaid, or any person acting for or under him or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Surveyor or officer, shall on conviction forfeit and pay a penalty of not more than twenty pounds nor less than two pounds.

Hoards or fences to be erected.

85. Every person intending to build or take down any building within the limits of the Borough of Botany, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done where any street or footway will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street with a convenient platform and handrail, if there be room enough to leave as a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence with such platform and handrail as aforesaid standing in good condition, to the satisfaction of the officer of the Council of the said Borough during such time as the public safety or convenience requires, and shall in all cases in which it is necessary, in order to prevent accidents, cause the same to be sufficiently lighted during the night; and every such person who shall fail to put up such fence, or hoard, or platform with such handrail as aforesaid, or to continue the same respectively standing in good condition as aforesaid during the period of such building or taking down, or who shall not, while the said hoard or fence is standing, keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the officer of the Council of the said Borough within a reasonable time afterwards, shall for every such offence be liable to a penalty not exceeding two pounds for every day such default is continued.

*Offences, Nuisances—General Good Order of the Borough.**Damaging public buildings, &c.*

86. Any person who shall damage any public building, wall, parapet stone, bridge, road, street, footway, sewer, water-course, or other property of the Municipality, shall pay the cost of repairing the same; and if the same be wilfully done, shall also forfeit and pay a sum not exceeding twenty pounds nor less than five pounds: Provided that such cost and penalty shall not exceed in the whole the sum of fifty pounds.

Injuring public fountains, &c.

87. Any person who shall injure any public fountain, pump, cock, or water-pipe, or any part thereof, shall pay the cost of repairing the same; and if the injury be wilfully done shall also forfeit a sum not exceeding twenty pounds nor less than one pound; and any person who shall have in his possession any private key for the purpose of opening any cock, or who shall in any manner clandestinely or unlawfully appropriate to his own use any water from any public fountain or pipe, shall forfeit a sum not exceeding twenty pounds nor less than five pounds; and any person who shall open or leave open any cock of any public fountain or pump, so that the water shall or may run to waste, shall forfeit a sum not exceeding two pounds nor less than five shillings; and any person who shall wash any clothes, omnibus, carriage, cart, or other vehicle, or any horse or animal at any public fountain or pump, shall forfeit and pay a sum not exceeding five pounds nor less than one pound.

Injuring or extinguishing lamps.

88. Any person who shall wantonly or maliciously break or injure any lamp or lamp post, or extinguish any lamp set up for public convenience in the said Borough, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for such offence a sum not more than one pound nor less than five shillings.

Damaging trees.

89. Any person who shall wilfully, or without the authority of the Council cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, growing in or upon any street or place under the management of the Council, or in or upon any public reserve or park, shall forfeit a sum not exceeding ten pounds nor less than two pounds.

Throwing dead animals, &c., into any water-course, &c.

90. Any person who shall throw or cast filth, rubbish, or any dead animal, or any animal with intent to drown the same, into any water-course, water-hole, creek or canal, or who shall permit or suffer slops, suds, night-soil, sewerage matter or filth of any kind to flow or be cast from his or her premises into any such water-course, water-hole, creek, or canal, or who shall permit or suffer any such slops, suds, night-soil, sewerage matter or filth to flow from his or her premises over any of the footways or streets of the Borough, or shall permit, or cause by means of pipes, shoots, channels, or other contrivances, night-soil, sewerage matter, slops, suds, or filth of any kind whatsoever to flow or to be cast in any water-course, water-hole, creek, or canal, or shall obstruct or divert from its channel, any sewer or water-course, creek or canal, shall forfeit any sum not exceeding five pounds nor less than one pound, and shall, in addition to any such forfeiture, pay the cost of removing such filth or obstruction, or of restoring such water-course or canal into its proper channel.

Throwing filth on roadway, &c.

91. If any person shall, in any street, road, lane or public place, throw, cast or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth, or shall slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal, in or so near to any of the said streets or roads as that any blood or filth shall run or flow upon or over, or be on any carriage or foot way, or shall run, roll, drive, draw, place, or cause, permit or suffer to be run, rolled, driven, drawn, or placed upon any footway, any waggon, cart, dray, sledge, or other carriage, or any wheel-barrow, or truck, or any cask, or shall wilfully lead, drive, or ride any horse, or other beast upon any footway aforesaid, shall forfeit and pay a sum not exceeding five pounds nor less than two pounds.

Placing goods, &c., on roadway, &c.

92. If any person shall set or place, or cause or permit to be set or placed, any stall, show-board, basket, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or cause to be hooped, placed, washed, or cleansed any cask or vessel in or upon or over any road, footway, or public place within the said Borough, or shall set out, lay or place, or shall cause or procure, permit, or suffer to be set out, laid, or placed any coach, cart, dray, barrow, truck, or other carriage upon any foot way, or if any person shall set or place, or cause to be set or placed, in, upon, or over any of the said carriage or foot ways, any timber, stone, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as hereinafter directed), or any other matters or things whatsoever; or shall

hang out or expose, or shall cause or permit to be hung out or exposed any meat or offal, or other thing or matter whatsoever from any house or premises over any part of such footways or carriage-ways, or over any part of any house or premises, or any other matter or thing from and on the outside of any part of any house or premises, over or next to any such street or road, and shall not immediately remove all or any such matter or things, being thereto required by the Council or any officer thereof, and shall not continue and keep the same so removed; or if any person, having, in pursuance of any such requisition as aforesaid, removed, or caused to be removed, any such stall, show-board, basket, goods, coach, cart, dray, barrow, truck, carriage, timber, stone, brick, lime, meat, offal, or other matter or things, and shall at any time thereafter again set, lay, or place, expose, or cause, procure, permit or suffer to be set, laid, placed, or exposed the same or any of them, or any other article or thing whatsoever (save and except as aforesaid) in, upon or over any of the carriage or foot ways of or next unto any streets or roads, as aforesaid,—in every such case every person so offending shall forfeit a sum not exceeding two pounds nor less than ten shillings.

Drawing or trailing timber, &c.

93. If any person shall haul or draw, or cause to be hauled or drawn upon any part of any street, road or public place, any timber, stone, or other thing, otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon wheeled carriages, to drag or trail upon any part of such carriage-way so as to occupy or obstruct the street or road beyond the breadth of such carriage, every such person so offending shall forfeit and pay for every such offence the sum of two pounds over and above the damages occasioned thereby: Provided that such penalty and damages shall not together exceed the sum of five pounds nor less than one pound.

No turf, gravel, &c., to be removed from streets without leave, &c.

94. Any person who from any part of the roads, streets, thoroughfares, or public places, shall remove or cause to be removed any turf, clay, sand, soil, gravel, stone, or other material without leave first had and obtained from the officers or persons having lawful charge of such roads, streets, thoroughfares, or public places, or who shall wantonly break up or otherwise damage a part of the said roads, streets, thoroughfares, or public places, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than five shillings, and for every subsequent offence shall forfeit and pay a sum of not less than one pound.

No driver to ride on vehicle without a person to guide his beasts (vehicles with reins excepted), or go to a distance from his vehicle, or drive on wrong side, &c.

95. If the driver of any waggon, cart, dray, or vehicle of any kind shall ride upon the same in any street, road, or thoroughfare, not having some persons on foot to guide the animals during the same (such vehicles as are drawn by horses driven or guided with reins only excepted), or if the driver of any carriage or vehicle whatsoever shall wilfully be at such a distance from such carriage or vehicle, or in such a situation whilst it shall be passing upon such street, road, or thoroughfare, that he cannot have the direction or government of the horse or horses, or cattle drawing the same; or if the driver of any waggon, cart, dray, coach, carriage or other vehicle, shall not drive on the left or near side of any such road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any vehicle under his or her care, upon such street, road, or thoroughfare, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any person, or vehicle, or carriage, in or upon the same—every such driver or person so offending shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

Name and place of abode, &c.

96. The owner of every such waggon, cart, dray, or vehicle of any kind as last above mentioned who shall allow the same to be driven through the said Borough of Botany without having his name and place of abode painted in full length on the off side legibly, the driver or person in charge of any such waggon, cart, or dray as aforesaid who shall refuse to give his and the owner's name and address shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

As to riding or driving improperly through the streets, &c.

97. Any person who shall ride or drive through any road, street, or public place negligently, carelessly, or furiously, or so as to endanger the life or limb of any person, or to the common danger of the passenger, shall forfeit and pay a sum not exceeding two pounds nor less than one pound.

Riding or driving round corners, &c.

98. Any person who shall ride or drive round the corner of any street, road, or public place, within the said Borough, at a pace faster than a walk, shall on conviction forfeit and pay a sum not exceeding two pounds nor less than ten shillings for every such offence.

Loading or unloading vehicles.

99. All vehicles standing in the streets to load or unload goods shall stand with one wheel only in the gutter and parallel with the kerb, and any driver so offending shall forfeit and pay for every such offence a sum not exceeding one pound nor less than five shillings.

Erection of houses, &c.—Fee for permission.

100. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place within the Borough without having first served notice in writing to the Mayor or Council Clerk before commencing the same, stating his intention and describing the proposed situation of the building or erection, and shall at the time the said notice is given as aforesaid, pay to the Council Clerk a fee of five shillings for permission to erect any such fence, house, shop, or building, in any street, lane, or other place within the said Borough, and every owner thereof, and every contractor for such house, shop, or building, or any part thereof, commencing to build or work thereon without such notice having been given, shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than five shillings.

Affixing placards on walls and chalking thereon.

101. It shall not be lawful for any person to paste or otherwise to affix any placard or other paper upon any wall, fence, house, or building, nor to deface any such wall, fence, house, or building by chalk or paint, or in any other manner, unless with the consent of the owner thereof. And any person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding ten shillings.

Swine, &c., not to wander about streets.

102. Any person who shall feed, breed, or keep any kind of swine, in any house, yard, or enclosure, situate and being in or within forty yards of any street or public place in the Borough, or who shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of like nature belonging to him or under his charge, to stray or to go about, or to be tethered or depastured in any street, road, or public place within the Borough, shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than five shillings.

Restrictions on certain trades, &c.

103. It shall not be lawful for the business of soap-boiler, tallow-melter, tripe-boiler, tanner, currier, pig-keeper, or any occupation, trade, or manufacture of an obnoxious or unwholesome nature, prejudicial to the health of or otherwise offensive to any of the inhabitants thereof, to be commenced or established within the limits of this Borough, without consent of the Council first had and obtained; and whosoever shall offend against this By-law shall forfeit and pay on conviction a penalty not exceeding fifty pounds nor less than ten pounds, and a further sum of two pounds for each and every day during which he continues to offend.

Hours for removing night-soil, &c.

104. Any person who shall remove any night-soil or ammoniacal liquor, or other offensive matter, or shall come with carts or carriages for that purpose, between the hours of 6 o'clock in the morning and 10 o'clock at night, or shall at any time remove any such night-soil or ammoniacal liquor, otherwise than in properly covered and water-tight carts or vehicles, or in such a manner so as to upset, cast, spill, or strew any of the said night-soil, ammoniacal liquor, slop, urine, or filth, in, or upon, or near to any of the streets, roads, public places, or footways of the Borough, or shall deposit or throw night-soil, ammoniacal liquor, or other offensive matter nearer to any street, road, or dwelling-house, than shall from time to time be directed by the Council or by the Inspector of Nuisances, or shall allow vehicles used for this purpose to stand on any premises nearer to any road, street, or dwelling-house, other than shall from time to time be directed by the Council or Inspector, shall upon conviction forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound; and in case the person or persons so offending cannot be found, then the owner or owners of such carts, carriages, or other vehicles employed in and about emptying or removing such night-soil, or other offensive matter, and also the employer or employers of the person or persons so offending shall be liable to, and forfeit and pay such penalty as aforesaid.

105. If any person shall take away night-soil from any house or premises within the said Borough, or shall come with carts or carriages for that purpose, except between the hours of 10 at night and 5 in the morning, or if any person or persons shall cast, or permit to leak or slop out of any cart or tub, or otherwise, any night-soil in or near any of the streets or public places, he shall forfeit and pay a penalty of five pounds for every such offence; and in case the person or persons so offending cannot be found, then the owner or owners of such cart, carriage, or other vehicle employed in and about emptying and removing such night-soil, and also the employer or employers of the person or persons so offending shall be liable to, and forfeit and pay such penalty as aforesaid.

Inspection of premises—Yards, &c., to be kept clean.

106. Upon the reasonable complaint of any householder, that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of; and the officers of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose. Any owner or occupier of any house or place within the said Borough who shall neglect to keep clean all private avenues, passages, yards, paddocks, and ways within, attached to or occupied in conjunction with the said house or place, so as by such neglect to cause a nuisance, shall forfeit and pay a sum not exceeding two pounds and not less than ten shillings.

Discharging firearms, &c.

107. Any person who shall discharge any firearms without lawful cause, or let off any fireworks or other explosive matter in or near to any road or street, shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

No rock to be blasted without notice to the Surveyor, &c.

108. Any person who shall be desirous of blasting any rock within the distance of fifty yards of any dwelling-house, street, road, or other public place, shall give notice in writing twenty-four hours previously to the said Council or Surveyor thereof, who shall appoint in writing a time when the same may take place, and give such other directions as they or he may deem necessary for the public safety; and if any person shall blast or cause to be blasted any rock within the limit aforesaid without giving such notice, or shall not conform to the directions given to him by the said Council or Surveyor, he shall forfeit and pay for every such offence a sum not exceeding twenty pounds nor less than one pound, and for every subsequent offence shall pay a penalty not exceeding five pounds nor less than five shillings.

Entrance to cellars, &c., to be covered, &c.

109. If the owner or occupier of any premises, having any rails or bars over the areas or openings to any kitchen or cellars or other part of the said premises beneath the surface of the footway of any streets or public places, or having any doorway or entrance into the basement or cellar story thereof, shall not either keep the same, or the rails of such kitchen, cellars or other parts, in sufficient and good repair, or constantly keep the same securely guarded by rails, or cover the same over with a strong flap or trap-door, according to the nature of the case, and so as to prevent danger to persons passing and repassing; or, if any such owner or occupier shall leave open, or not sufficiently nor substantially keep covered and secured, any coal or other hole, funnel, trap-door, or cellar-flap, belonging to or connected with his premises (save and except only during reasonable time for use, alteration, or repair), or if such owner or occupier shall not repair, and from time to time keep in good and substantial repair, all and every or any such rails, guardrails, flaps, trap-doors, and other covering, then and in every such case the person neglecting so to do shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than two pounds.

Cellars or openings beneath footways prohibited.

110. It shall not be lawful for any person to make any cellar or any opening, door, or window, in or beneath the surface of the footway of any road, street, or public place, within the said Borough, except by permission of the Council; and if any person shall so offend, he shall forfeit and pay any sum not exceeding five pounds over and above the expense of remedying or removing any such cellar opening, door, or window, such expense to be assessed and allowed by the convicting Justice or Justices: Provided that such expense and penalty shall not together exceed fifty pounds.

Wells to be covered over, &c.

111. Every person who shall have a well situated between his dwelling-house or appurtenances thereof and any public place, road, street, or footway within the limits of the said Borough, or at the side of such public place, road, street, or footway, or in any yard or place open and exposed to such public place, road, or footway, shall cause such well to be securely and permanently covered over; and if any person having such a well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given him or her by any officer of the said Council, or shall have been left at such person's usual or last known abode, or at the said premises, in the manner and with such materials as the Council or its officer shall direct, and to their satisfaction, such person shall forfeit and pay a sum not exceeding ten shillings nor less than five shillings for every day that such well shall remain open or uncovered contrary to the provisions hereof: Provided that, with respect to wells open at the time when this By-law shall come into operation, such penalty shall not be recoverable if the same be properly covered within one week thereafter.

Notices not to be painted on pavements.

112. Any person who shall stamp, stain, paint, write, or post any advertisement or notice upon any footway or kerbstone within the Borough of Botany, shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

Offensive or indecent placards.

113. Any person who shall in any street or place within the Borough of Botany, post exposed to view, or distribute any placard, handbill or other document whatever of an offensive or indecent character, shall be liable to a penalty not exceeding ten pounds nor less than two pounds.

Musicians to move on.

114. Any street musician or vocalist who shall not, when requested by any householder within the Borough of Botany, or his servant, or by any officer or servant of the Council of the Borough aforesaid, or by any police officer, depart from the neighbourhood of the premises of such householder, shall be liable to penalty not exceeding two pounds nor less than five shillings.

Persons not to stand or loiter in streets.

115. All persons standing or loitering upon any of the carriage-ways, footways, or other public places in the Borough of Botany, to the inconvenience of passers-by, or in any way interrupting the traffic, who shall not discontinue to do so on being required by any officer or servant of the Council of the said Borough or by any police officer, shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

Holes made for cellars, &c., to be enclosed, &c.

116. If any person shall dig or make, or cause to be dug or made, any hole, or leave, or cause to be left, any hole in or adjoining any street, road, lane, or public place, for the purpose of making any cellar or cellars, or the foundation or foundations to any other house or other building, or for any other purpose whatsoever, and shall not forthwith enclose the same in a good or sufficient manner, and keep up or cause to be kept up and continued, any such enclosure, or shall not, when thereunto required by the said Council or officer thereof, well and sufficiently fence or enclose any such hole, within the time and in the manner provided by the preceding By-laws, and shall not place a light upon the said enclosure, and keep the same constantly burning from sunset to sunrise, during the continuance of such enclosure, and then in every such case the person so offending shall forfeit and pay for every such offence, and for every such refusal or neglect, any sum not exceeding five pounds nor less than ten shillings, and on conviction for any subsequent offence not less than one pound.

Excavations, &c., to be protected by fence or wall.

117. It shall not be lawful for any person to make any quarry, excavation, or opening in the ground, on any property adjoining or near to any public road or footpath within the limits of this Borough, until the owner or occupier of the said property shall have erected a good substantial fence or wall at the least four feet high around such parts of the said property as adjoin such public road or footpath; and any person neglecting or refusing to enclose any premises upon which any such quarry or excavation shall be made, shall forfeit and pay for every such offence a sum not exceeding five pounds nor less than ten shillings; and all existing quarries, excavations, or precipices situated within the limits of this Borough shall be closed and protected in the manner aforesaid within one week after due notice to that effect shall have been given by the said Council; and in the event of the failure or neglect of the owner or occupier of any such last-mentioned property to enclose the same, after notice as aforesaid, such persons so offending shall be subject to the penalty before mentioned.

Various obstructions and annoyances.

118. Every person who, in any street or other public place or any other place within the said Borough, shall commit any of the following offences, shall on conviction for any and for every such offence forfeit and pay a penalty of not more than two pounds nor less than five shillings:—

Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

Every person who shall carry or convey, or cause to be carried or conveyed in any street or public place the carcase, or any part of the carcase of any slaughtered animal, without a sufficient and proper cloth covering the same, for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.

Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person.

Every person who shall place any flower-pot in any upper window, near to any street or public place, without sufficiently guarding the same from being thrown down.

Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure, when any house or building is being erected, pulled down, or repaired).

Every person who shall, within the distance of one hundred yards from any dwelling-house, burn any rags, bones, cork, or other offensive substance (garden refuse excepted), to the annoyance of any inhabitant.

Every person who shall carry goods, tools, implements, ladders, scaffolding, or any frame, upon any footway to the annoyance of any person.

Every person who shall be the keeper of or have any bird, dog, or other animal which shall attack or endanger the life or limb of any person, or shall otherwise be a nuisance within the said Borough.

Noisome and Offensive Trades.

No noisome or offensive trades to be carried on to the injury of any inhabitants.

119. No person shall carry on any noisome or offensive trade within the said Borough, so as to injure or be a nuisance as hereinafter stated to the inhabitants thereof.

Definition of "noisome and offensive trades."

120. Any manufacture, trade, calling, or operation, in the conducting, following, or carrying on of which, or in consequence of, or in connection wherewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, effluvia, liquid, or any large quantities of smoke shall be evolved or discharged, which gas, vapour, effluvia, liquid, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Borough, shall be considered a "noisome and offensive trade" within the meaning of these By-laws.

Complaint—Inquire and report—Order of Council thereon—Notice to discontinue, &c.—Penalty.

121. Upon complaint, in writing, by any thirty ratepayers by petition to the Council, that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder, and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council; and if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a "noisome or offensive trade" within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid the same shall wholly and permanently cease to be noisome and offensive within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid shall for the first offence forfeit and pay a sum of not less than forty shillings nor more than five pounds; for a second offence a sum of not less than five pounds nor more than twenty-five pounds; and for a third and every subsequent offence a sum not exceeding fifty pounds nor less than ten pounds.

Mode of proceeding when a "noisome and offensive trade" is about to be commenced.—Penalty.

122. The like proceedings shall be taken whenever there shall be a complaint as aforesaid that any manufacture, trade, calling or operation is about to be commenced or entered upon which is likely to prove "noisome or offensive" within the meaning of these By-laws, and the notice to be given as aforesaid shall be given to the person or persons about to commence or enter upon the same; and the Council shall take such measures as shall effectually and permanently prevent the same from becoming "noisome and offensive" within the meaning of these By-laws to any resident within the Borough. And any person who shall in such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way "noisome or offensive" within the meaning of these By-laws shall for every such offence forfeit and pay a sum not exceeding fifty pounds nor less than five pounds.

Service of notice.—Liabilities.

123. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered

upon, or at the last known place or abode of such occupier or owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged and employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or occupation, within the meaning and for all the purposes of these By-laws.

Public Health.

Houses to be purified on certificate of two medical practitioners.

124. If, upon the certificate of any duly qualified medical practitioner, it appears to the Council that any house, or part thereof or the premises occupied in connection therewith, within the limits of the Borough, is in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, purifying, or fumigating of any house, or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious diseases the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, purify, or fumigate the same, as the case may require; and if the person to whom notice is so given shall fail to comply therewith within the time specified in the said notice, he or she shall be liable to a penalty of not less than forty shillings nor more than ten pounds: Provided that each day during which such house shall, after such notice as aforesaid, remain uncleansed or unfumigated, shall be a separate offence: Provided also that no such penalties shall collectively amount to any greater sum than fifty pounds.

Sale or letting of infected premises or goods.

125. If any person shall sell, let, or cause to be sold or let, any dwelling-house or part thereof, or premises occupied in connection therewith in the said Borough, which then is or shall have been within thirty days prior to the date of such sale or letting, occupied by any person suffering from any infectious or contagious disease, without giving due notice thereof to the person or persons purchasing, renting, or hiring any such house or premises, the person so selling, letting, or causing to be sold or let, shall be liable to a penalty not exceeding fifty pounds nor less than ten pounds. And any person who shall sell, let, or cause to be sold or let in the said Borough any article of furniture, bedding, household or personal effects, knowing the same to have been within three months prior to the date of such sale or letting used by any person or persons suffering from any infectious or contagious disease, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Exposing infected articles.

126. Any person who shall expose or cause to be exposed in any road, street, public place, or unenclosed land adjacent to any dwelling, road, street, or public place, any article whatsoever, knowing the same to have been in the use or occupation of any person suffering from any infectious or contagious disease within thirty days prior to the date of such exposure as aforesaid, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Rubbish or offensive matter, &c.

127. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Borough without permission first obtained from the Municipal Council and the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

Sewerage and Drainage.

No private sewers to be made to communicate with the public sewers without notice.

128. It shall not be lawful for any person, without notice to the Council or otherwise than according to such plans and directions as such Council make and give, to make or branch any private drain or sewer into any of the public drains or sewers, or in any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer communicating or to communicate therewith without such notice, or otherwise than as aforesaid, every person so offending shall for every such offence forfeit and pay any sum not exceeding fifty pounds, and shall, at his own expense, make good all roads, streets, kerbing, &c., which shall have been injured by or through any such work; and all such repairs shall be performed to the satisfaction of such officer as the Council shall appoint to superintend such work; and any person who shall do or perform anything contrary to this clause, or shall neglect to make good all such damage as aforesaid, shall on conviction thereof forfeit and pay a sum not exceeding fifty pounds nor less than one pound.

Proprietors of private sewers, &c., to repair and clean same.

129. All private drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council or officer thereof, at the cost and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers, or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed according to the direction of the Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds or less than ten shillings.

Water from roofs, &c.

130. Every owner or occupier of any dwelling-house, shop, or other building who shall permit rainwater to fall from any roof, balcony, or other projection, upon any street, road, lane, or footway, or to flow over the pathway of any such street, road, or lane, or shall cause or permit any such roof or rainwater to be discharged by any pipe, upon any such street, road, lane, or footway, shall, if such nuisance be not abated within seven days after notice to abate the same shall have been given by the Council, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

Drains in footpaths.

131. No surface drain shall be made in any footpath, nor any pipes laid under or across the same, without the authority of the Council; and no such pipe or drain shall be used for the discharge into any street or roadway of any offensive liquid or matter of any kind whatsoever; and any person who shall so offend shall forfeit and pay a sum not exceeding fifty pounds nor less than one pound.

Drains for discharge of surface water from land.

132. Every owner or occupier of land so situated that surface or storm water from or upon the same shall overflow or shall tend naturally, if not otherwise discharged, to overflow any road, lane, or footway, shall within seven days next after the service of notice by the Council abate such nuisance where possible; and in default of compliance with any such notice within the period aforesaid, such owner or occupier shall forfeit any sum not exceeding five pounds; and if within seven days after such conviction such owner or occupier shall still have failed to comply with such notice, or be otherwise in default as aforesaid, he shall forfeit and pay a sum not less than two pounds nor more than twenty pounds: And every such owner or occupier who shall still have made defaults as aforesaid for more than seven days after such second or any future conviction, shall be held guilty of a further offence within the meaning of this section.

Natural water-courses.

133. Any person who shall close or intercept any natural water-course, by building or otherwise, shall provide another outlet for the surface-water with pipes or sewers of a size and in a manner to be approved by the Council, and any person failing to comply with the provisions of this By-law shall forfeit and pay a sum not exceeding fifty pounds nor less than five pounds.

Preventing and extinguishing fires.

Fires or combustible materials, &c.

134. Every person who shall place, or knowingly permit to be placed in any house, yard, workshops, out-offices, or other premises, fire, gunpowder, or combustible or inflammable article of any kind, in such a manner as to endanger contiguous buildings (except with the consent of the owners and occupiers thereof), shall on conviction for every such offence forfeit and pay a penalty of not more than five pounds nor less than one pound; and shall forthwith remove such fire, gunpowder, or combustible or inflammable article. And every such person who shall suffer any such fire, gunpowder or combustible or inflammable article to remain as aforesaid for forty-eight hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

135. Every person who shall erect any fence of brushwood bushes, hay, straw, or other inflammable material, so as to endanger contiguous buildings or properties or any trees, shrubs, or other produce of such properties or any chattels in or upon such buildings or properties, shall forfeit, on conviction of every such offence, a penalty of not more than five pounds, nor less than one pound, and also remove such fences or inflammable material within forty-eight hours after such conviction. And any person failing to remove such fence or inflammable material within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Subsidy reserves to Fire Brigades.

136. For the purpose of protecting life and property in the Borough, the Council may from time to time pay to the funds of any Fire Brigade established in the Borough, such sum or sums of money as shall be determined by resolution of the Council. And further, the Council shall pay to any Fire Brigades as shall, with any engine, have first and second in order attended at any fire within the Borough, such sums of money by way of reward as the Council may, by similar resolutions, have fixed.

Burning shavings, &c., in the streets.

137. Any person burning any shavings, or other matters or things in any streets, road, or public place, shall forfeit and pay a sum not exceeding two pounds nor less than five shillings.

Fireworks.

138. Every person who shall light any bonfire, tar barrel, or firework upon or within sixty feet of any building, public or private street, or any public place, or shall sell gunpowder, fireworks or other combustible matter by any artificial light, other than gas, shall forfeit a sum not exceeding five pounds nor less than ten shillings.

Willfully setting fire to chimneys.

139. Every person who willfully sets, or causes to be set on fire, any chimney, flue, smoke-vent, or stove-pipe, herein called in common a "chimney," shall forfeit a sum not exceeding five pounds.

Unlawful games.

140. No games with dice or other games of chance for money, prize-fighting, or any dog-fighting, cock-fighting, or other entertainment opposed to public morality, or involving cruelty to animals, or likely to cause a breach of the peace, shall be established, held, or given within this Borough; and any person or persons who shall establish, hold, give, or cause to be established, held, or given, any such game, exhibition, or entertainment, shall for every such offence forfeit and pay a sum of not less than ten pounds nor more than fifty pounds.

Places of amusement to be licensed.

141. No dancing saloon, skating rink and boxing, bowling or skittle-alley, shooting gallery, or similar place of amusement held or kept for hire or profit (other than entertainments requiring to be licensed by law) shall exist or be established within the Borough, unless and until such place of amusement shall have been licensed by the Council as hereinafter provided, and in the event of any such licensed place of amusement being improperly conducted or becoming a nuisance, or an annoyance to any inhabitant, or violating public decency, or endangering the public peace, the Mayor shall, on representation to that effect being made, forthwith suspend the said license, and the Council at its next meeting shall by resolution cause the said license to be cancelled or otherwise as may appear necessary or desirable; and any person or persons having already established such places of amusement, who shall not within thirty days after these By-laws come into force, apply for such license, or any person or persons who shall open, establish or maintain any such place of amusement as aforesaid without having obtained such license, shall forfeit and pay a sum of not more than twenty-five pounds nor less than ten pounds.

Mode of granting licenses.

142. Applications for licenses as aforesaid must be in writing addressed to the Mayor and Aldermen, and must be endorsed by two householders, testifying to the respectability of the applicant. The application must describe clearly the nature of the entertainment for which the license is sought, and the place and premises in which it is to be held.

License fees.

143. Licenses shall be granted by resolution of the Council upon payment of license fees as follows:—For every license granted between the 1st January and 31st December, two guineas. All licenses shall expire on the 31st December in each year, and may be renewed by resolution of the Council upon written application, and on payment of the annual fee of two guineas.

Polluting water, reservoirs.

144. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other water-works used by the public, belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein any animal, whether alive or dead, or any rubbish, filth, or thing of any kind whatsoever, or shall cause or permit or suffer to run, or to be brought therein the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper liquid, or shall wash any clothes at the public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other water-works as aforesaid, or shall do anything whatsoever, whereby any water or water-works belonging to the said Council, or under their management or control, shall be fouled, obstructed or damaged, shall for the first offence forfeit and pay any sum not exceeding five pounds; for a second offence any sum not less than one pound nor more than ten pounds; and for a third and every subsequent offence a sum not more than twenty pounds nor less than five pounds.

Supply of water in time of drought.

145. In the time of drought or scarcity of water, the Council may, by resolution to that effect, cause water to be supplied to the inhabitants of this Borough by water-carts or otherwise, and shall, by such resolution as aforesaid, fix a price to be charged for water so supplied.

Trees in Streets.

146. The Council shall have power to plant trees in the streets and public ways of this Borough, and any person wilfully injuring or destroying any of such trees, or any railing or fence protecting the same, shall on conviction forfeit and pay a penalty of not more than ten pounds nor less than two pounds, in addition to the value of the tree, railing, or fence so injured or destroyed.

147. For the purposes of these By-laws, summer months shall mean and be taken to be the months from October to March inclusive, and winter months shall mean and be taken to be the remaining months of the year.

Construction of Terms.

148. In the construction of the foregoing By-laws, the provisions of the Act 16 Victoria No. 1, shall be applied as far as the same may be applicable.

Made and passed by the Municipal Council of the Borough of Botany, this 17th day of April, 1889.

(t.s.) JAMES JOHN MACFADYEN,
Mayor.

BY-LAWS of the Borough of Botany made under and for carrying into effect the provisions of the Nuisances Prevention Act.

1. Every person who shall be about to erect a closet, or form, excavate, or make a cesspit, shall, before he shall commence to erect such closet, or to form, excavate, or make any such cesspit, deliver to the Council Clerk of the Borough of Botany a notice in writing of the intention of such person to erect such closet, or form, excavate, or make such cesspit, and of the place or position in which it is intended that such closet shall be erected or such cesspit formed, excavated or made; and if any person shall commence to erect any closet, or to form, excavate, or make any cesspit within the said Borough without having given such notice in writing as aforesaid, and before the expiration of seven days after the delivery of such notice (except by the written authority of the Inspector of Nuisances for the said Borough, or other officer for the time being appointed by the Council of the said Borough in that behalf) he shall forfeit and pay a penalty of not more than five pounds nor less than one pound.

2. No person shall erect or commence to erect any closet, or to form, excavate, or make any cesspit, except in such place or position as shall be approved by the Inspector of Nuisances or other officer as aforesaid; and any person who shall erect or commence to erect any closet or to form, excavate, or make any such cesspit, without having obtained the approval of the said Inspector or other officer, or any place position or other than the place or position approved of by the said Inspector or other officer as aforesaid, shall forfeit and pay a penalty of not less than ten shillings or more than forty shillings. But any person who shall feel aggrieved by the decision of such Inspector or other officer, may appeal against the same to the Council.

3. Every cesspit to be constructed within the Borough shall be built of 9-inch brickwork, set in cement, floor as well as walls, and the top of such cesspit shall be at least 6 inches higher than the highest part of the surface of the ground immediately adjoining the pit, and no cesspit shall be formed, excavated, or made under any dwelling-house nor at a less distance than 20 feet therefrom, area permitting. If any person shall so form, excavate, or make any cesspit which shall not be in accordance with the provisions of this By-law, or shall form excavate, or make any cesspit under any dwelling-house, or at a less distance than 20 feet, area permitting, shall forfeit and pay a penalty of not more than five pounds nor less than two pounds.

4. For houses containing not more than four rooms and out offices, the cesspit shall not be less than 3 feet by 4 feet and 6 feet deep, inside measurement; for houses containing more than four rooms and out offices, the cesspit shall not be less than 3 feet 6 inches by 4 feet and 5 feet deep, inside measurement.

5. Every closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide, and 4 feet 6 inches long, and shall be provided with a door capable of being fastened inside, and with a man-hole in the floor not less than 2 feet square clear internal measurement, to be covered with a trap door; and every person who shall build or erect any closet which shall not be in accordance with this By-law shall forfeit and pay a penalty of not more than two pounds nor less than ten shillings.

6. Where two or more closets adjoin each other there shall be a sufficient dividing wall not less than 9 inches in thickness between every two closets, and such wall shall extend from the bottom of the cesspit up to the roof of the closet, so as to effect a complete separation; and if any person shall erect any two or more closets adjoining each other, and not in accordance with this By-law, he shall forfeit and pay a penalty of not more than two pounds nor less than ten shillings.

7. A separate closet shall be provided for each tenement, which must be kept clean and subject to inspection by the officer of the Council, and any owner offending against the provisions of this By-law shall forfeit and pay a penalty of not more than five pounds nor less than one pound.

8. In schools, factories, or other places of business where a number of persons exceeding twelve shall ordinarily reside or be occupied or employed, one closet shall be provided for every twenty persons, with a cesspit of a capacity not less than 80 cubic feet, and separate closets shall be provided for each sex; and every owner, occupier, or tenant of such school, factory, or other place of business, and every other person who shall offend against this By-law, or fail to provide the number of closets and of the capacity in this By-law mentioned, shall forfeit and pay a penalty of not more than five pounds nor less than one pound.

9. If any alteration shall be requisite, in the opinion of the Inspector of Nuisances or other officer appointed by the Council in their behalf, for preserving public health or decency in case of any existing cesspit or closet, and the Council shall adjudge such cesspit or closet to be injurious to the health, or opposed to decency by exposure or otherwise, and the owner or occupier shall not make the necessary alterations after receiving fourteen days' notice from the Council Clerk, it shall be lawful for the Inspector of Nuisances, or other officer appointed by the Council to remove the said nuisance, and any expense incurred thereby may be sued for and recovered in a summary way before any two or more Justices of the Peace.

10. Owners of existing closets and soilpits may be required to alter or improve them in such manner as may be necessary in order to bring them into conformity with these regulations, on notice being given by the Inspector of Nuisances to that effect; persons failing to make such alterations or improvements within one month after the receipt of such notice, shall be liable to a penalty of not less than one pound, nor exceeding the sum of three pounds, for each and every week, or portion of a week, during which they shall fail to comply with the terms of said notice.

11. The night-soil shall be removed by contract in properly constructed water-tight covered vehicles, between the hours of 10 p.m. and 5 a.m. from the first day of October to the last day of March, and between the hours of 10 p.m. and 6 a.m. from the first day of April to the last day of September.

12. Persons desirous of using earth-closets may be permitted to do so on making written application to the Council, and intimating the arrangements to be made for their construction and management, provided that such arrangements shall be approved by the Council.

13. The Inspector of Nuisances or other officers appointed by the Council may visit and inspect any premises, or do any work authorized by the Nuisances Prevention Act, 1875, therein, on all days except Sundays and holidays, and any person who shall hinder or obstruct any Inspector of Nuisances or other officer as aforesaid upon any such visitation or inspection, or in the doing or performing of any work, shall forfeit and pay a penalty of not more than two pounds nor less than ten shillings.

14. All expenses incurred by the Council in emptying any cesspit shall be repaid to the Council by the owner or occupant of the premises whereon such cesspit is situated within one week after a written demand of the amount made by the Council or Inspector of Nuisances shall have been served upon him, otherwise the same may be recovered in a summary way before any two Justices of the Peace.

15. The Inspector of Nuisances shall furnish the Council with a monthly return, showing the number of cesspits emptied, the amount due and payable for each cesspit, and the amount of arrears due for emptying cesspits. He shall collect the amounts due and payable, and account therefor to the Council at least once in every month, or as may be determined upon by such Council.

Passed by the Municipal Council of the Borough of Botany,
on the seventeenth day of April, in the year of our
Lord one thousand eight hundred and eighty-nine.

(L.S.) JAMES JOHN MACFADYEN,

Mayor.

GEO. GARTON, Council Clerk,

1889.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF ROCKDALE—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 153, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 24th July, 1889.

MUNICIPALITY OF ROCKDALE.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Rockdale under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the provisions of the above-cited Acts.

HENRY PARKES.

BY-LAWS OF THE MUNICIPAL DISTRICT OF ROCKDALE.

BY-LAWS repealing certain existing By-laws; for regulating the proceedings of the Council of the Municipal District of Rockdale, and the duties of the Officers and Servants of such Council; for preserving order at meetings of the said Council; for determining the times and mode of collecting and enforcing payment of rates; for preventing and extinguishing fires; for opening up new ways, roads, and parks, fixing, laying out, and changing of street levels; for subdivision of lands, erection of houses, fences, &c.; for regulating sewerage and drainage; for compelling residents to keep their premises free from unwholesome matter; for preserving public decency; for suppressing nuisances and houses of ill-fame; for restraining noisome and offensive trades; for regulating the interment of the dead; for preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys, dancing saloons, and other places of amusement; for regulating water supply, &c.; and for generally maintaining the good rule and government of the said Municipal District.

BY-LAWS made in accordance with the provisions of the Municipalities Act of 1867.

PART I.

1. That all existing By-laws of this Council published in the Government Gazette from time to time prior to the adoption of the following be and are hereby repealed.

Ordinary meetings of the Council.

2. The ordinary meetings of the Council shall be held at the hour of half-past seven o'clock p.m. on every alternate Thursday, or on such other day and at such hour as the Council may by resolution from time to time appoint. If the appointed day happen to be a public holiday, then the meeting shall be held on such day as the Mayor shall appoint.

Election of Chairman in absence of Mayor.

3. If at any meeting of the Council the Mayor be absent at the expiration of twenty minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting.

Adjournment for want of a quorum.

4. In the event of a quorum not being present at any meeting of the Council within half an hour after the time appointed for the holding of such meeting, the names of the Aldermen then present shall be entered in the minute-book by the Council Clerk, and the meeting shall lapse. Should it appear at any time during the holding of a meeting that there is not a quorum present, such meeting shall lapse, and the names of the members then present shall be entered in the minute-book.

Course of procedure.

5. The following shall be the course of procedure at such meetings, viz. :—

- (1) The reading and confirmation of the minutes of the previous meeting.
- (2) The reading of official correspondence.
- (3) The presentation of petitions.
- (4) Reports brought up from Committees, and minutes from the Mayor or officers to be presented and dealt with.
- (5) Motions of which notice has been given.
- (6) Orders of the day.
- (7) Such other business as may lawfully be brought before the Council.

Business may be dealt with out of regular order.

6. Provided that it shall be competent for the Council at any time to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section.

Minutes, how confirmed.

7. The question for confirming the minutes shall be proposed and seconded immediately upon their being read, and shall be to the effect that the minutes now read be confirmed as a correct record of the proceedings, and no discussion shall be allowed thereon except on the point of accuracy. Minutes of previous meeting to be read and verified at special meetings as at ordinary meetings.

Answers to questions.

8. It shall not be compulsory for the Mayor to give official replies to questions put to him, unless the same be placed upon the business paper in the regular course.

Motion, debate, &c., may be adjourned.

9. Any particular motion or business may be adjourned to a later hour, or to any other day specified. A debate also may be so adjourned, and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-eminence on the resumption of the same.

Members speaking.

10. No member shall speak on any motion or amendment longer than ten minutes without the consent of the Council.

Absence of proposed mover.

11. No notice of motion which shall have been entered on the business paper shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motion to be seconded.

12. No motion shall be discussed until it be seconded.

Motion may be divided.

13. The Mayor shall have power to order a complicated question to be divided, and put to the meeting separately.

Limitations as to number of speeches, &c.

14. Every mover of an original motion shall have a right of one general reply to any objections which may have been made in reference to such motion (but not otherwise), and shall not introduce any new matter,—the word objections to mean amendments and motions to postpone. Every other Alderman shall be at liberty to speak once upon such motion, unless when misrepresented or misunderstood, in which case he may, by permission of the Mayor, be permitted to explain only, without adding any further observations.

Mover and seconder.

15. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment, as the case may be.

Notices of motion, &c., to be numbered as received, and preserved until matter disposed of.

16. All notices of motion, and all requisitions from Aldermen, and directions from the Mayor as to the entry of any particular matter of business for consideration at General Meetings, shall be delivered to the Council Clerk at least four days before such meeting, in writing, and shall be numbered by him as they are received, and entered on the business paper according to their number; and each notice shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of: Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction, shall be at liberty to withdraw the same at any time before the making up of the business paper.

Motion, &c., withdrawn or altered.

17. No notice of motion, requisition, or direction shall be withdrawn from the business paper, altered, or amended, without leave having been first obtained from the Council.

Motion to rescind by call of Council.

18. No motion, the effect of which, if carried, would be to rescind any motion which has already passed the Council, shall be entertained unless a "Call of the whole Council" has been duly made and granted for that purpose; and no such motion shall be discussed until the previous resolution be rescinded.

Amount of vote to be included on business paper.

19. All notices of motion and orders of the day must include the approximate amount proposed to be expended. No amendment shall propose to incur a greater expenditure than the original motion of which due notice has been given to the Aldermen, nor shall there be entertained any vote incidentally involving an expenditure without such notice.

Motions for adjournment.

20. No discussion shall be permitted on any motion for adjournment of the Council; and if, upon the question being put on any such motion, the same be negatived, the subject then under consideration, or the next in order on the business paper, or any other on such paper that may be allowed precedence, shall be disposed of before any subsequent motion for adjournment shall be in order.

Of what orders of the day shall consist.

21. The orders of the day shall consist of any matters (other than notices of motion) which the Council shall, at a previous meeting thereof, have directed to be taken into consideration, or which shall necessarily arise out of the proceedings of a former meeting, or which the Mayor or any Committee of the Council shall have directed to be entered on the business paper for consideration.

Amendment may be moved.

22. When a motion has been proposed and seconded, any Alderman shall be at liberty to move an amendment thereon; but no such amendment shall be discussed until it be seconded.

Amendments.

23. Any member, excepting the mover and seconder of an amendment, having previously spoken to the original motion shall not at this stage speak, but may do so on the amendment becoming the question before the Council.

Amendments, how disposed of.

24. Whenever an amendment is moved upon an original proposition, no second amendment shall be taken into consideration until the first amendment has been disposed of. If the first amendment be carried it shall displace the original question, and become itself the question, subject to any further amendment. If the first amendment be negatived, then a second amendment may be moved upon the original question under consideration; but only one amendment shall be submitted to the Council for discussion at one time.

*Petitions.**Petitions to be respectfully worded.*

25. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same; and all petitions shall be received only as the petitions of the parties signing the same.

How petitions are to be dealt with.

26. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received, or that it be received and referred to a Committee, or that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable, be considered in order.

*Reports from Committees.**Form of report.*

27. All reports from Committees shall be in writing and signed by the Chairman of such Committee.

Mayor's minutes.

28. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance, by a minute in writing signed by himself.

How reports, &c., are to be dealt with.

29. No motion shall be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, or that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or if an order for the consideration of such report or minute shall have been entered among the orders of the day, such motion or order may be moved or considered in due course.

*Order of Debate.**Mode of addressing the Council, &c.*

30. Every Alderman who shall propose or second any motion, or shall propose or second any amendment, or shall take any part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way or for any other purpose address observations to the Council, shall, while so doing, stand up in his customary place (unless he shall be prevented from so doing by reason of some bodily infirmity) and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may by permission of such Mayor or Chairman be put directly to the Alderman or officer to be questioned, and may be replied to in like manner; but in every such case the question so put and the answer thereto shall be subject to every legal objection on the ground of disorder or irrelevancy. And all members of the Council shall, on all occasions when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted, if in order.

31. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Speaker not to digress, &c.

32. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, nor impute improper motives to, any other Alderman.

Mayor to decide as to pre-audience.

33. If two or more Aldermen rise to speak at the same time, the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

Alderman may require questions to be stated, &c., under certain restrictions.

34. Any Alderman may request the subject matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such matter which are readily accessible: Provided, however, that no such request shall be so made as to interrupt any other Alderman when speaking or materially to interrupt the discussion: Provided, also, that if any such request shall appear to the Mayor not to have been made bona fide, it shall not be complied with.

Lapsed business.

35. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the consideration of such question shall in such case be resumed at the point where it was so interrupted as aforesaid, at the next fortnightly meeting.

Questions of Order.

Mayor or Chairman to decide points of order.

36. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final in that particular case; and the Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order whenever, in the opinion of such Mayor or Chairman, there shall be a necessity for so doing; and every member of the Council shall have the right of calling the attention of the Mayor or Chairman to any motion, amendment, statement, argument, or observation moved, used, or made by any other member which such first-named member may consider out of order. And the Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice which he shall deem applicable to the case, without discussing or commenting upon the same.

Penalties for persisting in disorderly conduct.

37. Any member of the Council, either in Council or Committee, who shall have been called to order by the Mayor or Chairman, and who shall still persist in any line of conduct or argument which shall have been decided as aforesaid to be disorderly, and shall refuse to make such explanation, retraction, or apology as a majority of the Aldermen then present shall consider satisfactory, shall be liable on conviction for each offence to a penalty of not less than one pound nor more than ten pounds.

Mode of Voting.

How questions are to be put.

38. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the decision of the majority of members present.

Divisions—Penalty for refusing to vote.

39. Any Alderman shall be at liberty to call for a division. In such case the question shall be put first in the affirmative and then in the negative, and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman present when a division is called for, and in any way refusing to vote on such division, shall be liable for every such offence to a penalty of not less than one pound nor more than five pounds.

Protests.

Mode of protesting.—Protest to be recorded.

40. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council; notice of the intention so to protest must, however, be given at the meeting when such resolution is passed or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice.

Special powers of Mayor.

41. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any return or statement, or the giving of any explanation or information by any such officer or servant in connection with his duties as he may think necessary.

Calls of the Council.

How call may be ordered.

42. A call of the Council may be ordered by any resolution, of which due notice shall have been given, for the consideration of any motion or matter of business before such Council.

Mode of proceeding.

43. The call shall be made immediately before the motion or business for which such call has been ordered shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all the members in their alphabetical order; each member present shall answer to his name as so called, and if any members are absent a record shall be made of such absence, but if leave of absence to any such member shall have previously been granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse and of the reasons for the same.

Penalty for absence without legal excuse.—Further call when question adjourned.

44. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who, if absent and not so excused, shall fail to show that by reason of extreme illness or any other sufficient cause he has been unable to send an excuse in writing as aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than one pound nor more than five pounds: Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such consideration, and the provisions herein as to penalties for absence shall have reference to such further call; and if there shall be more than one adjournment, this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

Standing and Special Committees.

Standing Committees.

45. There shall be five Standing Committees, viz.:—Works, Finance, General Purposes, By-laws, and Lighting. These Committees shall be re-appointed every year at the first meeting of the Council which shall be held after the election of Mayor. Such appointments shall be for the whole municipal year, but subject to the provisions of sections 109 and 110 of the "Municipalities Act of 1867."

Works Committee.

46. The Works Committee shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, wharves, jetties, public reserves, and other public places under the care and management of the Council. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire into and report upon.

Finance Committee.

47. The Finance Committee shall examine and check all accounts and shall watch generally over the collection and expenditure of the municipal revenues; they shall inquire and report from time to time as to all matters which they may consider to affect or to be likely to affect the finances of the Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire into and report upon.

By-law Committee.

48. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required. It shall be the duty of the By-law Committee to inspect the records from time to time to ascertain that the same are properly kept as aforesaid, and to report at once to the Council any act of neglect or appearance of inefficiency which they may discover in the keeping of such records; they shall also consider and report in due course upon any matter referred to them by the Council.

General Purposes Committee.

49. The General Purposes Committee shall take cognizance of every matter, subject, or question within the jurisdiction of the Council not coming within the province of one or other of the before-mentioned Standing Committees as they may be directed by resolution of the Council to inquire into and report upon.

Lighting Committee.

50. It shall be the duty of the Lighting Committee to carefully consider all matters referred to them by the Council from time to time in connection with or appertaining to the lighting of the Municipality, the supply of gas or otherwise under control; and such Committee shall without delay report to the Council in writing, with such recommendations as they may deem necessary.

Special Committees.

51. Special Committees may consist of any number of members and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which in the opinion of the Council a Special Committee ought to be appointed; and no Standing Committee shall interfere with the performance of any duty which may for the time being have been entrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution after due notice, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein such members as in his opinion ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members.

Chairman of Committee.

52. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee within seven days after their appointment.

Form of services in Committee.

53. The appointment of every Special Committee shall be considered to endure until the duties for which such Committee have been appointed shall have been fully performed: Provided, however, that nothing herein contained shall be held to affect in any way the right of such Committee to remove any Chairman of such Committee, or to appoint another such Chairman in his stead.

Committee meetings, how called.

54. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman or any two members of such Committee, or the Chairman thereof may call a meeting if he shall think fit.

Records of transactions in Committee.

55. The Chairman of each Standing Committee shall make, or cause to be made, in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Reports to be recorded.

56. All reports of proceedings in Committee of the whole Council shall be recorded in the minute-book.

57. No person, except a member of a Committee or the Mayor, shall be admitted at any meeting of such Committee without the consent of the Chairman and the approval of the majority of members present.

Expenditure.

Except in emergent matters, cost of all works to be estimated before undertaken.

58. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Municipality shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Emergent matters and necessary current expenses.—Expenses authorized to be reported.—Outlay to be in accordance with orders of the Council.

59. For emergent matters and for necessary current expenses during the interval which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Works Committee, or of the Mayor and one member of such Committee,—For repairs or emergent works in one place, to the extent of ten pounds.
2. By order of the Mayor,—For necessary current expenses, to the extent of five pounds.

Provided in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting; such report to be signed by the Chairman of the Works Committee or the Mayor, by whom such outlay shall have been authorized; also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council; and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence be thus authorized.

All claims to be examined and reported upon by Finance Committee.

60. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with each claim.

61. No payment shall be ordered unless there shall be a certificate or memorandum from the Committee, Mayor, or officer of the Council to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one, and has been duly authorized or inquired into. It shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled before recommending payment: Provided that in cases of special expenditure under section 59 of this part of these By-laws the report

directed by that section to be laid before the Council shall, if the outlay shall have been lawfully incurred, be deemed a sufficient certificate: Provided further, that in regard to salaries and wages of labour for officers, servants, and labourers employed at fixed rates of payment, by order of the Council, the certificate of the Mayor of the amount due to any such officer, servant, or labourer, and the order of such Mayor for the payment of such amount, shall be a sufficient authorization for such payment.

*Common seal and records of the Council.**Common seal.*

62. The common seal shall be in the custody and care of the Council Clerk, and shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or in case of the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

Records of the Council defined.

63. The minute-book, letter-book, and all rate and assessment books; books of account, records, statements, and memoranda of receipts and expenditure; electoral rolls and other records relating to elections; business papers; reports from Committees; minutes from the Mayor; petitions, letters on Municipal business addressed to the Council, or to the Mayor, or to any officer or servant of the Council; orders, reports, returns, and memoranda relating to Municipal business; drawings, maps, plans, contracts, specifications, agreements; and all other books and papers connected with the business of the Council, shall be deemed records of the Council.

Records not to be removed, &c.—Penalties.—Exceptional circumstances.—Receipt to be given in every case before document received.—Proviso as to use of records as matter of evidence.

64. Any person removing any book or other record of the Council as aforesaid from the Council Chamber, without leave for such removal having been first obtained from such Council, or without other lawful cause for such removal as hereinafter provided, shall for every such offence be liable to a penalty of not less than one pound nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have removed such book or other record as aforesaid to prosecution for stealing such book or record, or to an action at law for detention of the same: Provided that leave for temporary removal of a book or other record may be granted to the Council Clerk or the Treasurer by the Mayor, in order that such Clerk or Treasurer may post up entries or perform any other duty which it may be necessary that he should perform; also that the Mayor, or the Chairman of any Committee, or any Alderman acting for any such Chairman, may temporarily remove any record necessary for the preparation of minute or a report, or for the purpose of any prosecution or suit at law, by, against, or at the instance of the Council; but in all such cases such Clerk, Treasurer, Mayor, Chairman, or Alderman, as the case may be, shall give a receipt under his hand for every document so removed, and every such receipt shall be preserved among the records until the book or other record to which it refers shall have been returned, when such receipt shall be destroyed: And provided also, that the Mayor, Council Clerk, or other officer of the Council, who may be subpoenaed to produce any book or other record of the Council in a Court of Law shall have the right to remove such book or other record for the purpose of obeying such summons, but shall return such book or record as speedily as possible; and every such person so removing any book or other record of the Council as aforesaid shall be legally responsible for the safe keeping and return of the same.

Penalty for detaching or destroying record.

65. Any person destroying, defacing, or altering any record of the Council shall for every such offence be liable to a penalty of not less than five shillings nor more than fifty pounds.

*Officers and Servants.**Bonds for good conduct.*

66. All bonds of officers or servants of the Council for the faithful performance of their duties shall be deposited as the Council may order; and no officer or servant of the Council shall be received as surety for any other officer or servant.

Duties of Council Clerk.

67. The Council Clerk, in addition to the duties which by the Municipalities Act of 1867, or by the present or any other By-laws thereunder, he may be required to perform, shall be the Clerk of all Revision Courts held in the Municipality under the provisions of the said Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council. He shall likewise have charge of all the records of such Council, except such books or documents as may (as herein provided) be entrusted to any other officer, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor.

How complaints against officers, &c., are to be dealt with.

68. All complaints against officers, &c., or servants of the Corporation, must be in writing, and must in every case be signed by the person or persons complaining; and no notice whatever shall be taken of any complaint which is not in writing or is anonymous. All such complaints may be addressed to the Mayor, who immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same, and report thereon at the next meeting; or he may, if necessary, suspend such officer or servant till the Council shall have dealt with the charge.

Miscellaneous.

Leave of absence.

69. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of the Council adopted after due notice.

Mode of calling for tenders.

70. Whenever it is decided that any work shall be executed or any materials supplied by contract, tenders for the execution of such work or the supply of such materials shall be called for by public notice.

How notices are to be published.

71. In all cases where public notice is or shall be required to be given by any By-law, such notice shall be given and published by advertising the same in some newspaper circulating in the Municipality.

PART II.

Collection and enforcement of Rates.

Times and modes of collection.—Rates to be collected yearly.

1. All rates levied or imposed by the Council under the provisions of the Municipalities Act of 1867 and its amendments shall be levied and collected for the year and be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rates.

Rates on damaged premises.

2. In the event of any premises being wholly or partially destroyed by fire or other accident, the Council shall have power to accept an equitable proportion of the assessed rates of such premises for the remainder of any Municipal year.

Rates to be paid at office of Council Clerk.

3. All persons liable to pay any rates as aforesaid shall pay the amount thereof within the time prescribed by the said resolution, into the office of the Council Clerk, during the office hours appointed by the Council.

Defaulters.

4. It shall be the duty of the Council Clerk to furnish the Mayor with a list of the names of all persons whose rates are unpaid at the expiration of the times fixed for payment of the same as aforesaid.

Mayor to enforce payment.

5. The Mayor shall issue distress warrants against all such persons, and cause such warrants to be enforced, or cause such defaulters to be sued for the amount of such rates in a Court of competent jurisdiction.

Enforcement by Distress.

Bailiff.

6. A bailiff shall, when found necessary, be appointed by the Council, and the said bailiff shall find two sureties to the satisfaction of the Council to the extent of not less than twenty pounds each, for the faithful performance of his duties; and it shall be the duty of the bailiff to make all levies, by distress, for the recovery of rates, in the manner hereinafter provided.

Warrant of distress.

7. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

8. If the sum for which any such distress shall have been made shall not be paid with costs, as hereinafter provided, on or before the expiration of five days, the bailiff shall cause to be sold the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises or at such other place within the said Municipality as the bailiff may think proper to remove them to for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for, and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

Inventory.

9. At the time of making a distress the bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the bailiff shall give a copy of the inventory to such person, on demand, at any time within one month after making such distress.

Goods may be impounded.

10. The bailiff on making a distress as aforesaid may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days, as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same, on account of the purchaser thereof.

Owner to direct order of sale.

11. The owner of any goods or chattels so distrained upon may at his or her option direct and specify the order in which they shall be successively sold; and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

12. The bailiff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Costs.

13. There shall be payable to the bailiff, for the use of the Council, for every levy and distress made under these By-laws, the costs and charges in the Schedule hereunto annexed marked C.

SCHEDULE A.

Warrant of distress.

I, _____, Mayor of the Municipal District of Rockdale, do hereby authorize you, _____, the Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of _____ situate at _____, for _____, being the amount of rates due to the said Municipality to the _____ day of _____ for the said dwelling-house (or land or premises, as the case may be), and to proceed thereon for the recovery of the said rates according to law.

Dated this _____ day of _____ 18 ____ Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Municipality of Rockdale, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____ situate at _____, within the said Municipality, for being the amount of rates due to the said Municipality to the _____ day of _____

Dated this _____ day of _____ 18 ____ Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy	2	0
For making and furnishing copy of inventory	1	0
If in possession more than five hours, additional	5	0
And for every subsequent day, or part of a day, whilst in possession	5	0
For sale, commission, and delivery of goods, per pound on proceeds of the sale	1	0

PART III.

Preventing and extinguishing fires.

Fire or combustible materials, &c.

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, or workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable materials of any kind, in such a manner as to endanger contiguous buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than five pounds, and

shall forthwith remove such fire, gunpowder, or combustible or inflammable materials; and every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for twenty-four hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

2. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering of any such stack any inflammable material so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit on conviction for every such offence a penalty of not more than five pounds, and also shall remove such fence, stack, or covering within a reasonable time after such conviction; and any person failing to remove such fence, stack, or covering within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Discharging fireworks, firearms, &c.

3. Every person who shall light any bonfire, tar-barrel, combustible matter, or firework, or shall discharge any firearms, upon or within fifty yards of any public or private street or any public place, shall forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

4. Every person who wilfully sets or causes to be set on fire any chimney-flue, smoke-vent, or stove-pipe, herein called in common a "chimney," shall forfeit a sum not exceeding five pounds.

PART IV.

Streets and Public Places.—Public Health and Decency, &c.—Streets, &c.

Plans of proposed new road, &c., to be deposited.

1. Whenever any proprietor or proprietors of land within the said Municipality shall open any road, street, way, park, or other place for public use or recreation, through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, or park, &c., he or they shall furnish the Council with a plan or plans, signed by himself or themselves, showing clearly the position and extent of such road, street, way, or park. And if the Council shall determine to take charge of any such road, way, or other place as aforesaid, the plan or plans, so signed as aforesaid, shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument dedicating such road, way, or other place to public use as may be considered necessary by the Council, and such further instrument of dedication shall also be preserved as a record of the Council; but the Council shall not be compelled to take charge of, or spend moneys on, or vote money for, any new street, road, or thoroughfare that is not 65 feet wide, including pathway, or any lane that is not 20 feet wide, and unless such street, road, lane, thoroughfare, or other place is first proclaimed and properly formed and completed to the satisfaction of the Council, at the expense of the owner or owners of the land through which such road, street, lane, thoroughfare, or other place is carried.

Subdivision of lands.

2. Any person or persons being desirous of subdividing any land into allotments shall submit a plan to the Council for their approval, showing the extent of each such proposed subdivision and the provision for drainage, one month prior to disposal of the same being made. For neglecting to do so they shall be liable to a penalty of not less than ten pounds nor more than fifty pounds.

Erection of houses, &c.—Fees for permission.

3. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place within the Municipality without having first served notice in writing to the Mayor, Council Clerk, or other duly authorized officer before commencing the same, stating his intention, and describing the proposed situation of the building or erection, and shall, at the time the said notice is given as aforesaid, pay to the Council Clerk a fee of five shillings for permission to erect each such house, shop, or building, in any street, lane, or other place within the said Municipality; and every owner thereof, and every contractor for such house, shop, or other building, or any part thereof, commencing to build or work thereon without such notice having been given and payment of such fee, shall forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Erecting fences, &c.

4. No person shall erect, or commence to erect, any fence, wall, railing, or palisading fronting any street or lane in the Municipality, whether proclaimed or not, without first serving a notice on the Mayor, Council Clerk, or other authorized

officer on any lawful day, between the hours of 10 a.m. and 4 p.m., stating such intention, and describing the proposed situation of the fence, wall, railing, or palisading, and without having received an authority from the Mayor, Council Clerk, or other authorized officer who will give the required alignment if in a proclaimed street or lane.

No balcony, &c., to project.

5. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, coping, parapet, hanging eaves, cornice, windows, string cornice, string course, dressing, or other architectural decoration forming part of or attached to any external wall to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding five pounds nor less than one pound, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than 30 feet wide: Provided also, that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Works Committee to fix street levels, &c.

6. The Works Committee or any officer or person acting under the supervision of such Committee shall, subject to such orders as shall from time to time be made by the Council in that behalf, fix and lay out the levels of all public roads, streets, and ways within the Municipality, and the carriage and foot ways thereof: Provided that there shall be no change of level in any such public road, street, or way, until the same shall have been submitted to and adopted by the Council, as hereinafter directed.

Change of street levels.

7. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Works Committee shall cause a plan and section showing the proposed alteration to be exhibited at the Council Chambers for fourteen days, for the information and inspection of rate-payers, and shall notify by advertisement in some newspaper circulating in the Municipality that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman, and countersigned by the Council Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

Change of street names.

8. The Council shall have power from time to time as they may deem expedient to alter the name of any street, road, lane, avenue, or other public place, situate within the Municipality; and, so soon thereafter as may be convenient, shall cause a notification thereof to be inserted in the Government Gazette, and one or more daily newspapers circulating within the Municipality.

Kerbing, flagging, and tar-paving.

9. The Council of the Municipality may cause the footway or pathway in front of any house or ground, along any street, private street, or lane within the Municipality, to be kerbed and flagged or asphalted in such manner as the Council may think fit,—such portion of the expense, not exceeding 50 per cent. shall be paid by the owner of such house or ground, as the Council may determine. The cost may be recovered from the owner of such house or ground in a summary way before any two Justices of the Peace: Provided also, that no proceedings for the recovery thereof shall be taken until at least one month after a requisition for payment of the amount, together with an account of the total expenditure signed by the Council Clerk, has been delivered to such owner.

No private sewers to be made to communicate with the public sewers without notice.

10. It shall not be lawful for any person, without permission from the Council, to make or branch any private drain or sewer into any of the public drains or sewers, or into any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer into any of the said public drains or sewers, or into any drain or sewer communicating or to communicate therewith, otherwise than as aforesaid, every person so offending shall for every such offence on conviction forfeit and pay any sum not exceeding five pounds, and shall close such private drain under a further penalty of two pounds per week or part of a week so long as such private drain remains after such conviction.

Proprietors of private sewers, &c., to repair and cleanse same.

11. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council, at the cost and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall

neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed, according to the direction of the said Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds.

Drains for discharge of surface water from land.

12. Every owner or occupier of land in, adjoining to, or near any street, if such land shall be so situated that surface or storm water from or upon the same shall overflow or shall tend naturally, if not otherwise discharged, to overflow any footway of such street, shall within seven days next after the service of notice from the Council for that purpose, under the supervision of an officer of the Council, construct and lay a covered drain from such point upon such land, being near to the footway, as shall be specified in such notice by plan appended or otherwise, and higher in level than the bottom of the channel at the outer edge of the footway to the said channel, and through, under, and transversely to the footway, and keep in good condition such covered drain as and subject to the inspection of the Council or its proper officers; and in default of compliance with any such notice within the period aforesaid, or with the provisions of this By-law, such owner or occupier shall forfeit any sum not exceeding five pounds nor less than ten shillings; and if after such conviction such drain shall not be constructed as herein specified, or kept in good condition, such owner or occupier shall forfeit any sum not less than five shillings nor more than two pounds per day for each and every day after such conviction.

Houses, &c., to be spouted.

13. All proprietors of houses within the Municipality having a frontage to any street shall be bound to have the same sufficiently spouted with down pipe, to be carried under the surface of the footpath into the gutter, under a penalty of ten shillings on conviction; and if not remedied at the expiration of seven days after such conviction, the offender shall be again liable to a like conviction and penalty also for every succeeding seven days.

No turf, gravel, &c., to be removed from streets without permission.

14. Any person who shall form, dig, or open any drain or sewer, or remove, or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material, in or from any part of the carriage or foot way of any street or other public place within the said Municipality, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage any such carriage or foot way, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than ten shillings.

Holes to be enclosed.

15. Any person or persons who shall dig or make, or cause to be dug or made, any hole, or leave, or cause to be left, any hole adjoining or near to any street or public place within the said Municipality, for the purpose of making any vault, or the foundation to any house or other building, or for a well, underground tank, or any other purpose whatsoever, and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner, to the satisfaction of the Committee for Works of the said Municipality, on conviction shall forfeit and pay for every such refusal or neglect any sum not exceeding five pounds nor less than ten shillings.

Lights on obstructions, hoardings, &c.

16. Any person who shall have caused building materials, or hoarding enclosing such building materials, or any obstruction whatever, to be placed on any portion of the footway or roadway in any street or streets of this Municipality, without having first obtained permission from the Council and paid a fee of five shillings, or who shall omit to keep the same properly lighted from sunset to sunrise, shall be liable to a penalty not exceeding five pounds nor less than one pound.

Temporary stoppage of traffic for repairs, &c.

17. The Committee for Works, or any officer or person acting under the authority of such Committee, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law, either by traveling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

18. Any person who shall haul or draw, or cause to be hauled or drawn, upon any part of any street or public place within the said Municipality, any timber, stone, or other thing, otherwise than upon wheeled vehicles, or to drag or trail upon any part of such street or public place to the injury thereof, shall upon conviction forfeit and pay for every such offence a sum of not more than forty shillings nor less than five shillings over and above the damages occasioned thereby.

Throwing filth, &c., on footways, &c.—Killing animals.

19. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth, or annoyance, or any matter or thing, in or upon the carriage-way, footway, or water-table of any street, lane, or other public place in the said Municipality, or shall kill any beast, swine, calf, sheep, lamb, or other animal, for the purpose of sale upon any premises, shall on conviction forfeit and pay a fine not exceeding forty shillings nor more than five pounds.

Driving carriages, &c., on footways.

20. Any person who shall run, drive, draw, or cause, permit, or suffer to be run, driven, or drawn, upon any of the said footways of any such street or public place, any waggon, cart, dray, sledge, or other carriage, or any wheel-barrow, hand-barrow, or truck, or any hogshead, cask, or barrel, or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast upon any such footway, shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than ten shillings, for the second offence a sum not exceeding five pounds nor less than one pound, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than two pounds for each such offence.

Placing carriages, goods, &c., on footways, &c.—Not removing when required.—Replacing the same after removal.

21. Any person who shall set or place or cause or permit to be set or placed any stall-board, chopping-block, show-board (on hinges or otherwise), basket, wares, merchandise, casks, or goods of any kind whatsoever in or upon or over any carriage or foot way in any street or public place within the said Municipality, or shall place or caused to be placed any coach, cart, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, or other carriage upon any such carriage-way or foot way except for the necessary time of loading or unloading, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals; or if any person shall set or place, or cause to be placed in or upon or over any such carriage or foot way any timber, stones, bricks, lime, or other materials or things whatsoever; or shall hang out or expose or shall cause or permit to be hung out or exposed any meat or offal or other thing or matter whatsoever from any house or other building or premises, over any part of any such footway or carriage-way, or over any area of any house or other building or premises, and shall not immediately and permanently remove all or any such matters or things, being thereto required by the Inspector of Nuisances or other proper officer of the Council, shall upon conviction for every such offence forfeit and pay for the first offence a sum not exceeding forty shillings nor less than ten shillings, for the second offence a sum not exceeding five pounds nor less than one pound, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than two pounds.

Obstructing public footways.

22. If the owner or occupier of any land situate on the side of any street or road in this Municipality shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any footpath or footway on the side of any such street or road, and on demand made by the Council shall not cut, lop, or cause to be lopped, all such trees, shrubs, or plants to the height of eight feet at the least, the said Council, by their servants, labourers and workmen may cut, or cause to be cut or lopped, at the expense of such owner or occupier, all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, plants, or shrubs, so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist, or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall on conviction for every such offence forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Notices not to be painted on pavement.

23. Any person who shall stamp, stain, paint, write, or post an advertisement or notice upon any footway or kerbstone within this Municipality, shall be liable to a penalty not exceeding forty shillings.

Offensive or indecent placards.

24. Any person who shall in any street or place within this Municipality, post, expose to view, or distribute any placard, hand bill, or other document whatever of an offensive or indecent character shall be liable to a penalty not exceeding forty shillings.

Placards not to be affixed on walls, &c., without consent.

25. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon every wall, house, fence, or other erection, nor deface any such wall, house, fence, or erection by chalk or paint, or in any other manner, unless with the consent of the owner thereof. And every person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding twenty shillings nor less than ten shillings.

No rock to be blasted without notice to the Council Clerk.

26. Any person who shall be desirous of blasting any rock or earth within fifty yards of any road, street, public place, or dwelling, shall give notice in writing twenty-four hours previously to the Council Clerk, or other duly authorized officer of the Council, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety, on payment of a fee of five shillings; and if any person shall blast, or cause to be blasted, any rock or earth within the limits aforesaid without giving such notice, or shall not conform to the directions given to him by the Council Clerk, or other duly authorized officer, he shall on conviction forfeit and pay for every such offence any sum not less than one pound nor more than ten pounds.

Slop, night-soil, &c., to be conveyed away only at certain hours.

27. Any person or persons who shall drive, or cause to be driven, any cart or other carriage with any night-soil therein, through or in any street or public place within the said Municipality between the hours of five o'clock in the morning and ten o'clock at night, or shall fill any cart or other carriage so as to turn over or cast any night-soil, slop, mire, or channel-dirt, or filth in or upon any such street or public place, or shall deposit, or cause to be deposited, any night-soil or other offensive matter nearer to any street, road, or dwelling-house than shall be directed by the said Council or by the Inspector of Nuisances; or shall remove night-soil or other offensive matter otherwise than in properly covered and water-tight carts or other vehicles; or shall cause any vehicle used for this purpose to stand on any premises nearer to any road, street, or dwelling-house than shall be directed by the said Council or the said Inspector of Nuisances, shall for every such offence forfeit and pay any sum not exceeding five pounds nor less than one pound; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such cart or carriage in which such night-soil or other offensive matter shall be put or placed, and also the employer of the person so offending, shall be liable to and forfeit and pay such penalty as aforesaid.

Riding on drays, careless driving, &c.

28. If the driver of any vehicle whatsoever shall wilfully be at such a distance from such vehicle, or in such a situation whilst it shall be passing upon any street or road that he cannot have the direction and government of the horse or horses, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any other vehicle or person in or upon the said thoroughfare,—every such driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings nor less than ten shillings.

Riding or driving furiously, &c.

29. Any person who shall ride or drive through or upon any street, or public place, within the said Municipality so negligently, carelessly, or furiously that the safety of any other person shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Persons not to stand or loiter in streets.

30. All persons standing or loitering upon any of the streets or footways, or other public places within the Municipality to the inconvenience of passers-by, or in any way interrupting traffic, shall discontinue to do so on being required by any officer or servant of the Municipal Council of Rockdale, or by any police officer. Any person offending against this By-law shall for each offence upon conviction forfeit and pay a penalty or sum not exceeding two pounds nor less than ten shillings.

Injuring or extinguishing lamps.

31. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

As to damaging buildings

32. Any person who shall damage any public building, toll-gate, toll-bar, toll-board, wall, parapet, fence, sluice, bridge, culvert, sewer, water-course, or other public property within the said Municipality, shall pay the cost of repairing the same; and if such damage be wilfully done, shall forfeit and pay a sum not exceeding twenty pounds nor less than one pound.

Rubbish, &c., on public or private property.

33. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Municipality without permission first obtained from the Municipal Council, or the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than ten shillings.

Nuisances.

Dead animals, &c., not be thrown into any public water-course, &c.

34. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning into any public water-course, sewer, or water-hole, or who shall suffer slops, suds, or filth of any kind to flow from his or her premises into such water-course or water-hole, or who shall permit or suffer any such slops, suds, or filth to flow from his or her premises over any of the footways or streets of the Municipality, or shall permit or cause, by means of pipes, shoots, channels, or other contrivances, filth of any kind whatsoever to flow into any public water-course, gutter, or water-hole, or shall obstruct or divert from its channel any sewer, water-course, or creek, shall on conviction forfeit any sum not exceeding five pounds nor less than one pound.

Swine not to be kept.

35. Any person who shall breed, feed, or keep any kind of swine in any house, building, yard, garden, or other hereditaments, situate and being in or within forty yards of any street or public place or any dwelling-house in the said Municipality, shall on conviction forfeit and pay for every such offence a sum not exceeding forty shillings nor less than ten shillings.

Cattle, &c., straying in the streets.

36. Any person who shall suffer any kind of swine, or any horse, ass, mule, sheep, goat, or other cattle belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any such street or public place, shall on conviction forfeit and pay for every such offence a sum not exceeding forty shillings nor less than ten shillings.

Stables, cow-sheds, and pig-styes.

37. The occupier of any land within this Municipality on which there shall be erected any stable, cow-yard, cattle-shed, or pig-stye shall cause such premises to be kept in such a state, in respect of cleanliness, as not to be a nuisance or injurious to health, and shall cause all dung, soil, or manure produced or accumulated thereon to be collected in a place (to be approved of by the Inspector of Nuisances) in the yard of such premises, and to be there in an inoffensive condition, and so as not to be productive of any nuisance; and shall cause such dung, soil, or other manure to be from time to time removed from such premises, as often as the quantity of the same so collected or accumulated shall amount to two cubic yards; and if at any time the owner or occupier of any such premises shall neglect or fail to have such dung, soil, or other manure removed therefrom as aforesaid, the same shall be removed by the Inspector of Nuisances at the expense of such occupier. For an offence against this By-law any person shall be liable to a penalty of not less than one pound nor more than five pounds.

As to private avenues, &c.

38. Any owner or occupier of any house, place, or land within the Municipality who shall neglect to keep clean all private avenues, passages, yards, and ways within the said premises, so as by such neglect to cause a nuisance by offensive smell or otherwise, or who shall allow stagnant water to become a nuisance on his land, shall on conviction forfeit and pay a sum not exceeding forty shillings nor less than ten shillings for every such offence; and upon the reasonable complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of; and the officer of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose.

Cleansing butchers' shambles, slaughter-houses, &c.

39. It shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council, as often as he shall see occasion, to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, and fellmongering establishments or manufactories, in the Municipality, and to give such directions concerning the cleansing the said shambles, slaughter-houses, tanneries, and establishments, both within and without, as to him shall seem needful; and any owner or occupier of any such shamble, slaughter-house, tannery, or establishment who shall refuse or neglect to comply with such directions within a reasonable time shall forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Placing dead animals on premises.

40. Any person who shall place, or shall cause or suffer to be placed, upon any land or premises within the Municipality any dead animal, blood, offal, night-soil, or any other offensive matter so as to become a nuisance to the inhabitants thereof, shall on conviction suffer and pay a penalty not exceeding five pounds nor less than one pound for every such offence.

Deposit of rubbish, manure, &c.

41. No person shall deposit, or cause or suffer to be deposited, in or by the side of or on any road, street, right-of-way, lane, passage, water-channel, or gutter, or in any creek, or in any other public place within the Municipality any dust, mud, ashes, rubbish, filth, offal, manure, liquid manure, dung, or soil; and no person shall deposit, or cause or suffer to be deposited, on any land, field, or garden within the Municipality any night-soil, blood, offal, or other offensive matter or thing without the written consent of the Mayor or Council; and any such offensive matter or thing which shall with such consent of the said Mayor or Council be so deposited shall be immediately on the deposit thereof covered over by the person depositing the same with such a quantity of earth as will at once prevent the escape of any noxious or offensive effluvia from any such manure, soil, or other offensive matter before mentioned: Provided that nothing contained in this By-law shall be construed or taken to prevent the use as manure, for any garden or land, of the contents of any earth-closet, or any other privy or closet, where such contents are deposited on any such field or land in a perfectly deodorized state, and so as not to cause nuisance or offence, either at the time of the deposit of such contents or afterwards.

Planting trees on streets, &c.

42. The Council shall have power to plant trees in the streets and public ways of this Municipality; and any person wilfully injuring or destroying any of such trees, or any railing or fence protecting the same, shall on conviction forfeit and pay a penalty of not more than ten pounds nor less than two pounds, in addition to the value of the tree, railing, or fence so injured or destroyed.

Damaging trees.

43. Any person who shall wilfully, and without the authority of the Council, cut, break, burk, root up, or otherwise destroy or damage the whole or any part of any tree, sapling shrub, or underwood growing in or upon any street or place under the management of the Council, shall forfeit any sum not exceeding ten pounds nor less than one pound.

Allowing dead animals to remain on premises.

44. Any owner or occupier of any land or premises who shall suffer or permit any dead animal, bird, offal, night-soil, or any other offensive matter to remain upon the said land or premises after notice shall have been given to remove the same, shall be subject to a penalty not exceeding two pounds nor less than ten shillings for every day that the same shall so remain.

Various obstructions and annoyances.

45. Every person who, in any street or other public place or passage within the Municipality, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences, shall on conviction for any and every such offence forfeit and pay a penalty of not more than two pounds nor less than ten shillings:—

- (1.) Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.
- (2.) Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person.
- (3.) Every person who shall place any flower-pot, box, or other thing in any upper window, near to any street or public place, without sufficiently guarding the same from being thrown out.
- (4.) Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a board or enclosure, when any house or building is being erected, pulled down, or repaired).
- (5.) Every person who shall, within the distance of one hundred yards from any dwelling-house, burn any rags, bones, cork, or other offensive substance to the annoyance of any inhabitant.
- (6.) Every person who shall carry goods or any frame to the annoyance of any person upon the footway of any street or other public footway.
- (7.) Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right of way or use of any private yard, alley, street, or any other place within the Municipality.

Offences against public decency.

Bathing prohibited within certain limits.

46. Any person who shall bathe near to or within view of any inhabited house, or of any bridge, street road, or other place of public resort within the limits of the Municipality, between the hours of six o'clock in the morning and eight in the evening, shall on conviction forfeit and pay a sum not exceeding one pound nor less than ten shillings for every such offence.

Penalty on indecent exposure of the person.

47. Any individual who shall offend against decency by exposure of his or her person in any street or public place within the said Municipality or in the view thereof, shall on conviction forfeit and pay for every such offence a sum not exceeding ten pounds nor less than five pounds.

Houses of ill-fame.

48. Upon representation of any respectable ratepayer that any house or premises within the Municipality and near to the residence of such ratepayer is of ill-fame, it shall be lawful for the By-law Committee to cause the residents of such house or premises to furnish to the Council a list of names, ages, sexes, and occupations of all the inmates of the said house or premises; and upon non-compliance with such request, or if, upon consideration, the said Committee consider the house to be one of ill-fame, they shall, with the sanction of the Council, declare the same to be a nuisance; and shall cause a notice in writing to be served upon the holder of such house or premises, or any person resident or being therein, to discontinue or abate the said nuisance within forty-eight hours after the receipt of such notice. And if such nuisance be not so abated, the holder of such house or premises, or other person residing or being therein and acting as such holder, shall be liable to be proceeded against for such nuisance, and shall on conviction thereof forfeit and pay any sum not less than two pounds nor more than twenty pounds. And if such nuisance shall not be abated within forty-eight hours after such conviction, such holder of such house, or such other person residing or being therein as aforesaid, shall forfeit and pay for each second offence a sum of not less than five pounds nor more than fifty pounds. And if a further period of forty-eight hours shall elapse after such second conviction without the abatement of such nuisance, such holder of such house, or other person residing or being therein as aforesaid, shall for each third offence forfeit any pay any sum not less than ten pounds nor more than fifty pounds.

Making By-laws.

49. No By-law shall be passed until it has been reported upon by the By-law Committee.

PART V.

Noisome and Offensive Trades.

Noisome or offensive trades to be carried on to injury of any inhabitants.

1. No person shall carry on any manufacture or trade, in the conducting or carrying on of which, or from the premises where the same is carried on, any gas, vapour, or effluvia or any large quantities of smoke shall be evolved or discharged, which shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the Municipality; and upon complaint in writing by any householder that any offensive trade is being so conducted or carried on in the vicinity of his or her residence or property as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted or carried on as aforesaid, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the Council. And if the Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time as the Council may direct. And if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be offensive within the time named in such notice as aforesaid, any person conducting or carrying on such trade as aforesaid shall for the first offence forfeit and pay a sum of not less than twenty shillings nor more than five pounds; for the second offence a sum of not less than two pounds nor more than twenty pounds; and for the third and every subsequent offence a sum of not less than five pounds nor more than fifty pounds.

Mode of proceeding when "noisome and offensive trade" is about to be commenced.

2. The like proceedings shall be taken as aforesaid whenever there shall be a complaint as aforesaid that any manufacture, trade, or operation is about to be commenced or entered upon, which is likely to prove offensive within the meaning of these

By-laws, save and except the notice to be given as aforesaid, shall be given to the person or persons about to commence or enter upon such manufacture, trade, or operation, and shall require him, her, or them not to commence or enter upon the same, or to take such measures as shall effectually and permanently prevent the same from becoming offensive, within the meaning of these By-laws, to any resident within the Municipality. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, or operation, so that the same shall be in any way offensive within the meaning of these By-laws, shall, for every such offence, forfeit and pay a sum of not less than two pounds nor more than twenty pounds.

Service of notice—Liabilities.

3. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, or calling is being carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, or operation within the meaning and for all the purposes of these By-laws.

Damaging up water without consent.

4. Whoever shall, without the consent in writing of the Council, construct or place any dam or embankment in or across any creek or natural water-course, shall forfeit and pay any sum not less than one pound nor more than twenty pounds; and shall remove such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay any sum not less than five pounds nor more than fifty pounds. And if after such second conviction such person shall fail to remove such dam or embankment within a further reasonable time, he shall forfeit and pay a sum of not less than twenty pounds nor more than fifty pounds; and if within a reasonable time after a third or any further conviction he shall still fail to remove such dam or embankment, he shall for every such offence forfeit and pay a sum of fifty pounds.

Disposal of sewage, &c.

5. The Council shall have power from time to time to enforce the adoption or alteration of any system which to them may appear necessary, for the better regulation, disposal, or treatment of night-soil, sewerage, or other drainage, and may suspend the use or further extension of any system which may to them seem detrimental to public health. Any person refusing to comply with any requisition made under this By-law, after receiving notice from the Council, or an officer under them, shall forfeit a sum not exceeding five pounds nor less than one pound for each offence.

PART VI.

Bodies not to be interred within certain distances, &c.

1. No corpse shall be interred in any existing cemetery now open for burials within the distance of one hundred yards from any public building, place of worship, school-room, dwelling-house, public pathway, street, road, or place whatsoever within the Municipality, and no corpse shall be interred in any new cemetery that may hereafter be opened within the distance of one hundred yards from such public building, place of worship, school-room, dwelling-house, public pathway, street, road, or place whatsoever within the said Municipality; and any person or persons having the charge of any cemetery, or other person or persons who shall knowingly inter or cause to be interred any corpse within the Municipality contrary to the provisions of this By-law, or otherwise commit a breach thereof, shall for such offence be liable to any penalty not exceeding fifty pounds nor less than five pounds; and for every subsequent offence to any penalty not exceeding the first-mentioned amount nor less than ten pounds.

PART VII.

Public exhibitions, &c.

Exhibitions, &c., to be licensed.

1. No exhibition, other than exhibitions licensed by the Colonial Secretary under the provisions of the Act 14th Victoria No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit within the said Municipality; nor shall any bowling-alley, dancing saloon, or other place of public amusement other than a place licensed as aforesaid, or a place for temporary amusement hereinafter specially provided for, be used as such for hire or profit within the said Municipality, unless and until the same shall be duly registered as hereinafter prescribed.

Temporary license by Mayor.—Penalty for exhibiting, &c., without license.

2. It shall be lawful for the Mayor, by writing under his hand and without charge, to permit any such exhibition as aforesaid (other than an exhibition requiring to be licensed by the Colonial Secretary under the said Act), and which shall not be held or kept for more than one week, and in like manner to allow any place within the said Municipality to be used for purposes of public amusements other than entertainments requiring to be licensed as aforesaid for not more than one week: Provided that it shall be incumbent upon such Mayor to inquire strictly as to the nature of such proposed exhibition or amusement before granting such permission, and to refuse such permission if it shall appear that such proposed exhibition or amusement is of such a nature as to require to be licensed by the Colonial Secretary as aforesaid, or if there shall be reasonable cause for believing that such exhibition or amusement will be likely to entail any violation of public decency, to endanger the public peace, or to be a nuisance to any inhabitant of the Municipality. Every person holding or keeping any such exhibition, or using any place in the said Municipality for public amusement as aforesaid, or causing or permitting such place to be so used, without such permission of such Mayor, shall forfeit and pay a sum not less than five shillings nor more than forty shillings for every day that such exhibition shall be so held or kept or such place shall be so used for public amusement as aforesaid.

Public buildings, &c., to be registered.

3. Every occupier of any building or ground in which any exhibition is held or kept, or any public amusement conducted as aforesaid, shall in each year register at the office of the Council such building or ground together with the situation and description thereof, and of the exhibition proposed to be held or kept, or the public amusement proposed to be conducted as aforesaid, in or upon such building or ground, and the name of such occupier. And every person who causes, and every occupier of any such building or land who permits, any such exhibition to be held or kept, or any public amusement to be conducted for a longer period than one week, in or on any such building or land not being registered for the purpose, or without such certificate of registration as hereinafter mentioned having been obtained for the same, shall forfeit for every such offence any sum not less than one pound nor more than twenty pounds.

Certificates of Registration, &c.

4. The Council, upon the written application of any such occupier as aforesaid stating the particulars aforesaid, and if upon inspection by the proper officer the building or land shall have been found to be secure and proper for the purpose stated, and if the proposed exhibition or amusement shall not be such as to require a license from the Colonial Secretary as aforesaid, and shall not be thought likely to entail any violation of public decency, or to endanger the public peace, or to be a nuisance to any inhabitants of the said Municipality, the said Council shall cause the aforesaid premises to be registered in a registry book to be kept for that purpose, and shall thereupon grant to the applicant a certificate of such registration of such premises. And the said Council may at any time, and for any of the causes hereinafter mentioned, suspend for a stated period the effect of or cause of any such registration, and shall forthwith give notice of such suspension or cancellation to the occupier of the registered building or land, and during such suspension or after such cancellation such premises shall be deemed to be unregistered in respect of the purpose mentioned in the certificate of registration, and such certificate shall be of no force or virtue.

Inspection.

5. The proper officer of the Council may at all reasonable times enter into or upon and inspect any such registered building or land.

No exhibitions, &c., on Sundays, &c.

6. No such exhibition or place of public amusement as aforesaid shall be held or kept open or used for the purposes of such public amusements on Sunday, Christmas Day, or Good Friday, and every person offending against this By-law in this behalf, shall on conviction forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

Registration fee.—Time for which registration shall be in force.

7. For every such registration as aforesaid the occupier of the building or land so registered shall pay to the Council Clerk, for the benefit of the said Municipality, a fee of one pound, and every such registration whenever the same may be made, shall be in force until the thirty-first day of December then next ensuing, and no longer.

Certificate of registration to operate as license for exhibition, &c., named therein, and no other.

8. The certificate of registration aforesaid shall be regarded as a license from the Council, for the holding or keeping of the exhibition or for carrying on of the public amusements therein mentioned, but for none other. Any occupier of such building or land who shall hold or keep therein or thereon any

exhibition, or shall use such building or land for any public amusements other than such exhibition or amusements mentioned in such certificate or license shall for every such offence, forfeit and pay any sum not less than ten shillings nor more than ten pounds.

Unlawful games and exhibitions.

9. No license shall be granted as aforesaid to or for any building or land wherein or whereon any games with dice, or other games of chance for money, or any bull-baiting, dog-fighting, cock-fighting, or other exhibitions or amusements opposed to public morality or involving cruelty to animals, or likely to cause any breach of the peace, are proposed to be had or carried on; and the occupier of any building or land so registered as aforesaid who shall permit any such game of chance, or exhibition, or amusement, as are in the section before mentioned, to be had, held, or carried on in or upon such building, shall for every such offence forfeit and pay a sum not less than ten shillings nor more than ten pounds.

Suspension or revocation of license.—Notice to be given and licensee to be allowed to show cause.

10. The effect of any such registration as aforesaid may be suspended, or such registration may be cancelled as the Council shall think fit, for any of the following causes, namely:—Whenever the occupier of the registered building or land, or the manager of any such exhibition or amusement as aforesaid, held, kept, conducted, or carried on in or upon such building or ground, shall have been twice convicted of offences against these By-laws within a period of twelve months, or whenever it shall be shown to the satisfaction of the said Council that the superintendent, director, or manager, or other person in charge of any such exhibition or amusement is a confirmed drunkard, or that such exhibition or amusement is being conducted in such a manner as to violate public decency, to endanger the public peace or become a nuisance to any inhabitants of the said Municipality: Provided that before such suspension or cancellation as aforesaid, the occupier of such registered building or land shall have notice of the fact that the said Council is about to consider whether there shall be any suspension or cancellation, and of the causes of this proceeding, and shall be allowed to show cause against such suspension or cancellation before the same shall be ordered.

Construction of term "occupier."—Change in occupancy.—False statement.

11. Any person who shall superintend, direct, or manage, or shall be otherwise in charge of any such exhibition or public amusement as aforesaid, in or upon any such building or land as aforesaid, or who shall reside in or upon any such building or land wherein or whereon any such exhibition or public amusement shall be held, kept, or carried on; or who, being the owner, lessee, or tenant of any such building or land, shall permit the same to be used for the purposes of any such exhibition or public amusement, shall be deemed the occupier of such building or land for all the purposes of these By-laws. And the said By-laws shall be held to be as applicable in every case to any number of such occupiers as to any single occupier. And every such occupier whose name shall have been so registered as aforesaid shall be deemed and taken to be, and continue to be, such occupier for all the purposes of these By-laws: Provided that in the event of any change in the occupancy of any such building or ground as aforesaid, it shall be competent for the parties concerned to notify the same by writing under their hands to the said Council Clerk, who shall lay such notification before the Council at its next meeting; and if after such inquiry as such Council may deem necessary there shall seem to be no valid objection to such change of occupancy a corresponding entry shall be made in the registry aforesaid, and a new certificate shall be issued, which shall be in force until the then next ensuing 31st day of December and no longer. And for every such new certificate a fee of five shillings shall be paid to the said Council Clerk for the benefit of the said Municipality. And any person who shall make any false statement in any such application or notice as aforesaid as to any of the facts or particulars required by these By-laws to be stated in such application or notice, shall for every such offence forfeit and pay any sum not less than one pound nor more than twenty pounds.

PART VIII.

Water Supply.

Polluting water, reservoirs, &c.

1. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other water-works belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein any animal, whether alive or dead, or any rubbish, filth, stuff, or thing of any kind whatsoever, or shall cause or permit or suffer to run, or to be brought therein, the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper water, or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other water-works, as aforesaid, or shall do anything whatsoever whereby any water or water-works belonging to the said Council, or under their management or control, shall be fouled, obstructed, or damaged,

shall for the first offence forfeit and pay any sum not exceeding five pounds; for a second offence any sum not less than ten shillings nor more than five pounds; and for the third and every subsequent offence any sum not less than one pound nor more than twenty pounds.

Wilful waste of water.

2. Whosoever being supplied with water by the Council from any water-works, fountain, or reservoir of, or belonging to, or under the control or management of the said Council, or having access to any such water-works, fountain, or reservoir for the taking of water therefrom, shall wilfully or negligently suffer any water to run to waste from any pipe, pump, or conduit, from or by which he shall be so supplied, or to which he shall have such access, shall forfeit and pay for the first offence any sum not exceeding five pounds; for a second offence, any sum not less than one pound nor more than twenty pounds; and for a third and every subsequent offence, any sum not less than five pounds nor more than forty pounds.

Diverting water from reservoirs of Council in certain cases.

3. In any case in which the Council shall have the exclusive right of collecting for the supply of any reservoir or water-works belonging to the said Council, or under their management or control, the storm water having fallen on any gathering ground, whosoever shall, by any means whatsoever, divert any such water from the course of its natural flow, so that the same shall tend to flow elsewhere than to such reservoir or water-works, or some water-course leading thereto, or shall flow to the same respectively in a foul state, shall forfeit and pay for the first offence any sum not less than one pound nor more than twenty pounds; for a second offence any sum not less than two pounds nor more than forty pounds; and for a third and every subsequent offence, any sum not less than five pounds nor more than fifty pounds.

PART IX.

General Provisions.

1. Unless where hereinbefore otherwise directed, all complaints of offences against these By-laws shall be heard and determined within three months from the committal of the offence complained of, and no such complaint shall be entertained by the Council unless within one month from the time when such shall have been committed.

2. Whenever under these By-laws the word "Mayor" is made use of it shall, unless the context shall indicate a contrary intention, be construed to signify and include any Alderman lawfully acting for the time being in the place or stead of the Mayor.

3. Any person obstructing or interfering with any officer of the Council or other person doing or performing any duty or act under these By-laws shall forfeit and pay a penalty not exceeding five pounds nor less than twenty pounds.

4. For every offence against the provisions of these By-laws, except as otherwise provided, the offender shall be liable to and shall pay a penalty not exceeding two pounds nor less than five shillings, to be recovered in a summary way before any Justice of the Peace.

Made and passed by the Municipal Council of the Municipal District of Rockdale, this twentieth day of December, A.D. 1888.

(L.S.) W. G. JUDD,
Mayor.

THOS. BREEDER, Council Clerk.

BY-LAWS made by the Municipal Council of Rockdale, in accordance with the provisions of the "Nuisances Prevention Act, 1875."

1. From and after the publication of these By-laws in the Government Gazette, no person or persons shall be permitted to have on his or their premises any open closet or cesspit for the deposit of faecal matter, and any person or persons allowing any such closet or cesspit to remain after receiving fourteen days' notice to remove the same, shall forfeit a sum not exceeding five pounds nor less than one pound; and after such conviction if not removed within a further period of seven days, shall forfeit a further sum not exceeding five shillings nor more than two pounds for every day that the same shall remain unaltered or unremoved.

2. No person shall be permitted to cover up, fill in, or cause to be covered up or filled in any existing cesspit with earth or other material, unless and until the same shall be properly emptied by the Council's contractors. Any person offending against this By-law shall be liable to a penalty not exceeding five pounds nor less than one pound.

3. A separate closet shall be provided for every tenement. In schools, factories, or other places of business where a number of persons shall be employed, separate closets shall be provided for each sex, with a door to fasten on the inside; and any person offending against the provisions of this By-law shall incur a penalty not exceeding ten pounds nor less than two pounds.

4. Every person who shall be about to erect a closet shall, before he shall commence to erect such closet, deliver to the Council Clerk or Inspector of Nuisances of the Municipality of Rockdale, in accordance with the provisions of the Nuisances Prevention Act, one thousand eight hundred and seventy-five, a notice in writing of the intention of such person to erect such closet, and of the place or position in which it is intended that such closet shall be erected; and if any person shall commence to erect any closet within the said Municipality without having given such notice in writing as aforesaid, and before the expiration of seven days after the delivery of such notice (except by the written authority of the Inspector of Nuisances for the said Municipality, or other officer for the time being appointed by the Council of the said Municipality in that behalf), he shall forfeit and pay a penalty of not less than ten shillings nor more than five pounds.

5. No person shall erect or commence to erect any closet, except in such place or position as shall be approved of by the said Inspector of Nuisances or other officer as aforesaid; and any person who shall erect or commence to erect any closet without having obtained the approval of the said Inspector or other officer, or in any place or position other than the place or position approved of by the said Inspector or other officer as aforesaid, shall forfeit and pay a penalty of not less than ten shillings nor more than five pounds. But any person who shall feel aggrieved by the decision of such Inspector or other officer may appeal in writing against the same to the Council.

6. Every closet shall be built with walls seven feet high, and shall not be less than three feet six inches wide and four feet long, and shall be provided with a door capable of being fastened inside; and every person who shall build or erect any closet which shall not be in accordance with this By-law shall forfeit and pay a penalty of not less than ten shillings nor more than forty shillings.

7. Where two or more closets adjoin each other there shall be a sufficient dividing wall not less than nine inches in thickness between every two closets, and such wall shall extend from the bottom of the closet up to the roof of the same, so as to effect a complete separation; and if any person shall erect any two or more closets adjoining each other, and not in accordance with this By-law, he shall forfeit and pay a penalty of not less than ten shillings nor more than forty shillings.

8. If any alteration shall be requisite in the opinion of the Inspector of Nuisances or other officer appointed by the Council in their behalf for preserving public health or decency in case of any existing cesspit or closet, and the Council shall adjudge such cesspit or closet to be injurious to the health or opposed to decency by exposure or otherwise, and the owner or occupier shall not make the necessary alterations after receiving fourteen days notice from the Council Clerk, it shall be lawful for the Inspector of Nuisances or other officer appointed by the Council to remove the said nuisance, and any expense incurred thereby may be sued for and recovered in the manner provided by the Nuisances Prevention Act, one thousand eight hundred and seventy-five.

9. Written notice must be given to the Council or the Inspector of Nuisances by all persons about to alter existing closets to enable the Inspector to visit and report on the same, under a penalty for neglect not exceeding five pounds nor less than one pound; and closets altered without such notice being given must be removed or altered if judged necessary by the Council under a further penalty not exceeding two pounds nor less than five shillings for each and every day they may remain unaltered after such notice to that effect.

10. When any new building is about to be constructed the builder or builders thereof shall first erect, or cause to be erected, on the premises a temporary closet not less than three feet by two feet six inches, for the use of workmen employed in the construction of the new building; and any person neglecting to conform to this By-law shall be liable to a penalty not exceeding five pounds nor less than one pound.

11. All night-soil shall be removed by the contractor to the Council in properly constructed water-tight carts, between the hours of 10 o'clock in the evening and 5 o'clock in the morning, or at such other hours as the Council may determine; and the contractor will be held responsible for the careful conveyance of the night-soil to the appointed depot, and shall dispose of the same by burying in the earth a sufficient distance and covering with earth, so as to prevent any nuisance arising therefrom, under a penalty for neglect not exceeding twenty pounds nor less than five pounds.

12. Any person requiring their cesspits or earth-closets emptied shall send written notice to the Council or the Inspector of Nuisances; and persons emptying, or causing to be emptied, any closet without the sanction of the Council shall be liable to a penalty not exceeding ten pounds nor less than forty shillings.

13. Any person wishing to use the refuse from dry earth-closets may be permitted so to do upon request in writing, and by making proper provision for emptying the same to the

satisfaction of the Inspector of Nuisances: Provided that such permission shall be in writing and signed by the Inspector of Nuisances to be of effect; and any person causing a nuisance from the careless use of such closet shall be liable to a penalty not exceeding five pounds nor less than one pound.

14. No person shall be permitted to connect any closet with any drain, water-course, or sewer without the sanction of the Council; any person so offending shall be liable to a penalty not exceeding twenty pounds nor less than five pounds.

15. No cesspool, cesspit, or privy shall have connected therewith or attached thereto any pipe or other appliance capable of being used for the purpose of discharging or removing the contents of such cesspool, cesspit, or privy upon or under the surface of any adjoining ground, or into any other place or places whatsoever. Any person or persons wilfully violating this By-law in any respect shall be liable to and forfeit and pay a penalty not exceeding ten pounds nor less than twenty shillings.

16. The Inspector of Nuisances shall have power to visit and inspect any premises on any lawful day between the hours of 10 a.m. and 4 p.m. and any person refusing admittance, or obstructing, or hindering the officer in the discharge of his duty shall incur a penalty not exceeding five pounds nor less than one pound.

17. The Council shall from time to time fix the charges to be made for emptying and removing night-soil from closets which shall be emptied as often as may be necessary in the opinion of the Inspector of Nuisances.

18. The Inspector of Nuisances shall as required so to do furnish the Council with a monthly return showing the number of cesspits and earth-closets emptied.

19. No person shall use or permit to be used or deposited on the premises occupied or used by him or her any night soil which shall have been brought from any other premises unless written permission so to do shall have been first obtained from the Municipal Council or the Inspector of Nuisances of the Municipality; and any person offending against any of the provisions of this By-law shall be liable on conviction to a penalty of not less than two pounds or more than ten pounds.

20. No person or persons shall utilize or dispose of any kind of night-soil, except as hereinbefore provided, under a penalty of not less than two pounds or more than ten pounds.

21. The Council may from time to time by regulation or regulations, appoint depôts wherein the contents of cesspools, cesspits, and other offensive matter shall be deposited, taking every precaution so that it shall not become a nuisance or injurious to health: Provided also that nothing herein contained shall prevent the said Council from making arrangements to deposit night-soil on private lands, or disposing of such by sale or otherwise, if such deposits or sales be made in accordance with the general provisions of these By-laws.

22. If the night-soil, or any portion thereof, shall be sold or given away by the Council, the person removing the same shall do so only at such times and in such manner as the Council may direct, and shall dispose of the same so as not to cause a public nuisance, and the person purchasing or obtaining it shall be held responsible for the same under a penalty not exceeding ten pounds nor less than two pounds.

23. No person shall remove night-soil unless appointed so to do by the Council of the said Municipality, or unless permitted under any of these By-laws.

24. No box, pan, or bucket shall be used as a receptacle in any earth-closet other than that provided by the Council, and which will be supplied on application to the Inspector of Nuisances, or other authorized officer, upon payment of the price thereof to be fixed from time to time by the Council.

25. The owner or occupier of any house, building, or passage, yard, earth-closet, or premises within the Municipality shall cause the same and every part thereof to be kept in a cleanly condition, and so as not to be a nuisance or injurious to health. If at any time the earth-closet in any premises shall overflow or become a nuisance, the owner or occupier shall be liable to a penalty not exceeding ten pounds nor less than ten shillings.

26. All expenses incurred by the Council in emptying any cesspits or earth-closet shall be repaid to the Council by the owner or occupant of the premises whereon such cesspit or earth-closet is situated, within one week after a written demand of the amount made by the Council, or Inspector of Nuisances, shall have been served upon him, otherwise the same may be recovered in the manner provided by the Nuisances Prevention Act, 1875.

27. The maximum penalty for a breach of any of these By-laws shall in each case be ten pounds, and the minimum penalty one pound, unless otherwise provided for.

Made and passed by the Municipal Council of the Municipal District of Rockdale, this twentieth day of December, A.D. 1888.

(L.S.) W. G. JUDD, Mayor.
THOS. LEXDEN, Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF HURSTVILLE--BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 6th August, 1889.

HURSTVILLE MUNICIPALITY.--BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Hurstville, under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875" respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited acts.

HENRY PARKES.

BY-LAWS of the Municipality of Hurstville, made under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875," respectively.

Proceedings of the Council and Committees, preservation of order at Council meetings, duties of officers and servants, &c.

Meetings of the Council--Ordinary Meetings.

1. Unless otherwise ordered, the Council shall meet for despatch of business on every alternate Thursday at the hour of 7.15 p.m., unless such day shall happen to be a public holiday. In the latter case, the meeting shall be held on the day next following not being a public holiday.

Election of Chairman in absence of Mayor--Adjournment for want of Quorum.

2. If, at any meeting of the Council, the Mayor shall notify his inability to attend, or if the Mayor shall be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum the names of the members present shall be taken down and recorded in the Minute Book.

Business of Ordinary Meetings.

3. The following shall be the order of business at all meetings of the Council other than special meetings:--

1. The minutes of the last preceding meeting shall be read, corrected (if erroneous), and signed by the Mayor or other Chairman. No discussion shall be permitted on such minutes except as to whether they are a correct report of the proceedings of the said meeting.
2. Correspondence shall be read and received. Orders not involving an expenditure exceeding five pounds may be made thereon.
3. Petitions (if any) shall be read and dealt with.
4. Reports from Committees and minutes from the Mayor (if any) shall be presented and orders made thereon.

5. Questions as to any matters under the jurisdiction of or within the official cognizance of the Council may be asked and replied to, and statements as to any facts, matters, or circumstances not relating to any motion on the business paper, and requiring the attention of the Council, or of any of the Committees or officers, may be made but shall not be debated.

6. Motions, of which notice has been given, shall be dealt with in the order in which they stand on the business paper.

7. Orders of the day shall be disposed of as they stand on the business paper. Provided that it shall be competent for the Council at any time, by resolution without notice, to entertain any particular motion, or to deal with any particular matter on the business paper out of its regular order without any formal suspension of this section, and also in like manner to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business of Special Meetings.

4. At special meetings of the Council the business shall be taken in such order as the Mayor or Alderman, at whose instance the special meeting shall be called, may have directed; and no business, except that for which the meeting has been specially called, shall be transacted thereat.

Business Paper for Ordinary Meeting--How prepared.

5. The business paper for every meeting of the Council shall be made up by the Council Clerk not less than two nor more than three days before the day appointed for such meeting. He shall enter on such business paper a copy or the substance of every notice of motion, and of every requisition or order as to business proposed to be transacted at such meeting, which he shall have received or shall have been required or directed so to enter in due course of law and as hereinafter provided. Every such entry shall be made, subject to the provisions of sections 3 and 4 of this part of these By-laws, in the same order as such notice, requisition, or direction shall have been received.

Summons to members.

6. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How Business Paper is to be disposed of.

7. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with, and such business paper so noted, when signed by the Mayor or Chairman, shall be a record of the Council.

Notices of motion, &c., to be numbered as received, and preserved until disposed of, unless withdrawn before the business paper is made up.

8. All notices of motion for consideration at general or special meetings shall be delivered to the Council Clerk at least four days before such meeting in writing, dated and signed by an Alderman, and all such notices of motion, requisitions from Aldermen, and directions from the Mayor as to the entry of any particular matters of business for the consideration of the Council at the then next or any future meeting, shall be numbered by the Council Clerk as they are received. And each such notice, requisition, and direction shall be preserved by the Council Clerk until after the matter to which it relates shall have been disposed of, and the record in the minute-book of the manner in which such matter has been so disposed of shall have been duly verified as required by section 3 of this part of the By-laws. Provided, however, that the person giving or forwarding any such notices of motion, requisition, or direction to the Council Clerk shall be at liberty to withdraw the same at any time before the making up of such business paper.

*Motions and Amendments.**Motions—how to be moved.*

9. Except by leave of the Council motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed, shall be struck from such business paper and be considered to have lapsed.

Absence of proposed mover.

10. No motion of which notice shall have been entered in the business paper shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motions to be seconded.

11. No motions in Council shall be discussed unless and until it be seconded.

Motions to be in writing and not withdrawn without leave.

12. No motion shall be withdrawn without leave of the Council. No motion to the effect of which, if carried, would be to rescind any motion which has already been passed by the Council during the preceding twelve months, shall be entertained, unless a call of the whole Council has been duly made and granted for that purpose, and no such motion shall be discussed until the previous resolution be rescinded.

How call of Council to be made.

13. A call of the Council may be ordered by any resolution, of which due notice shall have been given, for the consideration of any motion or matter of business to be brought before the Council.

Mode of proceeding in case of call.

14. The roll of members shall be called immediately before the motion or business for which such call has been ordered shall be moved or considered.

Amendment may be moved.

15. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Only one amendment at a time.

16. Except as hereinafter provided under By-law 18, no second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

17. No motion or amendment shall be discussed until it shall have been reduced into writing.

Amended question—Further amendments may be moved.

18. If an amendment be carried, the question as amended thereby shall become itself the question before the Council; whereupon any further amendment upon such question may be moved.

How amendments to be put.

19. Any number of amendments may be proposed on a motion before the Council which shall relate to the fixing of salaries, rates, or other matters of finance, in which case the lowest sum shall be put first, and then the next lowest, and so on to the highest.

Requisition by an Alderman.

20. Every requisition by an Alderman, that any particular matter of business be brought before the Council, shall be regarded and treated as a notice of motion by such Alderman, that such business be taken in consideration by the Council.

Aldermen presenting petitions to make themselves acquainted with contents.

21. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions and correspondence.

22. The Council may at any meeting resolve, without previous notice, that any petition be received, and that the same or any correspondence read be referred to a Committee to report, or that the requests contained therein be granted, provided that an expenditure, exceeding five pounds, is not involved or authorized thereby.

Mayor to preserve order.

23. The Mayor or Alderman shall preserve order, and may at any time call to order any Alderman who may appear to him to be out of order.

Calls to order.

24. Any Alderman may at any time call the attention of the Mayor or Chairman to any point of order, but in doing so, he shall simply state the point of order he wishes to have decided.

Mayor's decision on point of order final.

25. Every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereon shall be conclusive, except as hereinafter provided.

Power of the Council as to laying down general rules, &c.

26. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice may, by motion or notice respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar question of order or of practice which may hereafter arise. Any rule or principle thus laid down shall be binding on all parties, unless and until it be rescinded, but shall have no retrospective operation.

Mayor may take part in proceedings.

27. The Mayor may take part in the proceedings of the Council or Committees thereof.

Questions put by Mayor.

28. The Mayor shall put all questions first in the affirmative and then in the negative (provided that where an amendment is moved to any motion the amendment shall be first put), and may do so as often as may be necessary to enable him to determine the sense of the Council thereon, and thereupon he shall declare his decision, which decision shall be final unless a division be called for.

Mayor to decide as to pre-audience of Aldermen.

29. If two or more Aldermen rise to speak at the same time, the Mayor shall decide which of them shall be entitled to pre-audience.

Aldermen to stand while speaking, &c.

30. Every Alderman shall stand while speaking, and shall address the Chair.

No Alderman to speak twice on the same question or amendment except in Committee.

31. No Alderman shall speak twice on the same question, unless in Committee, or in explanation where he shall have been misrepresented or misunderstood, provided that any Alderman, although having previously spoken, may speak once on every amendment, and that the mover of any question shall always have a right of final reply.

No Alderman to make personal reflection.

32. No Alderman shall digress from the matter under discussion, or make personal reflections on, or impute improper motives to, any other Alderman, or speak on any question for more than fifteen minutes.

Alderman using offensive expressions to apologise.

33. When any member of the Council shall make use of any language or expressions offensive, or capable of being applied offensively, to any Alderman, the member so offending shall be required to withdraw such language or expression and to make an apology satisfactory to the Council.

Debate may be adjourned.

34. A debate may be adjourned to a later hour of the same day or to another day.

Alderman adjourning debate entitled to precedence on resumption.

35. The Alderman upon whose motion any debate shall be adjourned shall be entitled to precedence on resumption of the debate.

Adjournment.

36. Any motion of adjournment, if seconded, shall be immediately put without discussion, but if such motion be negatived it shall not be competent for any Alderman to make a similar motion until thirty minutes shall have elapsed. Such motion for adjournment shall not be considered as an amendment under these By-laws.

Any Alderman may divide Council.

37. It shall be competent for any Alderman to divide the Council on any question both in full Council and in Committees of the Whole Council, and in such case the names and votes of the Aldermen present shall be recorded. Any Alderman present when a division is called for and in any way refusing to vote on such division shall be liable for such offence to a penalty of not less than one pound nor more than five pounds.

Questions to be read when required.

38. Any Alderman may require the question or matter under discussion to be read once for his information, and upon such request the question or matter under discussion shall be read. The Mayor shall have power to order a complicated question to be divided and put to the meeting separately.

Suspension of By-laws.

39. Any of these By-laws relating to or affecting proceedings at meetings of Council may be suspended for the time being, in cases of emergency, if all the members of the Council then present shall deem such suspension necessary.

Mode of proceeding in cases not provided for.

40. In all cases not herein provided for, resort shall be laid to the rules, forms, and usages, of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

*Standing and Special Committees.**Standing Committees.*

41. There shall be a Works Committee, a Finance Committee, By-laws Committee, and General Purposes Committees. These Committees shall be reappointed every year after the first meeting of the Council which shall be holden after the election of the Mayor.

Works Committee.

42. The Works Committee shall have the general direction of all roads, ways, bridges, public reserves, and other places under the care and management of the Council. They shall also inquire and report from time to time upon such works, improvements, repairs, or other matters as they think necessary, or as they may be directed by resolution of the Council to inquire into and report upon.

Finance Committee.

43. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect the fineness of the Municipality, and as to such matters or subjects of the like nature, as they may be directed by resolution of the Council.

By-law Committee.

44. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the Municipality.

General Purposes Committee.

45. The Committee for General Purposes shall take cognizance of every matter, subject, or question within the jurisdiction of the Council, not coming within the province of one or other of the before-mentioned Standing Committees, and shall, from time to time, inquire into and report upon any such subject, matter, or question as they may think necessary, or as they may be directed by resolution of the Council to inquire into and report upon.

Special Committees.

46. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which, in the opinion of the Council, a special Committee ought to be appointed. And no Standing Committee shall interfere with the performance of any duty which may for the time have been entrusted to any such Special Committee. The appointment of any such Special Committee shall be made by resolution, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein any such members as, in his opinion, ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members, to be appointed by ballot, or an amendment to the effect that such Special Committee be appointed by ballot may be carried.

Rules to be observed in Committee.

47. The rules of the Council shall be observed in a Committee of the whole Council, except the rule limiting the number of times of speaking.

Chairman of Committees.

48. Every Committee of which the Mayor shall not be a member shall, once in each year, elect a permanent Chairman of such Committee within seven days after their appointment. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman or any two members of such Committee. The Chairman of such standing Committee shall make, or cause to be made, in a book to be kept for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be Chairman, hand over to the Council Clerk, and by him to the succeeding Chairman.

Every report of a Committee shall be signed by the Chairman thereof.

*Protection of Funds and Records.**Members or Officer of Council not to be a surety.*

49. In cases where surety is required by the Municipalities Act, it shall not be competent for the Council to accept as surety any of their members or any person holding office under the Council.

Duties of the Council Clerk.

50. The Council Clerk shall attend at the office of the Council at the Council Chambers for the purpose of receiving payment of the rates and transacting the ordinary business of the Council on such days and during such hours as the Council may from time to time determine.

51. The Council Clerk, in addition to the duties which by the Municipalities Act of 1867 or by the present or any other By-laws thereunder he may be required to perform, shall be the Clerk of all Revision Courts held in the Municipality under the provisions of the said Municipalities Act, he shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council, he shall generally assist the Mayor in carrying out the orders of the Council and the duties of the Mayor.

Custody of Records, Seal, &c.

52. The common seal and all charters, books, papers, and records of the Council shall be kept in the Council Chambers, or office of the Council, in the custody of the Council Clerk, unless the Council shall otherwise order for any purpose; and the Common Seal shall not be used except with the signature of the Mayor and Council Clerk, or in case of the illness or absence of the Mayor, the signature of two Aldermen and the Council Clerk.

Bonds for good conduct and Deeds of Real and Personal Estate.

53. All bonds given by officers or servants of the Council for the faithful performance of their duties of deeds of real and personal estate shall be deposited with the bankers of the Corporation as the Council may order.

Records, &c., not to be defaced or altered.

54. Any person who shall deface, alter, or destroy, or attempt to deface, alter, or destroy, any such Common Seal, charter, deed, monument, book, paper, or record, shall, on conviction thereof, forfeit and pay for the first offence a penalty not exceeding fifty pounds, and upon every subsequent conviction a penalty of not less than twenty pounds.

Not removed.

55. Any person who shall remove or attempt to remove (except for the purpose of any legal proceedings) any such seal, charter, deed, monument, book, paper, or record, from the Council Chambers without leave from the Council first had and obtained, shall, on conviction thereof, forfeit and pay a penalty of not more than twenty pounds nor less than two pounds, and for every subsequent offence, a penalty of not less than five pounds nor more than fifty pounds.

Expenses of proposed works to be first ascertained—Accounts to be examined by Finance Committee.

56. No work shall be undertaken, the cost of which shall exceed ten pounds, until the expediency thereof shall be reported upon by the Works Committee and the probable expense thereof shall have been ascertained by the Council, and all accounts to be paid by the Council shall be examined by the Finance Committee and reported on by them before any warrant shall be issued for the payment thereof.

Outlay in urgent cases.

57. In cases of emergency arising between meetings of the Council, it shall be lawful for necessary work to be ordered without vote of the Council, viz., by the Mayor to the extent of five pounds, provided that in the absence of the Mayor any four Aldermen shall have that power.

Duties of officers and servants.

58. The duties of all officers and servants of the Corporation shall be defined by such regulations as may from time to time be made by the Council.

Special powers of Mayor.

59. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have already been prepared or such explanation or information already given, and such return, statement, explanation, or information is on record as hereinbefore provided, or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement or the giving of such explanation or information, all such returns or statements as aforesaid shall be in writing, and shall be recorded, all such explanation or information, may, except as hereinafter provided, be either recorded *in voce* or put into writing, as the Mayor may direct.

Statement of accounts.

60. Not later than the twenty-third day of March and September in each year, the Mayor shall lay before the Council for its adoption the Treasurer's account for the previous half year duly audited, but should any Auditor not attend for the purpose of auditing the accounts when required by the Mayor so to do, or refuse to certify to the correctness of the account, he shall, unless he can prove to the satisfaction of the Council that the account is incorrect, pay a fine of ten pounds, to be recovered in a summary way before any two Justices of the Peace.

How complaints against officers, &c., are to be dealt with.

61. All complaints against officers or servants of the Corporation must be in writing, and must in every case be signed by the person or persons complaining, and no notice whatever shall be taken of any complaint which is not in writing or is anonymous, all such complaints may be to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same, and if any such complaint be made to the Council or to any member or officer thereof, it shall be referred to and investigated by the Mayor before it shall be in any way (otherwise than by such reference) ordered upon or dealt with by such Council, provided that every report, explanation, and information which may be made or rendered in reference to every such complaints shall be in writing, and the Mayor shall state in writing the result of every such investigation and his opinion as to what order (if any) ought to be made in connection therewith, and such complaints, with all reports, explanations, and informations as aforesaid in connection therewith, and the Mayor's statement as aforesaid thereon shall be laid before the Council at the next meeting thereof, which shall be holden after the Mayor shall have made such statement, and shall be duly recorded. Provided further that nothing herein contained shall be held to affect in any way the special powers conferred on the Mayor by section 153 of the Municipalities Act of 1867 or any other special power which now is or hereafter may be conferred by statute upon the Mayor. And provided that any complaint made in Council meeting by any Alderman may be made orally and dealt with by such Council after due deliberation and inquiry as expedient.

Leave of absence.

62. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of the Council adopted after due notice.

Mode of calling for tenders.

63. Whenever it is decided that any work shall be executed or any materials supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice as hereinafter provided.

Suits and prosecutions for penalties, &c.

64. All suits or informations for the enforcement of penalties for or in respect of breach of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute, the operation of which may have been extended to this Municipality, as may have been directed by the Council, shall be commenced by the solicitor of the Municipality upon the information of any officer or other person named by the Council for that purpose, or duly authorized by any Act, and no such suit shall be brought or information laid as aforesaid against any member of the Council, or auditor, or servant, except on express resolution of the Council.

How notices are to be published.

65. In all cases where public notice is or shall be required to be given by any By-law of any appointed resolution, act, order, or regulation done, made, or passed, or proposed to be made, done, or passed by the Council, or by any Committee thereof, or by the Mayor, or any officer of the said Council, such notice shall be given and published by exhibiting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same twice in some newspaper circulating in the Municipality.

Levying rates, &c.—Collection of rates.

66. All rates levied or imposed by the Council shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may by resolution appoint.

Council Clerk to furnish list of defaulters.

67. It shall be the duty of the Council Clerk to furnish the Mayor and Council or any Committee, as directed, with the list of all persons in default for rates or other contributions to the Municipal Funds.

Mayor to enforce payment.

68. It shall be the duty of the Mayor to cause such defaulters to be sued for the amount of such rates in any Court of competent jurisdiction, or to issue distress warrants against all such persons, and to cause such warrants to be enforced.

Enforcements of distress.

69. The Bailiff shall be appointed by resolution of the Council, and shall at any time be removable by a like resolution. The Bailiff shall find two sureties to the satisfaction of the Mayor to the extent of fifty pounds sterling each for the faithful performance of his duties.

It shall be the duty of the Bailiff to make all levies by distress for the recovery of the rates in the manner herein-after provided.

All levies and distresses shall be made under warrant in the form of Schedule A, hereto appended, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duty of that office.

If the sum for which any such distress shall have been made shall not be paid with costs as hereinafter provided on or before the expiration of five days the Bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises or at such other place within the Municipality as the said Bailiff may think proper to remove them to for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for and costs, as hereinafter provided for, to the owner of the goods so sold on demand.

At the time of making a distress the Bailiff shall make out a written inventory on the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person, on his or her behalf, resident at the place where the distress may be made, and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress was made, and the Bailiff shall give a copy of the inventory to the ratepayer on demand at any time within one month after the making of such distress.

SCHEDULE A.

Warrant of Distress.

I, Mayor of the Municipality of Hurstville, do hereby authorize you, Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house, or in and upon the land and premises of situate at for the sum of being the amount of the Municipal rates due to the said Municipality to the day of for the said dwelling-house, land, and premises, as the case may be, and to proceed thereon for the recovery of the said rates according to law. Dated this day of 18

Mayor

SCHEDULE B.

Inventory.

I have this day, by virtue of a warrant under the hand of the Mayor of the Municipality of Hurstville, dated distrained the following goods and chattels in the dwelling-house, or in and upon the land and premises of situate at within the said Municipality for the sum of being the amount of the rates due to the said Municipality to the day of 18 Dated this day of 18

Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy where the same is not more than £20	2	0
Above that sum in addition for every £10	1	0
For making and furnishing copy of inventory	2	0
For man in possession each day or part of day	5	0
For sale, commission, and delivery of goods per pound on proceeds of sale	1	0

Streets and public places, --New roads to be reported upon.

70. No new public road, street, way, park, or other place proposed to be dedicated to the public, shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been examined by a Committee for Works and reported upon to the Council by such committee as being laid out and otherwise formed, in accordance with the provisions of existing Acts of Parliament.

Plans of proposed new roads, &c., to be deposited.

71. Whenever any proprietor or proprietors of land within the said municipality shall open any road, street, or way, or lay out any park or other place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, park, or other place, he or they shall furnish the Council with a plan or plans signed by himself or themselves, showing clearly the position and extent of such road, street, way, park, or other place as aforesaid; and he or they shall execute any instrument dedicating such road, street, way, park, or other place as the Council may consider necessary.

Roads and streets and encroachments thereon, &c.

72. The surveyor to the Municipality, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, and thoroughfares; and the carriage and footways thereof which now are, or shall hereafter be under or subject to the control, construction, care, or management of the Council; and in marking out such roads, streets, lanes, and thoroughfares, recourse shall be had, when practicable, to the plans under which the land with frontage to the road, street, lane, or thoroughfare in question shall have been sold or let, and it shall be the duty of such surveyor or officer to place posts at the corners or intersections of such streets, roads, lanes, and thoroughfares whenever the same shall be deemed necessary or desirable by the Council, so as to give a width of forty-two feet for the carriageway and twelve feet for the footway on each side where the road, street, lane, or thoroughfare shall be sixty-six feet wide and in proportion; and in the discretion of the Council any such road, street, lane, or thoroughfare, or other public place of other width than sixty-six feet. Provided that there shall be no change of level in any such public road, street, lane, or thoroughfare or public place, until the same shall have been submitted to and adopted by the Council as hereinafter provided. Provided further that this By-law shall be read, subject in all respects to "The Width of Streets and Lanes Act of 1881."

Changes of street levels.

73. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Committee of Works shall cause a plan and section, showing the proposed alteration, to be exhibited in the Council Chambers for fourteen days for the information and inspection of ratepayers, in some newspaper circulating in the Municipality that such plan it so open to inspection. At a subsequent meeting of the Council, the said plan and section shall, if adopted, be signed by the Mayor or Alderman; and the proposer and seconder of the motion for such adoption and countersigned by the Council Clerk, and such plan and section so signed and countersigned shall be a record of the Council.

Footways may be levelled.

74. When any footway shall have been marked out in manner hereinbefore directed, the surveyor or such officer or persons so authorized as hereinbefore mentioned, may cause the same to be levelled and made as nearly as practicable possible of equal height and breadth and width and equal slope, inclination, and for this purpose may remove any flagging, steps, or other matter, thing, or obstruction that may injure or obstruct the said footway or render it unequal or inconvenient, and which now is, or may hereafter be erected or placed on the space marked out for any of the said footways.

Temporary stoppage of traffic for repairs, &c.

75. The Mayor may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same or for any necessary purpose; and any person who shall travel on such street, lane, or thoroughfare, or remove or destroy any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds nor less than two pounds for every such offence.

No encroachments allowed on streets.

76. Whenever any road, street, or lane has been marked out in manner herein provided, no house, shop, fence, or other structure, shall, except as hereinafter mentioned, be allowed to project or encroach on any part thereof; and it shall not be lawful for any person to enter or put up any building, erection, obstruction, fence, or enclosure, or make any excavation, hole, or opening, in, under, upon, or near to any such road, street, lane, or thoroughfare, unless the con-

sent of the Council or Mayor has been obtained to the erecting or making of any such building, erection, obstruction, fence or enclosure, excavation, hole, or opening as aforesaid; and every person offending against this By-law shall forfeit and pay for the first offence a sum not exceeding five pounds, or less than two pounds; and for the second and every subsequent offence a sum not exceeding ten pounds, nor less than three pounds.

Obstructing public pathways.

77. If the owner or occupier of any land situated on the side of any street or road in this Municipality shall permit any tree, scrub, or plant, kept for ornament or otherwise, to overhang any footpath or footway on the side of any such street or road, and on demand made by the Council, shall not cut, lop, or cause to be lopped, all such trees, shrubs, or plants, to the height of 10 feet at the least, the Council, by their servants, labourers, and workmen may cut, or cause to be cut or lopped, all such over-hanging trees, plants, or shrubs, and to remove or burn any such trees, plants, or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist, or in any manner forcibly oppose the said Council, or their servants, or labourers, or workmen in the due execution of the powers given in this behalf, by virtue of the Municipalities Act of 1867, every person so offending shall on conviction of any such offence forfeit and pay any sum not exceeding ten pounds.

No balcony, &c., to project.

78. With regard to buildings, hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, or window, forming part of or attached to any external wall to project beyond the building line of any street or road, except with the consent of the Council first obtained, nor shall any balcony or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid under a penalty not exceeding twenty pounds nor less than five pounds, except with the consent of the Council first obtained. Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than 30 feet wide. Provided also that any person desiring to erect any such structure shall first submit a plan of the same for the approval of the Council.

Encroachments must be removed on notice.

79. The Surveyor, or such other officer or person as the Council may appoint, may at any time on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, or thoroughfare under the charge of the Council, notice shall in this case be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroaching structure belongs, or who has erected the same or caused it to be erected.

Council may remove encroachments.

80. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within thirty days it shall be lawful for the Council to direct the removal of the same under the superintendence of its own proper officer, and at the cost of the person so offending, provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds, or at the Council's option to proceed against the offender for breach of By-law, the penalty not to exceed twenty-five pounds, nor be less than five pounds, and in case of every successive offence the penalty on conviction not to be less than five pounds.

Or may proceed by action.

81. In every case where the obstruction or encroachment cannot be removed, unless at a greater cost than ten pounds, it shall be open to the Council either to direct such removal, and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-law as aforesaid.

Gravel, &c., not to be removed.

82. Any person who shall form, dig, or open any drain or sewer, or remove, or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material in or from any part of the carriage or footway of any road or street, or other public place within the said Municipal District without leave, first had and obtained from the Council, or who shall wantonly break up or otherwise damage any such carriage or footway, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Obstructing officer, &c.

83. Any person who shall wilfully obstruct or interfere with the Surveyor or other officer as aforesaid, or any person acting for or under him, or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Surveyor or officer, shall on conviction forfeit and pay a penalty of not more than twenty pounds nor less than two pounds.

Hoards or fences to be erected.

84. Every person intending to build or take down any building within the limits of the Municipality of Hurstville, or to cause the same to be so done, or to alter or repair the outer part of any such building, or to cause the same to be done where any street or footway will be obstructed or rendered inconvenient by means of such work shall before beginning the same cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street with a convenient platform and hand-rail if there be room enough, to leave as a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence, with such platform and hand-rail as aforesaid standing in good condition to the satisfaction of the officer of the Council to the said Municipality during such time as the public safety or convenience requires, and shall in all cases, in which it is necessary in order to prevent accidents, cause the same to be sufficiently lighted during the night, and every such person who shall fail to put up such fence or hoard, or platform, with such hand-rail as aforesaid, or to continue the same respectively standing in good condition as aforesaid, during the period of such building or taking down, or who shall not while the said hoard or fence is standing keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the officer of the Council of the said Municipality within a reasonable time afterwards, shall for every such offence be liable to a penalty not exceeding two pounds for every day such default is continued.

Offences—Nuisances—General good order of the Municipality.

Damaging public buildings, &c.

85. Any person who shall damage any public building, wall, parapet, sluice, bridge, road, street, footway, sewer, watercourse, or other property of the Municipality, shall pay the cost of repairing the same, and if the same be wilfully done shall also forfeit and pay a sum not exceeding twenty pounds and not less than five pounds.

Injuring or extinguishing lamps.

86. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for such offence a sum not more than one pound nor less than five shillings.

Planting trees.

87. The Council shall have power to plant trees in the streets and public ways of this Municipality, and any person wilfully injuring or destroying any of such trees, or any railing or fence protecting the same, shall, on conviction, forfeit and pay a penalty of not more than ten pounds nor less than two pounds, in addition to the value of the trees, railing, or fence so injured or destroyed.

Throwing dead animals, &c., into any watercourses, &c.

88. Any person who shall throw or cast any filth, rubbish, or any dead animal, or any animal, with intent to drown the same, into any watercourse, waterhole, creek, or canal, or who shall permit or suffer slops, suds, night-soil, sewerage matter, or filth of any kind to flow or be cast from his or her premises into any such watercourse, waterhole, creek, or canal, or who shall permit or suffer any such slops, suds, night-soil, sewerage matter, or filth to flow from his or her premises over any of the footways or streets in the Municipality, or shall permit or cause by means of pipes, shoots, channels, or other contrivances, night-soil, sewerage matter, slops, suds, or filth of any kind whatsoever, to flow or be cast in any watercourse, waterhole, creek or canal, or shall obstruct or divert from its channel any sewer, or watercourse, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than one pound, and shall, in addition to any such forfeiture, pay the cost of removing such filth or obstruction, or of restoring such watercourse or canal into its proper channel.

Throwing filth on roadway—driving, &c. over footway.

89. If any person shall, in any street, road, lane, or public place, throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, any bottles, ashes, rubbish, offal, dung, soil, dead animals, blood, or other filth, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal, in or so near to any of the said streets or roads as that any blood or filth shall run or flow upon or over, or be on any carriage or footway, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any footway, any waggon, cart, dray, sledge, or other carriage, or any wheel-barrow or truck, or any cask, or shall wilfully lead, drive, or ride any horse or other beast upon any footway aforesaid, shall forfeit and pay a sum not exceeding five pounds nor less than two pounds.

Placing goods, &c., on roadways, &c.

90. If any person shall set, or place, or cause or permit to be set or placed, any stall, show-board, basket, or goods of any kind whatsoever, or shall, hoop, place, wash, or cleanse, or cause to be hooped, placed, washed, or cleansed, any cask

or vessel, in or upon, or over any road, footway, or public place within the said Municipality, or shall set out, lay, or place, or shall cause or procure, permit, or suffer to be set out, laid, or placed, any coach, cart, dray, barrow, truck, or other carriage upon any footway, or if any person shall set or place, or cause to be set or placed, in, upon, or over any of the said carriage or footways any timber, stone, brick, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as hereinafter directed), or any other matters or things whatsoever, or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or premises, over any part of such footway or carriageway, or over any area of any house or premises, or any other matter or thing from and on the outside or any part of any house or premises over or next to any such street or road, and shall not immediately remove all or any such matter or things, being thereto required by the Council, or any officer thereof, and shall not continue and keep the same so removed, or if any person, having, in pursuance of any such requisition as aforesaid, removed or caused to be removed, any such stall, show-board, basket, goods, coach, cart, dray, barrow, truck, carriage, timber, stone, bricks, lime, meat, offal, or other matter or things, and shall at any time hereinafter again set, lay, or place, expose, or cause, procure, permit, or suffer to be set, laid, placed, or exposed, the same or any of them, or any other article or thing whatsoever (save and except as aforesaid) in, upon, or over any of the carriage or footways of or next unto any streets or roads as aforesaid, in every such case every person so offending shall forfeit a sum not exceeding two pounds nor less than ten shillings.

Drawing or trailing timber, &c.

91. If any person shall haul or draw, or cause to be hauled or drawn, upon any part of any street, road, or public place, any timber, stone, or other thing, otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon wheeled carriages, to drag or trail upon any part of such carriageway so as to occupy or obstruct the street or road beyond the breadth of such carriage, every such person so offending shall forfeit and pay for every such offence the sum of two pounds over and above the damages occasioned thereby. Provided that such penalty and damages shall not together exceed the sum of five pounds nor be less than one pound.

No driver to ride on vehicles without a person to guide his beasts (vehicles with reins excepted) or go to a distance from his vehicle, or drive on wrong side, &c.

92. If the driver of any waggon, cart, dray, or vehicle of any kind shall ride upon the same in any street, road, or thoroughfare not having some person on foot to guide the animals drawing the same (such vehicles as are drawn by horses driven or guided with reins only excepted) or if the driver of any carriage or vehicle whatsoever shall wilfully be at such a distance from such carriage or vehicle, or in such a situation whilst it shall be passing upon such street, road, or thoroughfare, that he cannot have the direction or government of the horse, or horses, or cattle drawing the same; or if the driver of any waggon, cart, dray, coach, carriage, or other vehicle shall not drive on the left side (or near side) of any such road, street, or thoroughfare; or if any such person shall, in any manner, wilfully prevent any other person or persons from passing him or her, or any vehicle under his or her care, upon such street, road, or thoroughfare; or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any person, or vehicle, or carriage, in or upon the same, every such driver or person so offending shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

Name and place of abode, &c.

93. The owner of every such waggon, cart, dray, or vehicle of any kind as last abovementioned, who shall allow the same to be driven through the said Municipality of Hurstville, without having his name and place of abode painted in full length on the off-side, legibly, the driver or person in charge of any such waggon, cart or dray, as aforesaid, who shall refuse to give his and the owner's name and address, shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

As to riding or driving improperly through streets, &c.

94. Any person who shall ride or drive through any road, street, or public place negligently, carelessly, or furiously, or so as to endanger the life or limb of any person, or to the common danger of the passengers, shall forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Riding or driving round corners, &c.

95. Any person who shall ride or drive round the corner of any street, road, or public place within the said Municipality at a pace faster than a walk, shall, on conviction, forfeit and pay a sum not exceeding two pounds nor less than ten shillings for every such offence.

Erection of houses, &c.—Fee for alignment.

96. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place within the Municipality, without having first served notice in writing to the Mayor or Council Clerk at least seven days before commencing the same, stating his intention, and describing the proposed situation of the building or erection, nor without having received an authority from the Mayor or Council Clerk, who will give the required level and alignment if in a street, on payment of a fee of five shillings, and every owner thereof, and every contractor for such house, shop, or building, or any part thereof, commencing to build or work thereon without such notice having been given, shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than five shillings.

Affixing placards on walls, and chalking thereon

97. It shall not be lawful for any person to paste, or otherwise to affix, any placard or other paper upon any wall, fence, house, or building, nor to deface any such wall, fence, house, or building by chalk or paint, or any other manner, unless with the consent of the owner thereof, and any person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding ten shillings.

Swine, &c., not to wander about streets.

98. Any person who shall feed, breed, or keep any kind of swine in any house, yard, or enclosure situate and being in or within 40 yards of any street or public place in the Municipality, or who shall suffer any kind of swine, or any horse, ass, or cattle, mule, sheep, goat, or any other animal of like nature belonging to him, or under his charge, to stray or to go about, or to be tethered or depastured in any street, road, or public place within the Municipality, shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than five shillings.

Driving cattle, &c.

99. Any person or persons driving cattle, excepting working bullocks, milch cows, or horses, on any road, street, or public place within the boundaries of the said Municipal District, unless between the hours of 10 o'clock at night and 8 o'clock in the morning, shall on conviction forfeit and pay any sum not exceeding five pounds nor less than forty shillings for every such offence.

Restrictions on certain trades, &c.

100. It shall not be lawful for the business of soap-boiler, tallow-molter, tripe-boiler, tanner, currier, pig-keeper, nor any occupation, trade, or manufacture of any obnoxious or unwholesome nature, prejudicial to the health of, or otherwise offensive to, any of the inhabitants thereof, to be commenced or established within the limits of the Municipality without consent of the Council first had and obtained; and whosoever shall offend against this By-law shall forfeit and pay on conviction a penalty not exceeding fifty pounds nor less than ten pounds, and a further sum of two pounds for each and every day during which he continues to offend.

Hours for removing night-soil, &c.

101. Any person who shall remove any night-soil or ammoniacal liquor, bones, or other offensive matter, or shall come with carts or carriages for that purpose, between the hour of six o'clock in the morning and ten o'clock at night, or shall at any time remove any such night-soil or ammoniacal liquor, otherwise than in properly covered and watertight carts or vehicles, or in such a manner so as to upset, cast, spill, or strew any of the said night-soil, ammoniacal liquor, slop, urine, or filth in or upon or near to any of the streets, roads, public places, or footways of the Municipality, or shall deposit or throw night-soil, ammoniacal liquor, bones, or other offensive matter nearer to any street, road, or dwelling-house than shall from time to time be directed by the Council, or by the Inspector of Nuisances, or shall allow vehicles used for this purpose to stand on any premises nearer to any road, street, or dwelling-house, other than shall from time to time be directed by the Council or inspector, shall, upon conviction, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound, and in case the person or persons so offending cannot be found, then the owner or owners of such carts, carriage, or other vehicles employed in and about emptying or removing such night-soil, bones, or other offensive matter, and also the employer or employers of the person or persons so offending shall be liable to and forfeit and pay such penalty as aforesaid.

102. If any person shall take away night-soil from any house or premises within the said Municipality, or shall come with carts or carriages for that purpose, except between the hours of ten at night and five in the morning, or if any person or persons shall cast, or permit to leak or slop out of any cart, or tub, or otherwise, any night-soil in or near any of the streets or public places, he shall forfeit and pay a penalty of five pounds for every such offence, and in case the person or persons so offending cannot be found, then the owner or owners of such cart, carriage, or other vehicle employed in

and about emptying and removing such night-soil, and also the employer or employers of the person or persons so offending shall be liable to and forfeit and pay such penalty as aforesaid.

Inspection of premises.—Yards, &c., to be kept clean.

103. Upon the reasonable complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of, and the officers of the Council shall have full power without any other authority than by this By-law to go upon such premises for the aforesaid purpose, any owner or occupier of any house or place within the said Municipality, who shall neglect to keep clean all private avenues, passages, yards, paddocks, and ways within, attached to, or occupied in conjunction with the said house or place, so as by such neglect to cause a nuisance by offensive smell, shall forfeit and pay a sum not exceeding two pounds and not less than ten shillings.

Discharging fire-arms, &c.

104. Any person who shall discharge any fire-arms without lawful cause, or let off any fireworks or other explosive matter in any road or street, shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Entrance to cellars, &c., to be covered, &c.

105. If the owner or occupier of any premises having any rails or bars over the areas or openings to any kitchen or cellars, or other part of the said premises beneath the surface of the footway of any streets or public places, or having any doorway or entrance into the basement or cellar story beneath, shall not either keep the same or the rails of such kitchen, cellars, or other parts in sufficient and good repair, or constantly keep the same securely guarded by rails, or cover the same over with a strong flap or trap-door, according to the nature of the case, and so as to prevent danger to persons passing and repassing; or if any such owner or occupier shall leave open or not sufficiently or substantially keep covered and secured any coal or other hole, funnel, trap-door, or cellar-flap, belonging to or connected with his premises (save and except only during reasonable time for use, alteration, or repair); or if such owner or occupier shall not repair, and from time to time keep in good and substantial repair all and every, or any such rails, guard-rails, flaps, trap-doors, and other covering, then and in every such case the person neglecting so to do shall, for every such offence, forfeit and pay a sum not exceeding five pounds nor less than two pounds.

Cellars or openings beneath footways prohibited.

106. It shall not be lawful for any person to make any cellar or any opening, door, or window, in or beneath the surface of the footway of any road, street, or public place within the said Municipality, except by permission of the Council; and if any person shall so offend, he shall forfeit and pay any sum not exceeding five pounds over and above the expense of remedying or removing any such cellar, opening, door, or window, such expense to be assessed and allowed by the convicting Justice or Justices, provided that such expense and penalty shall not together exceed fifty pounds.

Wells, &c., to be covered over, &c.

107. Every person who shall have a well situated between his dwelling-house or the appurtenances thereof, and any public place, road, street, or footway within the limits of the said Municipality, or at the side of such public place, road, street, or footway, or in any yard or place open and exposed to such public place, road, or footway shall cause such well to be securely and permanently covered over, and secure the same within twenty-four hours after notice in writing shall have been given him or her by any officer of the said Council, or shall have been left at such person's usual or last known abode, or at the said premises in the manner and with such materials as the Council or its officer shall direct and to their satisfaction, such person shall forfeit and pay a sum not exceeding ten shillings nor less than five shillings for every day that such well shall remain open or uncovered contrary to the provisions hereof. Provided that with respect to wells open at the time when this By-law shall come into operation, such penalty shall not be recoverable if the same be properly covered within one week hereafter.

Notices not to be painted on pavement

108. Any person who shall stamp, stain, paint, write, or post any advertisement or notice upon any footway or kerbstone within the Municipality of Hurstville, shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

Offensive or indecent placards

109. Any person who shall in any street or place within the Municipal District of Hurstville, post or expose to view or distribute any placard, hand-bill, or other document whatever of any offensive or indecent character, shall be liable to a penalty not exceeding ten pounds nor less than two pounds.

Persons not to stand or loiter on streets.

110. All persons standing or loitering upon any of the carriage ways, footways, or other public places in the Municipal District of Hurstville, to the inconvenience of passers-by, or in any way interrupting the traffic, who shall not discontinue to do so on being required by any officer or servant of the Council of the said Municipality, or by any police officer, shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

Holes made for cellars, &c., to be closed, &c.

111. If any person shall dig or make, or cause to be dug and made, any hole, or leave or cause to be left any hole in or adjoining any street, road, lane, or public place for the purpose of making any cellar or cellars, or the foundation or foundations to any other house or other buildings, or for any other purpose whatsoever, and shall not forthwith enclose the same in a good or sufficient manner, and to keep up, or cause to be kept up and continued, any such enclosure, or shall not when thereunto required by the said Council or officer thereof, well and sufficiently fence or enclose any such hole within the time and in the manner provided by the preceding By-laws, and shall not place a light upon the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, then every such person so offending shall forfeit and pay for every such offence, and for every such refusal or neglect, any sum not exceeding five pounds nor less than ten shillings, and on conviction for every subsequent offence, not less than one pound.

Excavations, &c., to be protected by fence or wall

112. It shall not be lawful for any person to make any quarry, excavation, or opening in the ground on any property adjoining or next to any public road or footpath within the limits of this Municipality until the owner or occupier of the said property shall have erected a good substantial fence or wall at the least four feet high around such parts of the said property as adjoins such public road or footpath, and any person neglecting or refusing to enclose any premises upon which any such quarry or excavation shall be made, shall forfeit and pay for every such offence a sum not exceeding five pounds nor less than ten shillings; and all existing quarries, excavations, or precipices situated within the limits of this Municipality shall be closed and protected in the manner as aforesaid within one week after due notice to that effect shall have been given by the said Council, and in the event of the failure or neglect of the owner or occupier of any such last-mentioned property to enclose the same after notice as aforesaid, such persons so offending shall be subject to the penalty before mentioned.

Various obstructions and annoyances.

113. Every person who, in any street or other public place or passage within the said Municipality, shall commit any of the following offences shall, on conviction of any and for every such offence, forfeit and pay a penalty of not more than two pounds nor less than five shillings:—Every person who shall hoist or cause to be hoisted, or lower or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling. Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcass or any part of the carcass of any slaughtered animal without a sufficient and proper cloth covering the same for concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid. Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person. Every person who shall place any flower-pots in any upper window near to any street or public place, without sufficiently guarding the same from being thrown down. Every person who shall throw or cast from the roof or any part of any house or other building any slate, brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or building is being erected, pulled down, or repaired). Every blacksmith, metal-founder, lime-burner, brickmaker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door or not fastening the shutters or other fastenings of such window, and closing such aperture or placing a screen before the same every evening within one hour after sunset, so as effectually to prevent the light from showing through the doorway, window, or aperture next or upon such street, lane, or passage. Every person who shall, within the distance of one hundred yards from any dwelling-house, burn any rags, bones, cork, or other offensive substance (garden refuse excepted), to the annoyance of any inhabitants. Every person who shall carry goods, tools, implements, ladders, scaffolding, or any frame upon any footway to the annoyance of any person. Every person who shall be the keeper of, or have any dog or other animal which shall attack or damage the life or limb of any person in any street or public place within the said Municipality.

Noisome and Offensive Trades.

No noisome or offensive trades to be carried on to the injury of any inhabitants.

114. No person shall carry on any noisome or offensive trade within the said Municipality so as to injure or be a nuisance, as hereinafter stated to the inhabitants thereof.

Cleansing of cesspits, earth-closets, pans, &c.

115. The owner or the occupier of any house, building, or tenement within the Borough shall cause every cesspit or privy therein to be emptied and cleansed from time to time as soon as the portion of the contents of such shall have accumulated therein as to be within a distance of one foot from the floor thereof. Provided that the contents of any cesspit, privy, or closet-pans shall not be removed or discharged therefrom, except by nightmen duly authorized or in accordance of By-law 33, and only between the hours of eleven o'clock p.m. and five o'clock a.m. Cesspit or privy shall have connected therewith or attached thereto any pipe or other appliance capable of being used for the purpose of discharging or removing the contents of such cesspit or privy, upon or under the surface of any adjoining ground, or into any drain or sewer, or into any other place or places whatsoever. Any person or persons wilfully violating this By-law in any respect shall be liable to and forfeit and pay a penalty not exceeding two pounds nor less than ten shillings, to be recoverable in such aforesaid Court.

Definition of noisome and offensive trades.

116. Any manufacture, trade, calling, or operation in the conducting, following, or carrying on of which, or in consequence of, or in connection therewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, effluvia, liquid, or any large quantities of smoke shall be evolved or discharged, which gas, vapour, effluvia, liquid, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Municipality shall be considered a noisome and offensive trade within the meaning of these By-laws.

Complaint.—Enquire and report.—Order of Council thereon.—Notice to discontinue, &c.—Penalty.

117. Upon complaints in writing by any householders that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, as to injure his or her health or the health of any member of his or her family, or to be a nuisance to such householder and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on, and of the premises or property of the complainant, and shall inquire into the grounds for such complaints, and shall report thereon to the said Council, and if the said Council shall, on the consideration of such report or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of and so being conducted, followed, or carried on as aforesaid is a noisome or offensive trade within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation as that within such reasonable time as aforesaid, the same wholly and permanently cease to be noisome and offensive within the meaning of these By-laws either to the said complainant or to any other resident within the said Municipality, and if such trade shall not be discontinued or shall not be so conducted as that it shall wholly cease to be noisome and offensive within the time named in such notice as aforesaid. Any person conducting, following, or carrying on such trade as aforesaid shall, for the first offence, forfeit and pay a sum of not less than forty shillings nor more than five pounds; for a second offence, a sum of not less than five pounds nor more than twenty-five pounds, and for a third and every subsequent offence, a sum not exceeding fifty pounds nor less than ten pounds.

Mode of proceeding when a noisome and offensive trade is about to be commenced.—Penalty.

118. The like proceedings shall be taken whenever there shall be a complaint, as aforesaid, that any manufacture, trade, calling, or operation is about to be commenced or entered upon, which is likely to prove noisome and offensive, within the meaning of these By-laws, and the notice to be given, as aforesaid, shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, and the Council shall take such measures as shall effectually and permanently prevent the same from becoming noisome or offensive, within the meaning of these By-laws, to any resident within the Municipality, and any person who shall, in any such case, commence, enter upon, or continue any such manufacture,

trade, calling, or operation, so that the same shall be in any way noisome or offensive, within the meaning of these By-laws, shall for every such offence forfeit and pay a sum not exceeding fifty pounds nor less than five pounds.

Service of notice.—Liabilities.

119. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land, and sufficient service of such notice for all the purposes of these By-laws, and every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation, within the meaning and for all the purposes of these By-laws.

Public Health.

Houses to be purified on certificate of two medical practitioners.

120. If, upon the certificate of any two duly qualified practitioners, it appears to the Council that any house or part thereof, or the premises occupied in connection therewith, within the limits of the Municipality, is in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, purifying, or fumigating of any house or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, purify, or fumigate the same as the case may require, and if the person to whom notice is so given shall fail to comply therewith within the time specified in the said notice, he or she shall be liable to a penalty of not less than forty shillings nor more than ten pounds. Provided that each day after such notice as aforesaid remains uncleansed or unfumigated shall be a separate offence. Provided also that no such penalties shall collectively amount to any greater sum than fifty pounds.

Sale or letting of infected premises or goods.

121. If any person shall sell or cause to be sold or let any dwelling-house or part thereof, or premises occupied in connection therewith, in the said Municipality, which there is or shall have been, within thirty days prior to the date of such sale or letting, occupied by any person suffering from any infectious or contagious disease, without giving due notice thereof to the person or persons purchasing, renting, or hiring any such house or premises, the person so selling, letting, or causing to be sold or let shall be liable to a penalty not exceeding fifty pounds nor less than ten pounds; and any person who shall sell, let, or cause to be sold or let in the said Municipality any article of furniture, bedding, household or personal effects, knowing the same to have been, within three months prior to the date of such sale or letting, used by any person or persons suffering from any infectious or contagious disease, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Exposing infected articles.

122. Any person who shall expose or cause to be exposed in any road, street, public place or unclosed land adjacent to any dwelling, road, street, or public place any article whatsoever, knowing the same to have been in the use or occupation of any person suffering from any infectious or contagious disease within thirty days prior to the date of such exposure as aforesaid, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Rubbish or offensive matter, &c.

123. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Municipality without permission first obtained from the Municipal Council and the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

Sewerage and Drainage.

No private sewers to be made to communicate with the public sewers without notice.

124. It shall not be lawful for any person, without notice to the Council, or otherwise than according to such plans and directions as the Council make and give, to make or branch any of the public drains or sewers, or into any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer, communi-

cating or to communicate therewith, without such notice or otherwise than as aforesaid, every person so offending shall, for every such offence, make good all roads, streets, kerbing, &c., which shall have been injured by or through any such work; and all such repairs shall be performed to the satisfaction of such officer as the Council shall appoint to superintend such work. And any person who shall do or perform anything contrary to this clause, or shall neglect to make good all such damage as aforesaid shall, on conviction thereof, forfeit and pay a sum not exceeding fifty pounds nor less than one pound.

Proprietors of private sewers, &c., to repair and cleanse same.

125. All private drains or sewers communicating with any public drain or sewer shall, from time to time, be repaired and cleansed under the inspection and direction of the Council or officer thereof at the cost and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains respectively belong, and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed, according to the direction of the Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds nor less than ten shillings.

Rain not to be carried on to footpaths.

126. It shall not be lawful for any person whomsoever to carry, by means of pipes, gutters, or other contrivances, any rain-water from the roof of his or her premises or house upon any of the footways or any street or public place within the said Municipality, or any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances when required to do so by any officer of the Council shall, on conviction, forfeit and pay any sum not exceeding ten shillings, and a like sum for every day or part of a day that the same shall not be remedied or removed. Provided that the owner or occupier of any such house or premises may convey any such rain-water by means of pipes laid under the surface of such footways into the gutters adjoining the same; and provided also that all such pipes shall be laid down to the satisfaction and under the superintendence of the officer appointed by the Council.

Drains on footpaths.

127. No surface-drain shall be made in any footpaths nor any pipes laid under or across the same without the authority of the Council, and no such pipes or drains shall be used for the discharge into any street or roadway of any offensive liquid or matter of any kind whatsoever; and any person who shall so offend shall forfeit and pay a sum not exceeding fifty pounds nor less than one pound.

Drains for discharging surface water for land.

128. Every owner or occupier of land so situate that surface or storm water from or upon the same shall overflow or shall tend naturally, if not otherwise discharged, to overflow any road, lane, or footway, shall within seven days next after the service of notice by the Council, abate such nuisance where possible, and in default of compliance with any such notices within the period aforesaid such owner and occupier shall forfeit any sum not exceeding five pounds, and if within seven days after such conviction such owner or occupier shall still have failed to comply with such notice, or to be otherwise in default as aforesaid, he shall forfeit and pay a sum not less than two pounds nor more than twenty pounds, and every such owner or occupier who shall still have made defaults as aforesaid for more than seven days after such second or any future conviction, shall be held guilty of a further offence within the meaning of this section.

Natural water-courses.

129. Any person who shall close or intercept any natural water-course, by building or otherwise, shall provide another outlet for the surface-water with pipes or sewers of a size and in a manner to be approved by the Council, and any person failing to comply with the provisions of this By-law shall forfeit and pay a sum not exceeding fifty pounds nor less than five pounds.

Preventing and extinguishing fires.

[Fires, or combustible materials, &c.]

130. Every person who shall place, or knowingly permit to be placed in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable article of any kind, in such a manner as to endanger contiguous buildings (except with the consent of the owners and occupiers thereof), shall, on conviction for every such offence, forfeit and pay a penalty of not more than five pounds nor less than one pound, and shall forthwith remove such fire, gunpowder, or combustible or inflammable article, and every such person who shall suffer any such fire, gunpowder, or combustible or inflammable article to remain as aforesaid for forty-eight hours after any such conviction shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

131. Every person who shall erect any fence of brushwood, brushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering of any such stack any inflammable material, or shall place, keep, or store any hay, straw, or other inflammable material in any building, so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings, or properties, shall remove such fence, stack, covering, or inflammable material within forty-eight hours after notice being given. And any person failing to remove such fence, stack, covering, or inflammable material within a reasonable time after any such notice as aforesaid, shall forfeit on conviction for every such offence a penalty of not more than five pounds nor less than one pound.

Subsidy reserves for Fire Brigades.

132. For the purpose of protecting life and property in the Municipality the Council may from time to time pay to the funds of any Fire Brigades established in the Municipality such sum or sums of money as shall be determined by resolution of the Council. And further, the Council shall pay to any Fire Brigade as shall with any engine have first and second in order attended at any fire within the Municipality such sums of money by way of reward as the Council may by similar resolutions have fixed.

Burning shavings, &c., in the streets.

133. Any person burning any shavings or other matters or things in any streets, road, or public place, shall forfeit and pay a sum not exceeding two pounds nor less than five shillings.

Fireworks.

134. Any person who shall light any bonfire, tar-barrel, or firework upon, or within six feet of, any building, public or private street, or any public place, shall forfeit a sum not exceeding five pounds nor less than ten shillings.

Wilfully setting fire to buildings.

135. Every person who wilfully sets or causes to be set on fire any chimney, flue, smoke-vent, or stove-pipe, herein called in common "a chimney," shall forfeit a sum not exceeding five pounds.

*Public Amusements.**Unlawful games.*

136. No games with dice, or other games of chance for money, prize fighting, or any dog-fighting, cock-fighting, or other entertainment opposed to public morality, or involving cruelty to animals, or likely to cause a breach of the peace, shall be established, held, or given within this Municipality, and any person or persons who shall establish, hold, give, or cause to be established, held, or given, any such game, exhibition, or entertainment, shall for every such offence forfeit and pay a sum of not less than ten pounds nor more than fifty pounds.

Houses of ill-fame.

137. Upon representation to the Council by two or more ratepayers that any house within the Municipality, and near the residence of such ratepayers, is of ill-fame, it shall be lawful for the Council to cause the resident of such house or premises to furnish the Council a complete list of the names, ages, sexes, and occupations of all the inmates of the said house or premises, and upon non-compliance with such request, or if upon consideration the Council consider the house to be one of ill-fame, they shall declare the same to be a nuisance, and shall cause a notice to be written and to be served upon the holder of such house or premises, or upon any person residing or being thereupon, to discontinue or abate such nuisance within forty-eight hours of the receipt of such notice, and if such nuisance be not so abated, the holder of such house or premises, or other persons residing therein, and acting as such holder, shall be liable to be proceeded against for such nuisance, and shall on conviction thereof forfeit and pay any sum not less than two pounds nor more than twenty pounds; and if such nuisance be not abated within forty-eight hours after such conviction, the holder of such house or premises, or other person residing or being thereon aforesaid, shall forfeit and pay for such second offence a sum of not more than fifty pounds nor less than five pounds.

Places of amusement to be licensed.

138. No dancing-saloon, bowling or skittle alley, shooting-gallery, or similar place of amusement open to the public on payment of admission money or otherwise (other than entertainments requiring to be licensed by law) shall not exist or be established within the Municipality unless and until such place of amusement shall have been licensed by the Council as hereinafter provided, and in the event of any such licensed

place of amusement being improperly conducted, or becoming a nuisance or an annoyance to any inhabitant, or violating public decency, or endangering the public peace, the Mayor shall, on representation to that effect being made, and being satisfied of the correctness of such representation, forthwith suspend the said license, and the Council, at its next meeting, shall, by resolution, cause the said license to be cancelled or otherwise as may appear necessary or desirable; and any person or persons having already established such places of amusement, who shall not, within thirty days after these By-laws come into force, apply for such license; or any person or persons who shall open, establish, or maintain any such place of amusement as aforesaid, without having obtained such license, shall forfeit and pay a sum of not more than twenty-five pounds nor less than ten pounds.

Mode of granting licenses.

139. Applications for licenses as aforesaid must be in writing, addressed to the Mayor and Aldermen, and must be endorsed by two householders testifying as to the respectability of the applicant. The application must describe clearly the nature of the entertainment for which the license is sought, and the premises in which it is to be held.

License fees.

140. Licenses shall be granted by resolution of the Council upon payment of license fees, as follows:—For every license granted between the first January and thirty-first December, one pound one shilling. All licenses shall expire on the thirty-first December in each year, and may be renewed by resolution of the Council upon written application, and on payment of the annual fee of one pound one shilling.

Bathing—Polluting water reservoirs, &c.

141. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other waterworks belonging to, or under the management or control of the Council, or shall cleanse, throw, or cause to enter therein, any animal, whether alive or dead, or any rubbish, filth, or thing of any kind whatsoever or shall cause, or permit, or suffer to run, or to be brought therein, the water of any sink, sewer, drain, engine, or boiler, or other filthily, unwholesome, or improper liquid, or shall wash any clothes at the public fountain, or pump, or in, or at any such stream, reservoir, conduit, aqueduct, or other waterworks as aforesaid, or shall do anything whatsoever, whereby any water or waterworks belonging to the said Council, or under the management or control, shall be fouled, obstructed or damaged, shall, for the first offence, forfeit and pay any sum not exceeding five pounds; for a second offence, any sum not less than one pound, nor more than ten pounds; and for a third and every subsequent offence, a sum not more than twenty pounds, nor less than five pounds.

Supply of water in time of drought.

142. In the time of drought or scarcity of water, the Council may, by resolution to that effect, cause water to be supplied to the inhabitants of this Municipality by water-carts or otherwise, and shall by such resolution as aforesaid, fix a price to be charged for water so supplied.

To regulate the interment of the dead, &c.

143. No body shall be interred in any existing cemetery now open for burials within the distance of one hundred and sixty feet from any public building, place of worship, school-room, dwelling-house, public pathway, street, road, or place whatsoever, within the said Municipal District, and no body shall be interred in any new cemetery that may be hereafter opened within the said distance of one hundred and sixty feet from any such public building, place of worship, school-room, dwelling-house, public pathway, street, road, or place whatsoever, within the said Municipal District.

Hours of interments.

144. No interment shall take place before the hour of 8 a.m. nor after the hour of 5 p.m., within the said Municipal District.

Burials contrary to By-laws, &c.

145. Any person or persons having the charge of any cemetery, or other person or persons who shall knowingly inter or cause to be interred, any body within the said Municipal District, contrary to the provisions of these By-laws or otherwise commit a breach of any of them, shall for every such offence, be liable to a penalty not exceeding fifty pounds nor less than five pounds, and for every subsequent offence to any penalty not exceeding the first-mentioned amount, nor less than ten pounds.

Made and passed by the Council of the Municipal District of Hurstville, this twenty-second day of March, A.D. 1888.

(L.S.) ALEX. MILSOP,
Mayor

GEO. LEEDER,
Council Clerk.

BY-LAWS made by the Municipal Council of Hurstville in accordance with the provisions of the "Nuisances Prevention Act, 1875."

1. No persons shall hereafter be permitted to have on their premises any gutter, drain, or well which may be adjudged by the Council to be injurious to the health, or which may hereafter be made or constructed, or placed contrary to the provisions of the "Nuisances Prevention Act, 1875," or of any of these By-laws.

2. No persons shall hereafter be permitted to have on their premises any cesspits or closets which shall be adjudged by the Council to be (1) injurious to the public health, or (2) to be opposed to decency by exposure or otherwise, or (3) which may present obstacles to the emptying or cleansing of cesspits, or (4) which may hereafter be made or constructed or placed contrary to the provisions of the "Nuisances Prevention Act, 1875," or to any of these By-laws. And for the purposes of this By-law the following shall be deemed to be contrary thereto:—

- (a) All cesspits excavated in the ground and not bricked and cemented at the side and bottom.
- (b) All cesspits constructed within twenty feet of the nearest point from the nearest part of any well.
- (c) All cesspits constructed within thirty feet of any street or within five feet of any lane or other thoroughfare.
- (d) All closets or cesspits which are not enclosed by a close fence, constructed of paling or other material, to a height of five feet at least.
- (e) All closets or cesspits which may, from their construction, be liable to leak or soak into the adjoining soil.
- (f) All cesspits constructed within twenty feet of any tenement now or hereafter to be erected.

3. No person shall be permitted to cover up, or cause to be covered up, any existing cesspit with earth or other material unless and until the same shall be properly emptied by the person appointed by the Council for that purpose. Any person offending against this By-law shall be liable to a penalty not exceeding five pounds nor less than two pounds.

4. A separate closet shall be provided for every tenement. In schools or factories where a number of persons are employed, separate closets shall be provided for each six persons, with a door to fasten on the inside. Where two or more closets adjoin each other, there shall be a dividing wall between each to effect complete separation; and any person offending against any of the provisions of this By-law shall incur a penalty not exceeding ten pounds nor less than two pounds for each such offence.

5. No pan or bucket used as a receptacle in a dry earth-closet shall exceed in measurement more than one and a half cubic feet.

6. Any person desirous of having the Council's contractor to attend to their premises for the removal of refuse from a dry earth-closet, must provide a galvanized iron pan or bucket to hold such refuse, with two handles, and not of a larger capacity than to hold one and a half cubic feet.

7. All night-soil shall be removed by the contractor to the Council in carts, to be constructed in an approved and water-tight manner, to the satisfaction of the Council, and between the hours of 11 p.m. and 5 a.m. The contractor shall convey the same without delay to an appointed dépôt, and shall dispose of the same by burying in the earth to a depth of two feet from the top of the night-soil, and covering with earth, so as to prevent any nuisance. And any contractor neglecting to comply with this By-law shall forfeit and pay a sum not exceeding twenty pounds nor less than ten pounds for every such offence.

8. The Council shall from time to time fix the charges to be made for emptying and removing night-soil from closets, which shall be emptied as often as may be necessary in the opinion of the Inspector of Nuisances. And no person shall remove such night-soil unless appointed so to do by the Council, or permitted under By-law 10 hereafter.

9. No person shall hereafter make or place any cesspit upon any part of his premises, nor place any closet upon any part of his premises which may not be fenced off from any public street, lane, or thoroughfare, or adjoining property, by a paling fence, or other closed fence, at least five feet high, and distant from such street, lane, or thoroughfare at least twenty feet, and any person so offending against this By-law shall be liable to a penalty of not exceeding twenty pounds nor less than two pounds. And in case of breach of this By-law by any person the Inspector of Nuisances is authorized to remove such closet and fill up such cesspit, and thereupon the person so offending shall also be liable to pay all expenses incurred thereby, to be recovered as in the said Act provided.

10. When any new building is about to be erected, the builder thereof shall first erect and fence off, with a close paling fence, five feet high, on the premises, a temporary closet not less than three feet by two feet six inches, for the use of the workmen employed on such building, and any person neglecting to conform to this By-law shall be liable to a penalty not exceeding five pounds and not less than two pounds.

11. Persons requiring the cesspits or closets on their premises to be emptied, shall send written notice to the Inspector of Nuisances, and any person desiring to use the contents of any dry-earth closet may be permitted to do so upon request in writing and upon making proper provision for emptying the same to the satisfaction of the Inspector of Nuisances. Provided that such permission shall be in writing and signed by the Inspector of Nuisances to be of effect.

12. No person shall permit, or cause, or suffer to be permitted, or conceal any nuisance by the careless use of any closet or by the careless emptying of the same. And any person so offending against this By-law shall be liable to a penalty not exceeding five pounds nor less than two pounds.

13. Written notice must be given to the Council or the Inspector of Nuisances by all persons about to construct new or altering existing closets to enable the Inspector to visit and report on the same, under a penalty for neglect not exceeding five pounds nor less than two pounds. And all closets constructed without such notice given must be removed or altered if judged necessary by the Council, under a further penalty not exceeding two pounds nor less than five shillings for each and every day they may remain unremoved or unaltered after due notice to that effect.

14. The maximum penalty for a breach of any of these By-laws shall, in each case, be ten pounds, and the minimum penalty two pounds, unless otherwise provided for.

Made and passed by the Municipal Council of the Municipal District of Hurstville, this twenty-fourth day of January, one thousand eight hundred and eighty-nine.

(i. s.) ALEX. MILSOP,

Mayor.

GEO. LEIDER,
Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF GRENFELL—ADDITIONAL BY-LAWS)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 20th August, 1889.

GRENFELL MUNICIPALITY.—ADDITIONAL BY-LAWS.

THE following additional By-laws, made by the Council of the Municipal District of Grenfell, under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875" respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

ADDITIONAL BY-LAWS.

Noxious Weeds.

1. That owners or occupiers of property within the Municipal District of Grenfell, shall remove and burn all kinds of thistles, Bathurst Burr, or other noxious weeds upon land owned, rented, or occupied by them; and any owner, tenant, or occupier neglecting to comply with this By-law after fourteen days' notice from any officer of the said Municipal District, requiring him or her to remove and burn such weeds as aforesaid, shall be liable to a penalty of not less than one pound and not exceeding five pounds.

Using bark for building purposes.

2. No person shall erect any building of bark, nor roofed with that material or with calico, within the Municipal District of Grenfell, except by express permission of the Council, and then for a temporary purpose only; any person so offending shall on conviction be liable to a penalty of not less than two pounds and not more than ten pounds, to be recovered in a summary way, and shall be bound to remove the aforesaid building within such period as the Council may determine.

Riding and driving round corners.

3. Any person who shall ride or drive round the corner of any road, street, or lane within the Municipal District of Grenfell, at a faster pace than a walk shall on conviction forfeit and pay any sum not exceeding one pound nor less than five shillings.

Notice of erection of closet to be given to the Council.

4. Every person who shall be about to erect or provide any closet shall, before he commences any such work, deliver to the Council Clerk a notice in writing of his or her intention to erect or provide such closet or closets; and no person shall erect or commence to erect or provide any closet or closets, except in such place or position as shall be approved of by the Council; any person or persons offending against this By-law shall, in each case, forfeit and pay a penalty of not less than one pound nor more than five pounds.

Size of closet.

5. Every closet to be erected shall be built with walls not less than seven feet high, and not less than three feet six inches wide, and five feet long, and shall be provided with a door opening inward, capable of being fastened inside. Any person who shall erect or provide any closet not in accordance with this By-law, shall forfeit and pay a penalty of not less than ten shillings nor more than two pounds.

Alterations to be made.

6. If any alteration shall be required in the opinion of the Inspector of Nuisances for preserving public health or decency in case of any cesspit or closet, and the Council shall adjudge such cesspit or closet to be injurious to the health or opposed to decency by exposure or otherwise, and the owner or occupier shall not make the necessary alterations after receiving seven days' notice from the Council Clerk, it shall be lawful for the Inspector of Nuisances to remove the said nuisance; and any expense incurred thereby may be sued for and recovered in a summary way from the owner or occupier before any two Justices of the Peace.

Deodorant to be kept in closet.

7. The occupier of every house, building, or other tenement shall at all times cause to be kept in the privy or closet belonging thereto a supply of dry powdered earth, ashes, lime, or some other material efficient and sufficient for deodorizing the night-soil deposited therein; and any person who shall not, after a written notice from the Council, make provision in accordance with this By-law, shall be liable to a penalty of not less than five shillings nor more than two pounds.

Deodorant to be used daily.

8. The occupier of any house, building, or other tenement shall deposit or cause to be deposited in the closet, pan, or cesspit belonging thereto, at least once in every twenty-four hours, a quantity of dry powdered earth, ashes, lime, or other efficient deodorizing material sufficient to deodorize the excreta therein. Any person offending against this By-law, after a written notice from the Council to comply with same, shall upon conviction forfeit and pay a penalty not exceeding ten shillings, and for the second or any subsequent offence not less than ten shillings nor more than forty shillings.

No closet to be connected, &c.

9. No person shall be permitted to connect any closets with any drain, water-course, or sewer without the sanction of the Council. Any person being guilty of a breach of this By-law shall be liable to a penalty not exceeding twenty pounds nor less than five pounds.

Power to visit.

10. The Inspector of Nuisances shall have power to visit and inspect any premises on any lawful day between the hours of 10 a.m. and 4 p.m.; and any person refusing admittance, or obstructing or hindering the officer in the discharge of his duty, shall incur a penalty not exceeding five pounds nor less than one pound.

Two or more closets.

11. Where two or more closets adjoin each other there shall be a sufficient dividing wall not less than nine inches in thickness between every two closets, and such wall shall extend from the bottom of the cesspit up to the roof of the closet, so as to effect a complete separation; and if any person shall erect any two or more closets adjoining each other, and not in accordance with this By-law, he or she, as the case may be, shall forfeit and pay a penalty of not less than ten shillings nor more than forty shillings.

Closet for each tenement.

12. A separate closet shall be provided for each tenement, and any person offending against the provisions of this By-law shall forfeit and pay a penalty of not less than two pounds nor more than five pounds.

Removal of closets, cesspits, &c.

13. Any occupier or owner of any premises within the Municipality shall, within seven days after receiving written notice to that effect from the Inspector of Nuisances or other officer appointed for that purpose by the Council, remove any

gutter, drain, closet, cesspit, or well which shall be adjudged by the Council to be a nuisance, and shall make and construct the necessary cesspit, drain, or closet in the position that shall be marked out by the officer appointed for that purpose, or in default shall be liable to a penalty not exceeding twenty pounds nor less than two pounds.

Removal of night-soil.

14. Until otherwise provided by the Council, all night-soil shall be removed from closets in water-tight covered vehicles between the hours of eleven o'clock in the evening and five in the morning, such vehicles to be subject to inspection by the Council or officer appointed by them.

Covering up of cesspits.

15. No person shall be permitted to abandon, to cover up, or cause to be covered up, any existing cesspit with earth or other material, unless and until the same shall be properly emptied. Any person offending against this By-law shall be liable to a penalty not exceeding five pounds nor less than one pound.

Dimension of cesspit.

16. No cesspit, cesspool, or other receptacle for night-soil shall be of greater depth than five feet, four feet six inches in length, and three feet six inches in width, nine inches brickwork set in cement, and cemented inside so that no sewage can escape therefrom, and that the contents thereof may be readily removed. Any person offending against this By-law shall be liable to a penalty not exceeding five pounds nor less than one pound.

Passed by the Municipal Council of Grenfell, on the 2nd day of April, 1890.

(s.) W. W. AMOR,
Mayor.

JOHN D. CAMPBELL,
Council Clerk.

1889.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(BOROUGH OF TAMWORTH--BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 153, and 39 Vic. No. 14, sec. 13.

Colonial Secretary's Office,
Sydney, 3rd September, 1889.

TAMWORTH MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Tamworth under the "Municipalities Act of 1867," the "Nuisances Prevention Act, 1875," and the "Tamworth Cattle Sale-yards Act of 1884," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

BOROUGH OF TAMWORTH—BY-LAWS.

Preliminary repeal of Existing By-laws.

THAT all existing By-laws of the Council of the Borough of Tamworth, published in the Government Gazette from time to time prior to the adoption of the following, be and are hereby repealed.

PART I.

Ordinary and Special Meetings.

1. The Council shall meet for the transaction of ordinary business on every alternate Tuesday at 7:30 o'clock, p.m., from 1st April to 30th September, and at 8 p.m. from 1st October to the 31st March, unless such day shall happen to be a public holiday. In the latter case, the meeting shall be held on such other day as the Mayor may appoint. Special meetings may be called by the Mayor, or, in his absence, by any two Aldermen.

Election of Chairman in absence of Mayor.

2. If at any meeting of the Council the Mayor be absent, at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present (being a quorum) shall proceed to elect for themselves a Chairman for such meeting.

Business of Ordinary Meetings.

3. The following shall be the order of business of all meetings of the Council, other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and signed by the Mayor or other Chairman. No discussion to be permitted, except as to whether the minutes are correct.
2. Correspondence to be read, and orders made thereon if expedient.
3. Petitions (if any) to be read and dealt with.
4. Reports from Committees, and minutes from the Mayor to be presented, and orders made thereon.
5. Questions, as to matters under the jurisdiction or within the official cognizance of the Council to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the Committees or officers to be made. Sufficient notice of questions to be given: answers not compulsory.

6. Motions, of which notice has been given, to be dealt with in the order in which they stand on the business paper.

7. Orders of the day to be disposed of as they stand on the business paper.

Provided that the Council may by resolution, without notice, entertain any particular motion out of its regular order on the business paper, and may in like manner direct that any particular motion or matter of business shall have precedence at future meetings.

Business at Special Meetings.

4. At special general meetings of the Council the business, after the minutes shall have been read and signed, which shall be done in the same manner as at ordinary meetings, shall be taken in such order as the Mayor or Aldermen, at whose instance such special meeting shall have been called, may have directed, and no other business shall be transacted.

Business Paper for Ordinary Meetings.

5. The business paper for every meeting of the Council, other than special meetings, shall be made up by the Council Clerk not less than one nor more than three days before the day appointed for such meeting. He shall enter on such business paper a copy or the substance of every notice of motion, and of every requisition or order as to business proposed to be transacted at such meeting, which he may have received, or shall have been required or directed so to enter in due course of law, and as hereinafter provided. Every such entry shall be made (subject to the provisions of section 3 of this Part of these By-laws) in the same order as such notice, requisition, or direction shall have been received, and a copy of such business paper shall be served or posted to all members of the Council.

Business Paper for Special Meeting.

6. The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Alderman calling such meeting.

How Business Paper to be disposed of.

7. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper, so noted, shall be a record of the Council.

Notices, &c., to be the property of the Council.

8. After the business paper shall have been made up as aforesaid, all notices of motion, requisitions, and directions as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

Motions—how to be made.

9. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed, shall be struck from such business paper, and shall be considered to have lapsed.

Absence of Mover.

10. No motion, of which notice shall be entered on the business paper, shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-mentioned Alderman.

Motion to be seconded.

11. No motion in Council shall be discussed unless and until it be seconded.

Amendment may be moved.

12. When a motion or amendment shall have been made or seconded, any Alderman shall be at liberty to move an amendment thereon; but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

13. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

14. No second amendment shall be taken into consideration until the first amendment shall have been disposed of.

Amended questions—Further amendments may be moved thereon.

15. If an amendment be carried, the question amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

16. If any amendment, either upon an original question or upon any question amended as aforesaid, shall be negatived, then a further amendment may be moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

17. Any motion for adjournment shall, if seconded, be put at once without discussion. If negatived, a similar motion shall not be made until half-an-hour has elapsed after moving the one that has been negatived.

Orders of the Day.

18. The orders of the day shall consist of any matters, other than motions on notice, which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor shall have directed to be entered on the business paper for consideration.

How they are to be dealt with.

19. The Alderman who has the usual charge of, or who has previously moved in reference to, the particular business to which any such order of the day relates, shall be the person called upon to move: Provided that the Mayor may, as to any order of the day entered by his direction, move the same.

Petitions to be respectfully worded.

20. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions—how received.

21. All petitions shall be received only as the petitions of the parties signing the same.

How petitions to be dealt with.

22. No motion, other than for the reception of a petition, shall, unless as hereinafter provided, be permissible on presentation thereof, except that the same be referred to a Committee, or that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference

to the subject of any petition, or if the consideration of the subject of any petition shall have been made an order of the day, and such petition shall have been presented before such motion or order of the day shall have been called on, such order of the day, or the said motion, if otherwise unobjectionable, shall be considered in order.

Correspondence.

23. The Mayor shall have the same duty in reference to letters addressed to the Council before directing the same to be read, as by section 22 of this part of these By-laws is imposed upon Aldermen presenting petitions—if not read to be returned to the writer, and reported to the Council. The Mayor shall direct as to the order in which all correspondence shall be read, and no letters addressed to the Council, or any of its officers, shall be presented and read by any Alderman. If the Mayor be absent, and shall not have examined any such letters, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 22 to apply to letters.

24. Section 22 of these By-laws shall be considered as fully applicable to letters addressed to the Council, or any of its officers, as to petitions.

Reports from Committees.

25. Every report from a Committee shall be in writing, and signed by the Chairman of such Committee, or, in his absence, by some other member of the same.

Mayor's minutes.

26. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance, by a minute in writing signed by him.

How reports, &c., are to be dealt with.

27. No motion shall, unless as hereinafter provided, be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, or that it be received and its consideration stand an order of the day for some future meeting: Provided that if any Alderman shall have given due notice in reference to any such report or minute, or if the consideration of any such report or minute shall have been entered among the orders of the day, such orders of the day or such motion, if otherwise unobjectionable, may be moved and considered in due course; and whenever any such report or minute embodies any recommendation which cannot legally be carried out without due notice, and it is desirable that such report or minute should be ordered upon during the meeting of the Council at which such report or minute is presented, it shall be the duty of the Chairman, or member of such Committee signing such report, or of the Mayor, as the case may be, to give or transmit to the Council Clerk such a notice of motion or requisition as will enable the Council Clerk to make the necessary entry on the business paper, and to give such due notice.

Questions and statements.

28. No question or statement shall be allowed to be put or made which is inconsistent with good order.

Questions to be put without argument.

29. Every question must be put categorically, without any argument or statement of fact.

No discussion on question, &c.—Right of objection and of subsequent motion reserved.

30. No discussion shall be permitted as to any question, or as to any reply or refusal to reply thereto, or as to any statement at the time when such question is put, or such reply or refusal to reply is given, or such statement made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice as hereinbefore provided, of any matter properly arising out of or relating to any such question, or reply, or refusal to reply, or any such statement as aforesaid.

Mode of addressing the Council.

31. Every Alderman who shall make or second any motion, or shall take part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way, or for any other purpose, address observations to the Council, shall, while doing so, stand up in his customary place, unless he shall be prevented from so doing by reason of some bodily infirmity, and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may, by permission of such Mayor or Chairman, be put directly to the Alderman or officer to be questioned, and may be replied to in like manner; but in every such case, the question so put and the answer thereto shall be subject to every legal objection on the ground of disorder or irrelevancy. And all members of the Council shall, on all occasions when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted.

32. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order as hereinafter provided.

Limitation as to number of speeches.

33. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion, and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than the mover of such original motion, shall have a right to speak once upon such motion, and once upon every amendment thereon. No Alderman shall speak oftener than once upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain without adding any further observation than may be necessary for the purpose of such explanation.

Mover and seconder.

34. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observations than that he seconded the same, shall be at liberty to speak once again on such motion or amendment.

Speaker not to digress, &c.

35. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, or impute improper motives to, any other Alderman.

Adjournment of debate.

36. A debate may be adjourned to a later hour in the day, or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-audience on the resumption of the same.

Mayor to decide as to pre-audience.

37. If two or more Aldermen shall rise to speak at the same time, the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

Mayor to decide points of order.

38. The Mayor or Chairman shall preserve order, and his decision upon points of order or practice shall be final.

Mayor may address the Council.

39. The Mayor shall have the same right as any other Alderman to speak upon every subject or amendment.

Mayor may call a member to order.

40. The Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order whenever in opinion of such Mayor or Chairman there shall be a necessity for so doing.

Decision of points of order.

41. The Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice which he shall deem applicable to the case, without discussing or commenting on the same.

Motions out of order to be rejected.

42. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be rejected.

How questions to be put.

43. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of the Council thereon.

Divisions—Penalty for refusing to vote.

44. Any Alderman may call for a division, and the vote shall be taken by a show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman present when a division is called for who shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than five shillings nor more than two pounds.

Motions for rescission of previous orders.

45. Whenever a motion, the effect of which, if carried, would be to rescind any order, resolution, or vote, of the Council, shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion.

Rules applicable to business in Committees.

46. Sections 12, 13, 14, 15, 16, 31, 35, 38, 40, 41, 42, 43, 44, 45, 46, and 47 of this part of these By-laws shall be taken to apply to the business in Committees of the whole Council, except that it shall not be necessary that any motion or amendment in Committee shall be seconded.

How call of Council to be made.

47. A call of the Council may be made by any resolution, of which due notice has been given, for the consideration of any motion or matter of business before the Council.

Such call to be compulsory in certain cases.

48. No motion, the effect of which, if carried, would be to rescind any resolution, order, or decision of the Council, shall be entered on the business-paper, unless a call of the Council has been duly made and granted for such purpose.

Modes of proceeding.

49. The call shall be made immediately before the motion or business for which such call has been ordered shall be moved or considered. The Council Clerk shall call the names of all the members in alphabetical order; and if any members are absent a record shall be made of such absence; but if leave of absence to any such member shall have been previously granted, or if such an excuse shall have been received in writing by the Mayor or Council Clerk as the majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse, and of the reason for the same.

Penalty for absence.

50. Any member of the Council who, having had notice of the call, shall be absent without having been legally excused as aforesaid, and shall fail to show that, by reason of illness or other sufficient cause, he was unable to send an excuse in writing as aforesaid, or who, having answered to his name, shall not be present when a vote is taken on the motion or business as to which such call was made, shall for every such offence be liable to a penalty of not less than five shillings nor more than two pounds.

Power to suspend temporarily any portion of these By-laws.

51. Any of the foregoing By-laws which relate to or affect the proceedings at meetings of the Council may be suspended *pro tempore* without notice, in cases of emergency, if all the members of the Council then present shall deem such suspension necessary.

*Standing and Special Committees.**Standing Committees.*

52. Besides such special Committees as may from time to time be found necessary, there shall be six Standing Committees of the Council, each consisting of not less than three members, namely, a Finance Committee, an Improvement (or Works) Committee, a Library Committee, a Lighting Committee, a By-law Committee, and a General Committee.

Finance Committee.

53. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenue. They shall inquire and report from time to time as to all matters which they may consider to effect the finances of the said Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Improvement Committee.

54. The Improvement Committee shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, and other public places under the care and management of the Council. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

By-law Committee.

55. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the Borough. They shall also watch over the administration of the By-laws, and of any statute of which the operation has been or may be extended to the Borough, and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or statutes, and for the preservation of public health, order, and decency.

Lighting Committee.

56. The Lighting Committee shall, once at least in each municipal year, make an inspection of the Borough, and shall recommend the erection of any additional public lamps they may consider necessary, or the removal of any existing lamps, and shall submit their report to the Council in writing.

Library Committee.

57. The Library Committee shall have general control of the Public Library, and shall, once at least in three months, submit to the Council a written report upon the same as to its efficiency, usefulness, and the manner in which it is conducted, and may also recommend the purchase of additional books or any other matter or thing they have reason to consider will be of benefit.

General Purposes Committee.

58. All matters which the Council may think fit to refer to a Committee, and which do not fall within the province of any other Standing Committee, shall be referred to the Committee of General Purposes: Provided, however, that the Council may at any time refer such matters to a Committee appointed for that particular purpose.

Special Committees.

59. Special Committees may consist of any member or members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which, in the opinion of the Council, a Special Committee ought to be appointed; and no Standing Committee shall interfere with the performance of any duty which may, for the time being, have been entrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution after due notice; and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein such numbers as, in his opinion, ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; and in the latter case, or if an amendment to the effect that such Special Committee be appointed by ballot be carried, such member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom, in his opinion, such Special Committee ought to be composed; and the Mayor or Chairman shall examine such lists, and shall declare the result. And in the event of its becoming necessary, through an equality of votes, to decide as to which of two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committees.

60. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee, who may direct the Council Clerk to call meetings whenever he shall think it desirable.

Cost of works to be estimated before undertaken.

61. No works affecting the funds of the Municipality, except as hereinafter is mentioned, shall be undertaken until an estimate of the probable expense thereof shall have been submitted to the Council and a vote taken for the cost thereof.

Cases of emergency and current expenses.

62. For emergent matters, and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Improvement Committee, or of Mayor and one member of such Committee, for repairs or emergent works, to the extent of three pounds.
2. By order of the Mayor, for necessary current expenses, to the extent of two pounds.

Completion of works to be reported by Improvement Committee.

63. No works undertaken by the Council shall be deemed to have been completed, and no order shall be made for the payment in full of the same, except upon a report or certificate to that effect from the Improvement Committee, except for emergent works, as provided for in section 62 of this "Part" of these By-laws.

Common Seal—how secured.

64. The seal shall be secured by a cover or box, which shall be kept at the Council Chambers in the custody of the Council Clerk. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor and the other by the Council Clerk.

When and how Common Seal to be used.

65. The seal of the Council shall not be affixed to any document without the express authority of the Council; and every impression thereof so authorized shall be verified by the signature of the Mayor, or, in case of illness or absence of the Mayor, by two Aldermen, and countersigned by the Council Clerk.

How books of account, &c., are to be kept.

66. All books, deeds, memorials, letters, documents, and other records of the Council, except as hereinafter mentioned, shall be kept at the Council Chambers in the custody and care of the Council Clerk, who shall be responsible for the safe custody of the same; but the Mayor may for any special purpose authorize their removal.

Books, &c., not to be shown or exposed without leave.

67. No member or officer of the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person not a member of the Council without the written permission of the Mayor, unless as otherwise provided by law. Any member or officer who shall commit a breach of this section shall be liable on conviction to a penalty of not less than five shillings nor more than two pounds.

Records not to be removed.

68. Any person removing any such book, paper, or record from the Council Chambers without leave of the Mayor, in writing, first obtained, shall be subject to a penalty of not less than ten shillings or more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have removed such book, paper, or record, and shall not have returned the same, to any action at law for the detention of such book, paper, or record, or to prosecution for stealing the same, as the case may warrant.

Penalty for defacing or destroying records.

69. Any person destroying, defacing, or wilfully or improperly altering any book, paper, or record shall for every such offence be liable to a penalty of not less than five pounds nor more than twenty pounds.

Bonds for good conduct.

70. All bonds given by officers and servants of the Council for the faithful performance of their duties shall be deposited in such custody as the Council may order; and no member, officer, or servant of the Council shall be received as a surety for any officer or servant.

Duties of Council Clerk.

71. The Council Clerk shall perform all duties which, by the Municipalities Act of 1867, or by the present or any other By-laws hereunder, he may be required to perform. He shall be Clerk of all Revision Courts held in the Municipal Borough under the provisions of the Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on part of the Council, and shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor.

Special powers of Mayor.

72. The Mayor may from time to time define the duties of all officers and servants of the Council, and shall exercise a general supervision over all such officers and servants, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant, as he may think necessary, unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement or the giving of such explanation or information.

Drafts of intended By-laws.

73. A draft of any intended By-law shall be in the office of the Council at least seven days before such draft shall be taken into consideration by the Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same. No By-law shall be passed until it has been reported upon by a Committee of the whole Council, nor until it has been twice read in Council on different days.

Suits and prosecutions for penalties.

74. Suits or informations for the enforcement of penalties for or in respect of breaches of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute, the operation of which may have been extended to the Municipality, shall be commenced or laid as follows, viz.:—When against a Member of the Council, or any Auditor, or any officer of the Corporation, by such officer as shall be named for that purpose by the Council; when against any other person, by the Inspector of Nuisances; and if there shall be no such officer, then by such officer or person as shall be appointed for that purpose by the Council or the Mayor, as the case may be, on directing such suit of information as aforesaid. And no such suit shall be brought or information laid as aforesaid against any member of the Council, or auditor, except by order of such Council; nor shall any similar proceeding be taken against any officer of the Council, except on the order of the Council or of the Mayor. And the conduct or prosecution of any suit or information may, on the order of the Council or of the Mayor, be entrusted to an attorney.

PART II.*Collection and enforcement of Rates.**Rates, when due and payable.*

1. All rates levied and imposed by the Council shall be held to be due and payable on and after such day or days as the Council shall, by resolution, from time to time appoint.

Time and place of payment.

2. All such rates shall be paid at the Council Chambers during the hours appointed by the Council for that purpose.

Defaulters.

3. Every person not paying his or her rates as aforesaid, within thirty days after the day so appointed for payment thereof, shall be deemed a defaulter; and it shall be the duty of the Council Clerk to furnish the Mayor from time to time with a list of the names of all persons so in default.

Mayor to enforce payment.

4. It shall be the duty of the Mayor to take proceedings to enforce the payment of all rates in default, either by action at law or by issuing warrants of distress upon the goods and chattels of the defaulter.

Bailiff—how appointed.

5. The Bailiff of the Municipal Borough shall be appointed by the Council, and may from time to time be removed by them.

Bailiff to find sureties.

6. The Bailiff shall find two sureties to the satisfaction of the Mayor, to the extent of fifty pounds (£50) each, for the faithful performance of his duty.

Duties of Bailiff.

7. It shall be the duty of the Bailiff to make levies by distraint for the recovery of rates in the manner hereinafter provided.

Warrant of distress.

8. All levies and distress shall be made under warrant, under the hand of the Mayor or any Alderman who may for the time being be authorized to perform the duties of that office; such warrant to be in the form or to the effect of the Schedule hereunto annexed and marked A.

Inventory.

9. At the time of making a distress warrant, the Bailiff shall make a written inventory in the form or to the effect of the Schedule marked B, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distressed, or to some person resident in the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted in some conspicuous part of the land or premises on which the distress is made; and the Bailiff shall deliver a copy of such inventory to the Council Clerk.

Distress and sale, &c.

10. It shall be lawful for the Bailiff or his deputy, and such assistants as he may take with him, to enter into any part of the land, building, tenement, or other property, in respect of which such rate or rates shall have been made as aforesaid, and to distraint the goods therein or thereon, and to remain in such building, tenement, or other property, in charge thereof. And if the sum for which any such distress shall have been made or taken, together with the costs of such distraint, shall not have been paid on or before the expiration of two clear days, the Bailiff or his deputy may, between the hours of eleven in the morning and two in the afternoon, on the next day thereafter, cause the goods so distrained, or a sufficient portion thereof, to be sold by public auction, either on the premises or at such other place within the Municipal Borough as the Bailiff may think proper to remove them for such purpose, and shall pay over the surplus (if any) that may remain, after deducting the amount of the sum distrained for and the costs of such distraint, to the owner of the goods so sold, on demand by such owner.

Goods may be impounded.

11. The Bailiff, on making a distress as aforesaid, may impound or otherwise secure the goods and chattels so distrained, of what nature or kind soever, in such part of the land or premises chargeable with rate, or in such other place as shall be most fit and convenient for that purpose; and it shall be lawful for any person whomsoever, after the expiration of two clear days, as hereinbefore mentioned, to come and go to and from such part of the said land and premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchase thereof.

Owner to direct order of sale.

12. The owner of any goods and chattels so distrained upon may, at his or her option, direct and specify the order in which they shall be successively sold, and the said goods and chattels shall in such cases be put up for sale according to such directions.

Proceeds of distress.

13. The Bailiff shall hand over to the Council Clerk all proceeds of every such distress within twenty-four hours after having received the same.

Deputy.

14. The Bailiff may, with the sanction in writing of the Mayor, or, in his absence, with the sanction of any two Aldermen of the Municipal Borough, authorize, by writing under his hand, any person to act temporarily as his deputy; and the person so authorized shall have and exercise all the powers of the Bailiff himself, but the Bailiff and his sureties shall in every such case be responsible for the acts of such deputy.

Costs.

15. There shall be payable to the Bailiff for every such levy and distress made under these By-laws the costs and charges in the Schedule hereunto annexed, marked C.

SCHEDULE A.**Warrant of distress.**

I, _____ Mayor of the Municipality of the Borough of Tanworth, do hereby authorize you, _____ the Bailiff of the said Municipality, or your deputy, to distraint the goods and chattels in the dwelling-house, or in or upon the land or premises of _____, situate at _____, for _____, being the amount of rates due to the said Municipality to the day of _____, for the said dwelling-house, land, or premises (as the case may be), together with the costs of this distraint, and to proceed thereon for the recovery of the said rates and costs according to law.

Dated this _____ day of _____, 18 _____.

Mayor.

SCHEDULE B.**Inventory.**

I have this day, by virtue of the warrant under the hand of the Mayor of the Municipality of the Borough of Tanworth, dated _____, 18 _____, of which a copy is attached hereto, distrained the following goods and chattels, in the dwelling-house, or in or upon the land or premises of _____, situate at _____, within the said Municipality, for _____, being the amount of rates due to the said Municipality, to the day of _____, and also the costs of this levy.

Dated this _____ day of _____, 18 _____.

(List to be appended.)

Bailiff.

SCHEDULE C.**Costs.**

	s.	d.
For every warrant.....	2	0
For making an entry and inventory ...	2	6
For man in possession for every day or part of day	5	0
For sale and delivery of goods &c. in the pound on the gross proceeds of the sale, in addition to costs of advertisements (if any).		

PART III.**Preventing and extinguishing fires.****Fire or combustible material.**

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, or office, or other premises within the said Municipality, fire, gun-powder, or combustible or inflammable materials of any kind, in such a manner as to endanger any building, shall, on conviction thereof, for every such offence, forfeit and pay a penalty of not less than five pounds, and shall forthwith remove such fire, gun-powder, or combustible or inflammable materials; and for each and every period of twenty-four hours after such conviction that such person shall suffer five, gun-powder, or combustible or inflammable materials to remain as aforesaid, such person shall be deemed guilty of a further offence against this By-law.

Setting fire to matter without notice.

2. Any person who shall wilfully set fire to any inflammable matter whatever in the open air, within five yards of any dwelling-house, or other building, or boundary or dividing fence, within the said Municipality, without having given notice in writing to the occupiers of the land adjoining the land upon which such matter shall be of his intention so to do, or between the hours of six in the afternoon of any day and six in the morning of the following day, shall, for every such offence forfeit a sum not exceeding five pounds.

Errecting brushwood fences, &c.

3. Every person who shall erect any fence of brushwood, bushes, or any other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering any such stack any inflammable materials, so as to endanger any contiguous buildings or properties, or any trees, shrubs, or any produce thereof, or any chattels therein, shall forfeit, on conviction of every such offence, a

penalty of not more than five pounds, and shall remove such fence, stack, or covering, within a reasonable time after such conviction; and any person failing to remove such fence, stack or covering, within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Fire-works.

4. Every person who shall discharge any firearms without lawful cause, or who shall light any bon-fire, tar-barrel, or fireworks upon or within ten yards of any public or private street, or any public place, or shall sell gunpowder, squibs, rockets, or any other combustible matter by gas, candle, or other artificial light within the said Municipality, shall forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

5. Any person who shall wilfully set, or cause to be set, on fire any chimney, flue, smoke-vent, or stove-pipe, herein called in common "chimney," within the said Municipality, shall forfeit a sum not exceeding five pounds.

Negligently suffering chimneys to be set on fire.

6. If any chimney accidentally catch or be on fire, the person occupying or using the premises in which such chimneys are situated, shall forfeit a sum of not exceeding forty shillings: Provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the Justices before whom the case be heard, that such fire was in nowise owing to the omission, neglect, or carelessness, whether with respect to cleansing such chimneys or otherwise, of himself or his servants.

Water-carts to attend fire.

7. Every owner and driver of a licensed water-cart, shall keep such cart loaded with water during all times after sunset and before sunrise; and shall, if any building, premises, or property shall be on fire within the Municipality, attend at the place of such fire with such cart loaded with water, and shall continue to cart water by full loads to such place, and shall deliver such water in such manner as may be required by the Mayor, or by any Alderman or officer, or person duly authorized by the Council in that behalf, and then present for extinguishing such fire; and every such owner or driver who shall, without reasonable excuse, fail to comply with the provisions of this section, shall forfeit a sum not exceeding ten pounds.

Water-carts attending fires.

8. There shall be paid out of the funds of the said Municipality to the owner of every licensed water-cart, who shall have attended with any water at the place of any fire, as herein provided, and delivered the same as required for the extinguishing such fire, such reasonable compensation as the Council shall by resolution have appointed in that behalf; and also to such owners of such carts as shall have been first and second in order, attended with loads of water, such further sums by way of reward as the Council may by similar resolution have fixed.

Erection of bark buildings.

9. All persons are prohibited from erecting buildings, any portion of which shall be constructed of bark or other dangerously inflammable material; and any person or persons erecting such buildings shall forfeit, on conviction of every such offence, a penalty of not more than twenty pounds: Provided that this By-law shall only be enforced within the now populous portion of the Municipality: that is to say, within the following boundaries:—On the north by Jewry-street and Barnes-street; on the east by Napier-street; on the west by Belmont-street; and on the south by East-street and Mathews-street.

PART IV.

By-laws for the regulation and licensing of public vehicles, omnibuses, cars, hackney carriages, cabs, water-carts, drays, carts, or vans, and the drivers or conductors of passenger-carrying vehicles.

1. From and after the passing of these By-laws no omnibus, car, hackney carriage, cab, water-cart, dray, cart, or van shall ply or be used for hire within the Municipality, nor shall any person act as driver or conductor of any such vehicle until and unless licensed for such purpose in the manner hereinafter mentioned, nor during the suspension or after cancellation of such license as hereinafter provided.

2. Before any license for plying any vehicle, or for driving or conducting the same shall be granted, the party requiring such license shall obtain from the Council Clerk, free of charge, a requisition in the form of Schedule A hereto, or to the like effect, and shall duly fill up and sign the same and deliver it to the Council Clerk, and shall also insert in such requisition, in addition to the particulars set forth in Schedule A hereto, tables of rates and fares proposed to be charged by such party for any such vehicle.

3. The Mayor for the said Borough for the time being shall be and is hereby authorized to issue all such licenses in the name and on behalf of the said Borough Council, and the Mayor shall, by endorsement on such license, signify his approval of the scale of rates proposed to be charged for the hire of any such vehicle so licensed.

4. Licenses for proprietors, drivers, or conductors of vehicles shall be in the form of Schedule B hereto, or to the like effect, and shall be made out, numbered, and registered by the Council Clerk.

5. Every license granted by the Mayor shall be signed by the Mayor, and countersigned by the Council Clerk, and shall be in force until the 31st day of December next ensuing the date thereof; and no such license shall include more than one vehicle, and shall state the number of passengers such vehicle shall be permitted to carry.

6. For every license issued under these By-laws within the said Municipality there shall be paid to the Council of the said Municipality, by delivering the same to the Council Clerk, the several sums mentioned or set forth in Schedule C to this part of these By-laws.

7. For every conductor's or driver's license, and for every renewal thereof, there shall be paid to the said Borough Council the sum of five shillings.

8. The person or persons in whose name or names a license shall have been obtained, shall be deemed the proprietor of the vehicle, in respect of which such license shall have been taken out.

9. No license shall be granted to any person to drive any vehicle, unless he be above seventeen years of age, nor to act as conductor, unless he be fourteen years of age.

10. Any proprietor transferring or selling his licensed vehicle, shall immediately give notice thereof to the Council Clerk, and the transferee or purchaser shall thereupon apply to have the license transferred to him, and shall sign his name in the books of the said Borough Council, and on the license, and until this By-law shall have been complied with, the transferee or seller shall remain liable as owner, for breach of any of these By-laws, and no transferee or purchaser shall use such vehicle, or allow it to ply for hire, until the By-law shall have been so complied with.

11. No driver or conductor of any licensed vehicle shall lend or part with his license, nor shall the proprietor of any such vehicle, employ an unlicensed person as the driver or conductor thereof.

12. Every proprietor, driver, or conductor of any vehicle, and every vehicle shall be deemed to be licensed under these By-laws on the production by the Inspector of the Licensed Register Book, containing a copy of any such license; and it shall not be necessary to call upon the person prosecuted to produce the original license to enable the prosecutor to find secondary evidence of its contents.

13. The license of the proprietor, driver, or conductor of any vehicle may be cancelled or suspended by the Mayor for the time being of the said Borough Council, as he shall deem right (after three days notice in writing, signed by the Council Clerk, and served upon such proprietor, driver, or conductor, or left at his usual place of abode, calling upon him to show cause why such license should not be cancelled or suspended, and opportunity given such proprietor, driver, or conductor to show such cause), in case either the proprietor, driver, or conductor, shall have been convicted of two offences against these By-laws, committed within a period of six months next preceding.

14. Such person or persons, as may from time to time be appointed by the said Borough Council, shall be the Inspector or Sub-Inspector of all licensed vehicles plying for hire within the said Borough, and such Inspector or Sub-Inspector shall, as often as he or they may deem necessary, inspect all licensed vehicles, and also the harness and horse or horses, or other animal or animals used in drawing the same; and if such vehicles, horse or horses, animal or animals, shall in his or their opinion be unfit for public use, he shall report the same in writing to the Mayor, who shall have power to suspend the license of such vehicle, until such vehicle, harness, horse or horses, or other animal or animals used in or drawing the same shall be in a fit state for public use, and it shall be the special duty of such Inspector at all times to see that as far as possible these By-laws are duly observed and enforced.

15. No proprietor, driver, or conductor of any vehicle, nor any other person, shall hinder or obstruct such Inspector or Sub-Inspectors in the execution of any of his or their duties.

16. The number of the license granted for every omnibus or car in figures not less than four inches in height, and for every hackney carriage, cab, or buggy in figures not less than two inches in height, and of proportionate breadth, white upon a ground of black, shall be printed or painted outside on the panel of the door or doors of such vehicles, or on a plate or plates fixed thereon, and also upon each lamp used upon such vehicle, as the Inspector may direct, and the proprietor of such omnibus or car, hackney carriage, cab, or buggy, shall keep such number on such panel of the door or doors, or on such plate or plates as aforesaid, legible and unobscured, during the time such vehicle shall ply or be used for hire.

17. The number of the license of every omnibus or car, or hackney carriage, or cab, or buggy, on a card or plate, six inches by three inches, printed or painted in clear legible figures, and the table of fares so endorsed by the Mayor upon such license as aforesaid, shall be affixed at the upper part of the front panel, or in such other place inside of such omnibus, or car, or hackney carriage, or cab, or buggy, as the Inspector may direct, and the proprietor of such omnibus or car, hackney carriage or cab, or buggy, shall keep such card or plate so affixed and legible, and undefaced during all the time the omnibus or car, hackney carriage, cab, or buggy, shall ply or be used for hire.

18. No proprietor or driver of any licensed vehicle shall demand more than the several fares endorsed on the license of such vehicle.

19. No driver or conductor of any vehicle shall, whilst driving, loading, or unloading, or attending any vehicle, or whilst on any public stand, wilfully or negligently do or cause or suffer to be done any damage to the person or property of anyone, or be guilty of any breach of the peace, misconduct or illbehaviour, or be intoxicated or make use of any threatening, obscene, indecent, profane, abusive, or insulting language, sign, or gesticulation, but shall at all times be sober and careful in the discharge of his duties.

20. Every driver whilst engaged in taking up or setting down any passenger, shall, during such taking up or setting down, place his vehicle as near as conveniently may be to that side of the street (and at a line with the kerbstone or edge of the footpath) at which such taking up or setting down is required.

21. Every driver of any vehicle shall keep the same on the left or near side of the road, and shall permit any other vehicle to pass, having the right so to do, and when about to stop, such driver shall raise his whip straight up, so as to warn the driver of any vehicle that may be behind.

22. No omnibus shall pass another omnibus proceeding in the same direction if the latter be proceeding on its journey at a pace faster than a walk.

23. No licensed vehicle shall be drawn at a pace faster than that commonly known as trotting; and, in the event of the conviction of any driver for a breach of this By-law, his license shall be cancelled by the Mayor.

24. The proprietor of every vehicle shall at all times when the same is plying or employed for hire, make and keep it clean, strong, and in good order in all respects; and if with windows, they shall be sound and unbroken, with the leathers or lifts suitably attached to the frames. The horse or horses shall be able and sufficient for their work, free from disease, and properly broken into harness; the harness for each horse shall be perfect, good, and sufficient for the purpose; and every driver or conductor shall be clean in his person, and wear a good hat and other clean and respectable clothes, and conduct himself in a proper and decorous manner.

25. No person suffering from an infectious or contagious disease shall ride in or upon any licensed vehicle, and no driver or conductor shall knowingly carry, or permit to be carried, any such person or (except to some police office or watch-house) any corpse or any person in a state of intoxication, or who is so noisily or violently conducting himself, or otherwise so misbehaving as to occasion any annoyance or to disturb the public peace. And no passenger shall carry inside any vehicle any animal or any substance of an offensive character or that might soil or damage the vehicle or the apparel of other passengers; and no driver or conductor shall sleep in or upon any licensed vehicle, or use the same for eating his meals therein.

26. No driver of any vehicle shall carry more passengers than his vehicle is licensed to carry, nor shall the driver of any cab carry any passenger or other person on the driver's box or step behind the same, nor shall the driver or conductor of any omnibus or omnibus-car permit or suffer any person, except the conductor, to be on the footsteps at the back of any such omnibus or omnibus-car.

27. No driver or conductor shall smoke tobacco, cigars, or other thing whilst driving or conducting any licensed vehicle engaged on any fare, nor shall any passenger smoke inside or on any vehicle without the permission of the driver or against the wish of any passenger.

28. The driver and conductor of any licensed vehicle (if such vehicle has a conductor) shall be constantly attendant upon the same whenever standing or whilst plying or engaged for hire.

29. Every licensed vehicle shall be provided with a lamp on each side of the same, outside, and the driver of such vehicle, when plying for hire, between sunset and sunrise, shall light and keep such lamps lighted.

30. The driver of every omnibus and omnibus-car shall provide and keep a lamp properly lighted, in such a position inside of every such licensed vehicle as the Inspector may direct, whenever such vehicle be plying for hire or engaged at any time between sunset and sunrise.

31. Every lamp used on the outside of any vehicle shall be such and so placed as to appear white on the front and outside and red behind.

32. Any person having engaged any licensed vehicle and not paying the charge so endorsed as aforesaid upon the license of such vehicle when demanded, shall, on conviction, forfeit and pay the driver or proprietor of such vehicle such charge, together with such further sum for damages, costs, and expenses for loss of time or otherwise, as the convicting Justices shall in their discretion think proper.

33. No vehicle which shall be let to hire by special agreement only, or only when bespoken at the stables or residence of its owner, and which shall never publicly ply for hire off the premises of its owner, shall be deemed a licensed vehicle within the meaning of these By-laws; nor shall the proprietor, driver, or conductor of such vehicle be subject to the provisions thereof in any respect whatever.

34. The word "vehicle" in the foregoing By-laws shall include and apply to every omnibus-car, hackney carriage, cab, or buggy. An omnibus shall mean a vehicle upon four wheels, drawn by one or more horses; and a car shall mean a vehicle upon two wheels, for which omnibus licenses have been taken out; and a hackney carriage shall mean a vehicle upon four wheels, drawn by two or more horses; and a cab shall mean a vehicle upon two wheels, drawn by one horse; and a buggy shall mean a vehicle upon four wheels, drawn by one or more horses, plying for hire within the Borough of Tamworth; and, in the construction of these By-laws, any word importing the singular number shall be understood to include several persons or things as well as one person or thing, and any word importing the plural number shall be applied to one person or thing, and every word importing the masculine gender shall extend and be applied to a female as well as a male.

35. Every vehicle, whether licensed or not, while being used in any part of the Municipality between sunset and sunrise shall be provided with a lamp on each side of the same, outside; and the driver of any such vehicle during such period shall light and keep such lamps lighted, under a penalty of ten shillings for the first offence and not less than one pound, nor exceeding two pounds, for any subsequent offence; and every person riding a bicycle, tricycle, or velocipede shall carry a lamp affixed to such bicycle, tricycle, or velocipede, in a conspicuous position, under a penalty of five shillings for the first offence, and for every subsequent offence under a penalty of not less than ten shillings nor more than two pounds.

36. For every offence against the provisions of these By-laws the offender shall be liable to and shall pay a penalty not exceeding ten pounds nor less than five shillings.

SCHEDULE A.

A Requisition for License.

To the Borough Council of Tamworth,
I, _____, residing in _____ street, do hereby request that a license may be granted to me to
within the said Borough.

Dated the _____ day of _____, 188 .

SCHEDULE B.

License.

This is to certify that _____ is hereby licensed to a certain _____ number _____, within the Borough of Tamworth, from the day of the date hereof to the 31st December next, subject nevertheless to all and every the By-laws, Rules, and Regulations in force relating thereto.

Dated this _____ day of _____, 188 _____ Mayor.

SCHEDULE C.

A TABLE of rates to be paid by the proprietors and drivers of licensed vehicles:—

	On and after the 1st of January.	On and after the 1st of April.	On and after the 1st of July.	On and after the 1st of October.
For each omnibus, car, hackney carriage, or cab	£ s. d. 2 0 0	£ s. d. 1 10 0	£ s. d. 1 0 0	£ s. d. 0 10 0
For every dray, cart, or van	1 0 0	0 15 0	0 10 0	0 6 0
For every water-car	0 5 0	0 5 0	0 5 0	0 5 0

For every driver's or conductor's license for passenger-carrying vehicles, for every year or part of a year—five shillings.

PART V.

Public Exhibitors.

Exhibitions, &c. to be licensed.

1. No exhibitions other than such as may be licensed, under the provisions of the Act 14 Vic. number 23, or exhibitions of a temporary character hereinafter especially provided for, shall be held or kept for hire or profit within the said Municipality; nor shall any bowling-alley, or other place of public amusement, other than a place licensed as aforesaid, or a place for temporary amusement, hereinafter especially provided for, be used as such for hire or profit, within the said Municipality, unless and until the same shall be duly registered as hereinafter prescribed.

Temporary license by the Mayor—Penalty for exhibiting, &c., without license.

2. The Mayor may, by writing under his hand, permit any such exhibition as aforesaid, other than any exhibition requiring to be licensed under the said Act, for not more than one week, and in like manner and for a like time, may allow any place to be used for purposes of public amusement other than for entertainments requiring to be licensed as aforesaid; and any person holding or keeping any such exhibition, or using any place within the said Municipality for public amusement as aforesaid, without such permission of the Mayor, shall forfeit and pay a sum of not less than one pound nor more than five pounds for every day that such exhibition shall be so held or kept at such place, or shall be so used for public amusement as aforesaid.

Buildings, &c., to be registered.

3. Every occupier of any building or ground in which any exhibition is held or kept, or any public amusement conducted as aforesaid, shall in each year register at the office of the Council such building or ground, and a description of the exhibition or public amusement proposed to be kept, held, or conducted as aforesaid, and the name of such occupier; and every person who causes, and every occupier of any building or land who permits, any such exhibition or public amusement to be held, kept, or conducted for more than one week, in or upon such building or land not registered for the purpose, or without having obtained a certificate of registration as hereinafter mentioned, shall forfeit and pay for every offence a sum not less than one pound nor more than ten pounds.

Certificate of registration, &c.

4. The Council, upon the written application of any such occupier as aforesaid, stating the particulars aforesaid, may cause the aforesaid premises to be registered, and grant to the applicant a certificate of such registration, unless upon inspection the building or land shall be found to be unsuitable for the purpose of exhibition or amusement, or unless it shall appear to the Council that such exhibition is likely to entail any violation of public decency, or endanger the public peace, or be a nuisance to any inhabitant of the Municipality.

Inspection.

5. Any officer or person appointed for that purpose by the Council may, at all reasonable times, enter into or upon and inspect any such building or land.

No exhibitions, &c., on Sunday, &c.

6. No such exhibition or place of public amusement as aforesaid shall be held or kept open or used for such public amusements on Sunday, Christmas Day, or Good Friday; and every person offending against this by-law shall, on conviction, forfeit and pay a sum not exceeding five pounds nor less than one pound for every such offence.

Registration fee, &c.

7. For every registration as aforesaid the occupier of the building or land so registered shall pay to the Council Clerk, for the benefit of the Municipality, a fee of one pound; and every such registration, whenever the same may be made, shall (subject to the power of suspension or cancellation herein contained) be in force until the 31st day of December thence next ensuing, and no longer.

Suspension or revocation of license.

8. The effect of any such registration as aforesaid may be suspended, or such registration may be cancelled, as the Council shall think fit, for any of the following causes, viz.:—Whenever the occupier of any registered building or land, or the manager of such exhibition or amusement as aforesaid, held, kept, conducted, or carried on in or upon such building or land, shall have been twice convicted of offences against these By-laws within a period of twelve (12) months; or whenever it shall be shown to the satisfaction of the Council that the superintendent, director, manager, or other person in charge of any such exhibition or amusement is a confirmed drunkard; or that any such exhibition or amusement is being conducted in such a manner as to violate public decency, to endanger the public peace, or become a nuisance to any inhabitant of the said Municipality: Provided that before any such suspension or cancellation as aforesaid, such occupier shall have notice that the Council is about to consider whether there shall be any such suspension or cancellation, and of the causes for this proceeding, and shall be allowed to show cause against the same.

Gaming, cruelty to animals, &c., prohibited.

9. No license shall be granted as aforesaid to or for any building or land wherein or whereon any games with dice or other game of chance for money, or any bull-baiting, dog-fighting, cock-fighting, or other exhibitions or amusements opposed to public morality, or involving cruelty to animals, or likely to cause a breach of the peace, are proposed to be had, held, or carried on; and the occupier of any building or land so registered as aforesaid who shall permit any such game of chance, or exhibition, or amusement, as are in the section beforementioned, to be had, held, or carried on, in or upon such building or land, shall, for every such offence, forfeit and pay a sum of not less than ten shillings nor more than ten pounds.

Construction of term "Occupier."—Change of occupancy.

10. Any person who shall superintend, direct, or manage, or shall be otherwise in charge of any such exhibition or public amusement as aforesaid, in or upon any such building or land wherein or whereon any such exhibition or public amusement shall be held, kept, or carried on, or who, whether resident or not, shall use any such building or land for the purposes of any such exhibition or public amusement, shall be deemed the occupier of such building or land for all the purposes of these By-laws, shall be held to be as applicable in every case to any number of such occupiers as to any single occupier; and every such occupier, whose name shall have been so registered as aforesaid, shall be deemed and be taken to be and continue such occupier for all purposes of these By-laws: Provided that in the event of any change in the occupancy of any such building or land as aforesaid, the parties concerned shall notify the same in writing to the Council Clerk; and if, after such inquiry as the Council may deem necessary, an entry thereof shall be made in the registry, and a new certificate shall be issued, which (subject as aforesaid) shall be in force until the then next 31st day of December, and no longer; and for every such certificate a fee of five shillings shall be paid to the Council Clerk for the benefit of the Municipality. And any person who shall make any false statement in any such notice or application as aforesaid, as to any of the facts or particulars required by these By-laws to be stated in such application or notice, shall, for every such offence, forfeit and pay a sum not less than one pound nor more than ten pounds.

PART VI.

Streets and public places.—Public health, decency, &c.

New roads to be reported upon.

1. No new public road, street, way, or other place proposed to be dedicated to the public, shall be taken under the charge or management of the Council until after such road, street, way, or place shall have been examined by the Improvement Committee, or other Committee appointed for this purpose, and reported upon to the Council by such Committee.

Plan of proposed new road &c., to be deposited.

2. Whenever any proprietor or proprietors of land within the Municipality shall open any road, street, or way, or lay out any place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management thereof; he or they shall furnish the Council with a plan or plans, signed by himself or themselves, showing clearly the position and extent of such road, street, way, or other place as aforesaid.

Dedication of new roads.

3. If the Council shall determine to take charge of any such road, way, or place as aforesaid, the plan or plans, signed as aforesaid, shall be preserved as a record of the Council, and the proprietor or proprietors shall execute such further instrument, dedicating such road, way, or place to public use or recreation as aforesaid, as may be considered necessary by the Council, which said instrument shall be preserved as a record of the Council.

Who to mark out roads, &c.

4. The Surveyor of the Municipal Borough, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out when and where necessary the roads, streets, lanes, and thoroughfares, which now are, or shall hereafter be under or subject to the care, construction, or management of the Council, and the carriage or foot ways in each of such roads, streets, lanes, or thoroughfares.

No encroachment, &c.

5. No person shall be at liberty to encroach beyond the building-line in any street or lane by the erection of houses, verandahs, doorsteps, fences, or any other obstruction whatever; and all proprietors or lessees of houses within the Borough, having a frontage to any main thoroughfare, shall be bound to have the same sufficiently spouted with down-pipe to carry under the surface of the footway in the street gutter.

No balcony, &c.

6. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, coping, parapet, overhanging eaves, cornice, windows, string-course, dressing, or other architectural decoration forming part of, or attached to any external wall, to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony, or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding five pounds nor less than one pound, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than thirty feet wide: Provided also that any person desiring to erect such structure shall first submit a plan for the approval of the Council.

Footways may be levelled.

7. When any footway shall have been marked out in the manner herein directed, the surveyor or other person as aforesaid may cause the same to be levelled and made as nearly as practicable of equal height and breadth, and with an equal slope and inclination, and may remove any flagging, steps, or other matter, thing, or obstruction that may injure or obstruct the said footpath, or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for the said footway.

The Improvement Committee to fix street level.

8. The Improvement Committee, or any officer of the Council, acting under the supervision of such Committee, shall, subject to such orders as may from time to time be made by the Council in that behalf, fix and lay out the level of all public roads, streets, and ways within the Municipality, and the carriage-ways and footways thereof. Provided that there shall be no change of levels in any such public road, street, or way, until the same shall have been submitted to and certified by the Council as hereinafter directed.

Change of street levels.

9. Whenever it may be deemed necessary to alter the level more than one foot of any such public road, street or way, as aforesaid, the Improvement Committee shall cause a plan and section, showing the proposed cuttings and fillings, to be exhibited at the Council Chambers fourteen days, for the information and inspection of the ratepayers, and shall notify by advertisement in some newspaper circulating within the Borough that such plan is open for inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman of such meeting, and countersigned by the Council Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

No turf, gravel, &c., to be removed from streets without permission.

10. Any person who shall form, dig, or open any drain or sewer, or remove, or cause to be removed, any turf, gravel, sand, loam, or other material, in or from any part of the carriage or footway of any street or road, or any reserve or any other public place within the Municipality, without leave first had and obtained from the Council or from the Mayor, or who shall wantonly break up or damage any such carriage or footway, shall, on conviction, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

Temporary stopping of traffic for repairs, &c.

11. The Mayor, or any officer or person acting under the authority of the Council, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by destroying or removing any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty and sum not exceeding five pounds.

Cellars or openings beneath the footways prohibited.

12. Any person who shall make any cellar or opening, door or window in or beneath the surface of the footway of any street or public place, unless the plans thereof have been previously submitted to and approved by the Council, and the erections and openings made to the satisfaction of the Council, shall, on conviction, forfeit and pay the sum of five pounds over and above the expense of filling up, remedying, or removing such cellar, opening, door, or window, so as the same shall not exceed fifty pounds.

Holes to be enclosed.

13. Any person who shall dig or make, or cause to be dug or made, any hole, or leave, or cause to be left, any hole adjoining or near to any street or public place within the said Municipality, for the purpose of making any vault or vaults, or the foundation or foundations of any other building

or house, or for any other purpose whatsoever; or shall erect or pull down any building, and shall not forthwith enclose the same, and keep the same enclosed in a good and sufficient manner, to the satisfaction of the surveyor or other officer or person as aforesaid, or shall keep up, or cause to be kept up and continued, any such enclosure for any time longer than shall be necessary, in the opinion of the surveyor or other officer or person as aforesaid, and shall not place lights upon each side of the said enclosure, and keep the same constantly burning between sunset and sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not less than forty shillings nor exceeding five pounds.

Open spaces and steps adjoining the footways to be enclosed under penalty.

14. Every owner or occupier of any house, building, premises, or land within the said Municipality having any entrance, area, garden, or other open space adjoining the footway or public place in such Municipality, or any quarry, excavation, or opening in the ground, or any premises within six feet of any such footway or public place, shall protect and guard the same by good and sufficient fences, rails, or other enclosures, so as to prevent danger to persons passing and repassing; and any such owner or occupier of any house, building, premises, or land having any steps adjoining the footway of any such street or public place, shall, in like manner, protect and guard the same by fences, rails, or other enclosures, so as to prevent danger to persons passing and repassing; and on failure thereof any such owner or occupier as often as he shall be convicted of such offence, shall forfeit and pay any sum not being less than forty shillings nor more than five pounds; and every such owner or occupier as aforesaid who shall fail to erect such rails, fences, or other enclosures as aforesaid within one week after any conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Wells to be covered over.

15. Every person who shall have a well situated between his or her dwelling-house, or the appurtenances thereof, and any road, street, or footway, or at the side thereof; or in any yard or place open or exposed to such road, street, or footway within the said Municipality, shall cause such well to be securely and permanently covered over; and if any person having such well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the Council, or shall have been left for such person at his or her last known place of abode, or the said premises, shall, on conviction, forfeit and pay a sum of ten shillings; and for every day after such notice that such well shall remain open or uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Throwing filth on roads, driving carriages, and leading horses on footways.

16. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or remain, any dead animal, offal, dung, soil, ashes, rubbish, or any other filth or annoyance, or any matter or thing in or upon the footway or carriage-way of any street, road, lane, or other public place within the said Municipality, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal in or so near to any street or other public place, as that any blood shall run or flow upon or over or be on any carriage or footway, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon the footway of any street, road, or public place, any waggon, cart, dray, sledge, or other carriage, or any wheelbarrow, wheel, or truck, or any hogs-head, cask, or barrel, or shall wilfully lead, drive, ride, or stand any horse, ass, mule, or other beast upon any such footway, shall, upon conviction, forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, and for the second and every subsequent offence a sum not less than ten shillings nor more than forty shillings.

Person not to stand or loiter in the streets.

17. Any person or persons standing or loitering upon any of the footways or other public places in this Municipality, to the inconvenience or annoyance of the inhabitants or passers by, or in any way interrupting the traffic, and shall not discontinue to do so on being requested by any officer or servant of the Municipal Council of this Municipality, or any police officer, shall, on conviction, forfeit and pay a penalty not exceeding two pounds nor less than ten shillings.

Disposal of rubbish.

18. Provided that rubbish of an inoffensively decaying nature may be deposited on the following localities, viz. :-

Bourke Ward.—On one-tenth part of an acre, being a square block, the boundaries whereof being one chain each, are indicated by four posts painted white, and lettered T.M.C., situated near the police paddock.

Cohen Ward.—On about four-tenths of an acre, the boundaries whereof are respectively, two of two chains and fifty links, and two of one chain and seventy-seven links long, indicated by four posts painted white, and lettered T.M.C., situated near the incidence of Hill-street with Peel River.

King Ward.—On one-tenth part of an acre, the boundaries whereof are each one chain long, and indicated by four posts painted white and lettered T.M.C., situated near the incidence of Church-street and a branch of Goocoo Goocoo Creek.

Throwing filth into watercourses.

19. Any person who shall cast any filth, rubbish, or any dead animal, or any animal, with intent of drowning such animal, into any public watercourse, waterhole, river, creek, or canal, or shall obstruct or divert from its channel any sewer, canal, or watercourse, within the said Municipality, shall forfeit a sum not exceeding five pounds nor less than ten shillings, and shall in addition to such penalty pay the cost of removing such filth or obstruction, or of restoring such watercourse, sewer, or canal, to its proper channel, so as the same shall not exceed £50.

Throwing slops on carriage or footway.

20. Any person who shall cast or throw, or shall cause, suffer, or permit to be cast or thrown upon any carriage-way or footway, any soap-suds, slops, or refuse water, or any refuse, vegetables, or any other matter or thing, or shall cause, suffer, or permit the same to run or flow from any premises in his or her occupation, into any waterway, waterhole, river, creek, road, or pathway within the said Municipality, shall for every such offence forfeit and pay a sum not exceeding two pounds nor less than five shillings.

Rain not to be carried on to footpaths.

21. It shall not be lawful for any person whomsoever to carry, by means of pipes, gutters, or other contrivances, any rain water from the roof of his or her premises or house upon any of the footways of any street or public place within the said Municipality; or any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances, when required to do so by any officer of the Council, shall, on conviction, forfeit and pay any sum not exceeding ten shillings, and a like sum for every day or part of a day that the same shall not be remedied or removed: Provided that the owner or occupier of any such house or premises may convey any such rain water by means of pipes laid under the surface of such footways into the gutters adjoining the same: And provided also that all such pipes shall be laid down to the satisfaction and under the superintendance of the Town Surveyor or any other person appointed by the Council.

Placing carriages, goods, &c. on footways.—Not removing them when required.—Replacing the same after removal.

22. Any person who shall set or place, or cause to be set or placed, any stall-board, chopping block, show-board, basket-ware, merchandise, casks, or goods of any kind whatsoever, or who shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon any carriage or footway in any street, road, or public way within the said Municipality, or shall set, lay out, or place, or cause to be set, laid out, or placed, any coach, cart, waggon, wain, dray, sledge, truck, or other carriage, upon any such carriage-way, except for the purpose of loading or unloading the same; or taking up or setting down any fare, or waiting for passengers when actually hired, or when actually engaged in harnessing and unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set or placed, in, upon, or over such carriage-way or footway, any stone, brick, lime, timber, or other materials or things for building (except as hereinbefore provided); or who shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or any other matter or thing whatsoever from any house or premises over any part of such footway or carriage-way, or over any area of any house or other building or premises, or any other matter or thing from and on the outside of any house or front or any other part of any house or houses, or other buildings or premises ever or next unto any such street, road, or public place, and shall not immediately remove the same upon being required so to do by the Council or any officer thereof; or if any person who, having in pursuance of any such requisition as aforesaid, remove, or cause to be removed, any such stall-board, show-board, chopping block, basket-ware, merchandise, barrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matter or thing, shall at any time thereafter again set, lay, place, expose, or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-board, show-board, chopping block, basket-ware, merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, barrow, sledge, meat, offal, or other things or matters whatsoever (save and except as afore-

said), in or upon, or over any such carriage or foot way, of or next unto any such street, road, or public place as aforesaid, shall, on conviction, for every such offence, forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; and for every second and every subsequent offence, a sum not exceeding forty shillings nor less than ten shillings.

Not to prevent the erection of awnings.

23. Nothing in these By-laws contained shall be deemed to prevent any person from placing a movable awning in front of his or her shop or house: Provided that such awning be at least eight feet high above the proper level of the footway, and the posts be kept close up to the kerbstone or outer edge of such footway, and that the said posts, or any framework, be erected to the satisfaction of the Council, and as may from time to time be directed.

Damage to public buildings.

24. Any persons who shall damage any public building, lamp, wall, parapet, sluice, bridge, road, street, sewer, watercourse, or other property of the Council of the said Municipality, or improperly extinguish any lamp lit for public or private convenience, shall pay the cost of repairing the same; and if the same be wilfully done, shall forfeit and pay a sum not exceeding twenty pounds nor less than five pounds, in addition to the cost of repairing the same, so as the same shall not exceed fifty pounds.

Drawing or trailing timber, &c.

25. Any person who shall haul or draw, or shall cause to be hauled or drawn upon any of the streets, roads, or public ways or places within the said Municipality, any timber, stone, or other material or thing which shall be carried principally or in part upon any wheeled carriage or barrow, to drag or trail upon any part of any such street, road, or public place, to the injury thereof, or to hang over any part of such carriage or barrow so as to occupy or obstruct the street or road shall, upon conviction, forfeit and pay for every such offence a sum not exceeding forty shillings nor less than ten shillings, over and above the damage occasioned thereby.

Riding in dicks, careless driving, &c.

26. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street, road, or thoroughfare within the said Municipality, not having some person on foot to guide the same (such carts as are drawn by one horse and driven or guided with reins only excepted), or if the driver of any carriage whatsoever shall negligently be at a distance from such carriage, or in such situation whilst it shall be passing along such street, road, or thoroughfare that he cannot have the direction and government of the horse or horses or cattle drawing the same; or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever, meeting any other carriage, shall not keep his waggon, cart, dray, or coach, or other carriage on the left or near side of the road, street, bridge, or thoroughfare; or if any persons shall in any manner wilfully prevent any other person or persons from passing him, or any carriage under his care upon such street, road, or thoroughfare, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage in or upon the same, every such driver or person so offending shall, upon conviction, forfeit and pay for every such offence a sum not exceeding forty shillings nor less than ten shillings.

Riding or driving furiously.

27. Any person who shall ride or drive through or upon any street, road, or other public place within the said Municipality negligently, carelessly, or furiously shall, on conviction, forfeit and pay a sum not exceeding five pounds nor less than two pounds.

Riding or driving round corners, &c.

28. Any person who shall ride or drive round the corner of any street, road, or public place within the said Municipality at a pace faster than a walk, shall, on conviction, forfeit and pay a sum not exceeding two pounds for every such offence.

Breaking horses, &c.

29. It shall not be lawful for any person or persons in any street, road, or public place within the said Municipality to drive any carriage or carriages for the purpose of breaking, trying, or exercising horses, or to ride, drive, or lead any horse, mare, or gelding for the purpose of riding, exercising, trying, breaking, showing, or exposing for sale any such horse, mare, or gelding, otherwise than by passing quietly through such streets or public places: Provided further that no person or persons shall be allowed within the said Municipality to furiously or carelessly drive any horse, mare, or gelding to or from any public watering-place, creek, or river, or pasturage or elsewhere; and the person or persons in charge thereof shall be *prima facie* presumed to be the owner of the said animal or animals, and shall be liable accordingly; and every person so offending shall forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Hours for driving cattle.

30. No person shall drive or cause to be driven through any street or public thoroughfare of the said Municipality any live stock between the hours of eight o'clock a.m. and two p.m., or between the hours of four o'clock p.m. and nine p.m., except calves and foals under the age of one year, quiet milch cows, horses or cattle broken to saddle or draught, and pigs, sheep, and goats; and any person or persons who shall drive, or cause to be driven, any live stock except those above-mentioned, through any street or thoroughfare of the Municipality, between the hours above-mentioned, shall, on conviction before any Justice or Justices of the Peace, forfeit and pay a sum not exceeding five pounds for every such offence.

Horses, cattle, &c.

31. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure, situate and being in or within forty yards of any street, dwelling-house, or public place within the Municipality, or who shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of the like nature belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or despoiled in any street, road, or public place within the said Municipality, excepting on the permanent and temporary common, shall forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings.

Inspector may impound.

32. The Inspector of Nuisances, or any other person duly authorized by the Council, shall have power to impound in the Tamworth public pound all animals of every description found straying in any street, roadway, or thoroughfare within the said Municipality of Tamworth.

Burning shavings, &c., in the streets.

33. Any person who shall burn any shavings, rubbish, or any other matter or thing in any road, street, lane, or public place within the said Municipality, or who shall, within ten yards of any dwelling-house, burn rags, bones, corks, or other offensive substance, shall, for every such offence, forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

Placards not to be affixed on walls nor bridges without consent.

34. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, house, fence or other erection, or deface any such wall, house, fence, bridge, or erection with chalk, paint, or other matter, unless with the consent of the owner thereof; and every person who shall be guilty of any such offence, shall forfeit and pay a sum not exceeding twenty shillings nor less than five shillings. Any person or persons who shall wantonly or maliciously break or injure any lamp or lamp-post, or injure or extinguish any light set up for public safety and convenience within the said Borough, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay any sum not less than one pound nor more than five pounds.

No rock to be blasted without notice to the Mayor, &c.

35. Any person who shall be desirous of blasting any rock within fifty yards of any road, street, public place, or private dwelling within the said Municipality, shall give notice in writing twenty-four hours previously to the Mayor or any two Aldermen, who shall appoint a time when the same shall take place, and give such directions as he or they may deem necessary for the public safety; and if any person shall blast, or cause to be blasted, any rock within the limits aforesaid, without giving such notice, or shall not conform to the directions given to him by the Mayor or any two Aldermen aforesaid, he shall, on conviction, forfeit and pay for every such offence any sum not less than one pound nor more than ten pounds.

Cleansing private avenues.

36. Any owner or occupier of any house or place and premises who shall neglect to keep clean all private avenues, passages, yards, and ways within or leading to the said premises, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall forfeit and pay a sum not exceeding forty shillings nor less than ten shillings for every such offence.

Placing dead animals on premises.

37. Any person who shall place, or who shall cause or suffer to be placed, upon any land or premises within the said Municipality any dead animal, blood, offal, night-soil, or other offensive matter, shall, on conviction, suffer and pay a penalty not exceeding five pounds nor less than ten shillings for every such offence.

Allowing dead animals to remain on premises.

38. Any owner or occupier of any land or premises who shall suffer or permit any dead animal, blood, offal, night-soil, or any other offensive matter, to remain upon the said land or premises after notice shall have been given by the Inspector of Nuisances to remove the same, shall be subject to a penalty of not exceeding two pounds nor less than ten shillings for every day that the same shall so remain.

Hog-styes and nuisances not removed on notice, &c.

39. In case any privy, hog-sty, any sink, cesspool, yard, or enclosure, or any matter or thing which shall at any time be in any place within the said Municipality, shall be or become a nuisance, it shall be lawful for the Council, or for the Inspector of Nuisances or other officer of the Council, after due investigation, by notice in writing, to order the removal of the said nuisance within seven days after such notice shall have been given to the owner or occupier of the premises wherein such nuisance is situated, or shall have been left for such owner or occupier at his or her last or usual place of abode, or on the said premises; and every such owner or occupier refusing or neglecting to remove or abate such nuisance, pursuant to such notice, and to the satisfaction of the Council, shall forfeit and pay a sum not exceeding ten pounds nor less than forty shillings.

Penalty for not removing offensive matter on notice.—Council may abate nuisance.—Right of entry for such purposes.

40. Any person who shall suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter to remain in any cellar or place within any dwelling-house or premises within the said Municipality for the space of twenty-four hours after written notice to him or her from the Inspector of Nuisances or other officer of the Council to remove the same, or shall allow the contents of any water-closet, privy, or cesspool to overflow or soak therefrom, shall, for every such offence, forfeit and pay a sum not exceeding forty shillings nor less than ten shillings, and a further sum of ten shillings for every day the offence shall be continued; and the Council may remove or abate, or cause to be removed or abated, every such nuisance, and do what shall be needful for preventing a continuation or recurrence thereof; and the officers of the said Council shall, for such purpose, have power from time to time to enter any house or premises; and the expense incurred in carrying out the provisions of the By-law shall be paid to the Council by the occupier or owner of the premises upon which the same exists, in addition to the penalty aforesaid, so as the same do not exceed fifty pounds in the whole.

Cleansing butcher's shambles, &c.

41. For preserving the cleanliness of the said Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances or for any other officer appointed by the Council from time to time, and when and as often as he or either of them shall see occasion, to visit and inspect the butcher's shops, soap and candle manufactories, private avenues, passages, yards, and ways within the premises of any owner or occupier, &c., fellmongering establishments, and tanneries within the said Municipality, and to give such direction with respect to the cleansing of the same, respecting both within and without, as to him shall seem needful. And any owner or occupier of any such premises aforesaid who shall refuse or neglect to comply with such directions within a reasonable time shall forfeit and pay a sum not exceeding five pounds nor less than one pound.

Damaging trees, &c.

42. Any person who shall wilfully or without the authority of the Council cut, break, bark, root-up, or otherwise destroy or damage the whole or any part of any growing or live tree, sapling, shrub, or underwood growing in or upon any street, reserve, or place under the management of the Council, shall forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Extirpation of noxious weeds.

43. Any owner or occupier of land within the said Municipality who shall permit or suffer to grow on the said land the weeds known as the Bathurst burr and thistle, and who shall fail to extirpate, remove, or destroy the same within ten days after the receipt of a notice in writing, by post or otherwise, from the Inspector of Nuisances or other officer of the Council so to do, shall, for every such offence, forfeit and pay a sum not exceeding five pounds nor less than one pound.

Newly slaughtered carcasses.

44. Every person who within the said Municipality shall carry or convey, or cause to be carried or conveyed, in any public street or place, the carcass, or any part of the carcass, of any newly slaughtered animal, without sufficient and proper cloth or covering to conceal the same from public view, shall be liable, on conviction, to a penalty of any sum not exceeding forty shillings for every such offence.

Bathing prohibited within certain limits.

45. Any person who shall bathe near to or within view of any inhabited house, public bridge, street, road, or other place of public resort within the limits of the said Municipality between the hours of six o'clock o'clock in the morning and eight in the evening shall, on conviction, forfeit and pay for every such offence a sum not exceeding twenty shillings.

Indecent exposure of person.

46. Any person who shall offend against decency by exposure of his or her person in any street or public place within the said Municipality or in view thereof shall, on conviction, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

Inspector of Nuisances may take legal proceedings.

47. The Inspector of Nuisances, or other person appointed by the Council, may, without any other authority than these By-laws, take legal proceedings against any person or persons committing any offence or offences against any of the By-laws of the said Municipality.

Penalties to be paid over to Treasurer.

48. All penalties under any of these By-laws shall be paid over to the Treasurer of the said Municipality, to be appropriated as the Council may direct.

Interpretation of "Mayor" and "Municipality."

49. Whenever in any of these By-laws the word "Mayor" is made use of, it shall, unless a context shall indicate a contrary distinction, be construed also to signify and include any Alderman lawfully acting for the time being in the place or stead of the Mayor; and whenever the word "Municipality" is made use of in the said By-laws it shall be understood to signify the "Municipality of the Borough of Tamworth."

As to interference with officer of the Council in enforcing By-laws.

50. Any person who shall obstruct or interfere with any officer of the Council or other person doing or performing any duty or act under any of the By-laws of the said Municipality, shall forfeit and pay a penalty of not exceeding twenty pounds nor less than two pounds.

Premises in a state to endanger public health—Houses to be purified on certificate of two medical practitioners.

51. If, upon the certificate of any two duly qualified medical practitioners, it appears to the Council that any house, or part thereof, or of the premises occupied in connection therewith, within the said Municipality, is or are in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, or purifying of any house or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious diseases, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, or purify the same, as the case may require, and if the person to whom notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he or she shall be liable to a penalty not exceeding ten shillings for every day during which he or she continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

PART VII.

By-laws under Nuisances Prevention Act, 1875.

1. All closets, earth-closets, privies, cesspools, and cesspits within the Borough of Tamworth, shall be constructed and kept so as not to be a nuisance or injurious to health, and so that there shall be no overflow or soakage therefrom; in no case where practicable shall a cesspit or cesspool be situated within twenty-five feet from any dwelling or fifty feet from any well.

2. There shall not be formed, dug, or excavated any earth below the surface for the purpose of making any cesspit, cesspool, or other opening for the receptacle of night-soil, unless by and with the permission of the said Council. All closets made or constructed after this By-law becoming law, shall be made or fitted with a movable receptacle or pan, and such as are usually known as earth-closets, unless the consent of the said Council be given to construct other than an earth-closet.

3. No cesspit, cesspool, or other receptacle for night-soil shall be of greater depth than six (6) feet, and shall be constructed of brick and cemented inside, so that no soakage can escape therefrom, and that the contents thereof may be readily removed.

4. A separate closet shall be provided for every dwelling-house, and when two or more closets adjoin each other there shall be a properly constructed dividing-wall between each closet, commencing at the floor and terminating at the roof. Each hotel shall be provided with at least one public closet and one or more properly constructed urinals, which shall be erected in such situations as the said Council or their officers shall decide upon.

5. The contents of cesspools, cesspits, privies, earth-closets, or other receptacles for night-soil, may be removed by contract in properly constructed water-tight carts, and the said Council is hereby empowered to enter into any contract or

contracts with any person or persons for the due performance of any or all matters connected with the removal and deposit of night-soil, and may make regulations from time to time as to them may seem necessary respecting such contract or contracts, and may also by like regulations determine the price which the owner or owners of, or occupants of, any premises shall pay or be liable to pay the said Council for emptying and cleansing, or causing to be emptied or cleansed, their cesspools, cesspits, privies, or earth-closets aforesaid, and the said Council may recover such charges as have been fixed by the said Council duly assembled by resolution or otherwise.

6. When any existing closet, cesspool, cesspit, or similar appliance of any kind shall, in the opinion of the said Council or their duly appointed officer or officers, be injurious to public health, or be or become a nuisance, or opposed to common decency, the owner or owners thereof shall, upon receiving seven days' notice from the said Council or from their duly appointed officer for that purpose, make such alterations as may be ordered by the said Council or by such officer within the time prescribed by such notice; any owner or occupier neglecting or refusing to comply with the terms of such notice, the said Council shall and may have the required alterations carried out at the costs and expenses of the said owner or occupier thereof; and in the case of neglect or refusal to pay such expense after demand, the same shall and may be recovered in the manner provided by section No. 14 of the "Nuisances Prevention Act of 1875."

7. Any owner or owners of existing closets or soil-pits may be required to alter and improve them in such manner as may be deemed necessary by the said Council, in order to bring them into conformity in all respects with these By-laws, on notice being given by the said Council, or by their duly appointed officer for that purpose, to that effect; owners or occupiers failing to make such alterations or improvements within one month after the receipt of such notice, shall be liable to a penalty of not less than one pound, nor exceeding the sum of three pounds, for each and every week, or portion thereof, during which they shall fail to comply with the terms of the notice aforesaid.

8. The said Council may from time to time, by regulation or regulations, appoint depôts within the said Municipality wherein the contents of the closets, cesspools, cesspits, and other offensive matter shall be deposited, and may use, or cause to be used, such disinfectants as may appear necessary so that the existing matter shall not be a nuisance or injurious to the health: Provided also that nothing herein contained shall prevent the said Council from making arrangements to deposit night-soil and other manures on private lands, or disposing of such by sale or otherwise, in accordance with the general provisions of these By-laws; but no person shall be allowed to deposit night-soil, sewage, or other offensive matter on private lands within the said Municipality without the consent of the Council or their duly appointed officer.

9. The contents of cesspools, cesspits, privies, earth-closets, or other receptacles for night-soil shall be removed in properly constructed water-tight carts, approved of by the Council, by persons who have been duly authorized and licensed for the performance of such work by the said Council; and no person shall be allowed to perform such duties of nightman without having first obtained a license from the said Council; and any person infringing this part of the By-law shall, on conviction thereof, be subject to a penalty for every such offence of not less than ten shillings nor more than five pounds.

10. All privies, earth-closets, or other receptacles wherein night-soil may be deposited, shall be kept in such a state of cleanliness so as not to be a nuisance or injurious to health; and no householder or resident shall allow or permit any such premises to be a nuisance or offensive to neighbouring householders or residents under a penalty of not less than one pound.

11. The occupier of every house, building, or tenement within the said Municipality shall cause every cesspit, cesspool, or privy therein to be emptied and cleansed from time to time, as soon as any portion of the contents of such shall have so accumulated therein as to be within a distance of six inches from the top of such receptacle or cesspit, or sooner on complaint being made and notice given by the said Council's duly appointed officer, for the removal of such night-soil: Provided that the contents of any cesspool, cesspit, privy, or closet pan shall not be removed or discharged therefrom except by some nightman or nightmen duly authorized or licensed as such by the aforesaid Council, and only between the hours of 10 o'clock p.m. and 5 o'clock a.m. No cesspit, cesspool, or privy shall have connected therewith or attached thereto any pipe or other appliance capable of being used for the purpose of discharging or removing the contents of such cesspool, cesspit, or privy upon or under the surface of any adjoining ground, or into any drain or sewer, or into any other place or places whatsoever. Any person or persons wilfully violating this part of the By-laws in any respect shall be liable to and forfeit and pay a penalty of not less than ten shillings nor more than ten pounds.

12. The occupier of any house, building, or other tenement, on or in which the privy or closet belonging thereto shall not be provided with a cesspit, shall at all times cause to be kept in such privy or closet a supply of dry powdered earth, ashes, charcoal, lime, or some other material efficient and sufficient for deodorizing the night-soil, deposited therein and shall cause all such night-soil which may be deposited therein in any pan or bucket, in such privy or closet, to be immediately, on the deposit thereof, covered with a quantity of dry powdered earth, or such other deodorizing material as aforesaid, sufficient to thoroughly and effectually deodorize the contents of such bucket or pan.

13. No pan or bucket used as a receptacle in a dry earth-closet shall exceed in measurement more than one and a half cubic feet, and shall be made of galvanized iron, with a handle across the top.

14. Licensed nightmen for the removal of night-soil shall, under the direction of the Inspector of Nuisances for the time being, or their officer or officers appointed by the said Council, make a trench on the depôts fixed upon by the said Council for the purpose of depositing therein all night-soil that shall from time to time be taken thereto, and the whole of such night-soil shall, as deposited, be covered with earth and disinfectants so as to prevent any nuisance to arise therefrom, and any nightman or other person who shall deposit night-soil either on the appointed depôt or any other land within the said Municipality without covering or otherwise deodorizing the same, shall be liable to a penalty not less than ten shillings nor more than ten pounds.

15. Every cesspool, cesspit, or earth-closet shall be in such a position that the same may be emptied without the contents thereof being carried through any part of any dwelling-house, and any person or persons having, or building, any cesspool or cesspit contrary to this part of the By-laws, shall be liable to a penalty of not less than ten shillings nor more than five pounds.

16. Any person or persons desirous of substituting earth or pan closets for, or in lieu of, any existing cesspit, cesspool, or privy, shall be at liberty so to do on giving notice to the Inspector of Nuisances, or other duly appointed officer, who shall, under his hand, give permission in writing for such substitution; no existing cesspit, cesspool, or other receptacle shall be covered over, filled up, or otherwise abandoned, without the consent, in writing, of the Inspector of Nuisances.

17. Any person or persons who intend to construct any privy or closet, shall give notice in writing to the Inspector of Nuisances for the time being, of their intention so to do, and the said Inspector shall, within forty-eight hours, inspect the premises on which such is intended to be constructed, and if, in accordance with these By-laws, and the Nuisances Prevention Act, shall give the necessary permission for the construction of such closet; any person constructing a closet or other receptacle for the deposit of night-soil, without giving such notice, and receiving such permission, shall, upon conviction, be liable to a penalty of not less than ten shillings nor more than ten pounds.

18. Any person or persons obstructing the said Council, or their appointed officers or servants, or any or either of them, in the execution of their duty in any way or manner, shall be liable to a penalty not exceeding ten pounds, in accordance with the provisions and powers contained in the "Nuisance Prevention Act of 1875."

19. There shall be paid to the said Municipal Council the sum of twenty shillings per annum for a license or permission to act as a nightman; and every person owning two or more night-carts shall pay the sum of ten shillings per annum for each and every cart he may have so employed or engaged in such work.

20. Every person guilty of a breach of any of the provisions of the foregoing By-laws, shall be liable for every such offence, when not otherwise expressly provided for, to a fine or penalty not exceeding twenty pounds nor less than ten shillings.

All fines, penalties, and forfeitures, incurred under these By-laws, shall be recovered in a summary way before two Justices in Petty Sessions, according to the provisions of the Act 31, Vic. No. 21, sections 193 and 194.

PART VIII.

By-laws for regulating the Cattle Saleyards, under the "Tamworth Cattle Saleyards Act of 1884."

1. The said cattle saleyards of the Borough shall be open for the reception and delivery of cattle, and other live stock, on every lawful day from sunrise to sunset.

2. There shall be appointed for such cattle saleyards an officer, to be called the Inspector thereof, whose duties shall be as follows:—

1. To see that the By-laws or Regulations be duly observed.
2. To demand and receive all fees and charges due under the said By-laws or Regulations.

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3. To allot the yards for the use of the parties bringing cattle thereto for sale, in such manner as in each particular case may seem to such Inspector most convenient.

4. To preserve order and cleanliness within the said cattle saleyards and the precincts thereof, and to summarily eject therefrom any person creating a riot or disturbance, or cursing or swearing, or using any gross or indecent language, or being guilty of any gross, cruel, or indecent conduct therein.

3. No person or persons shall obstruct the Inspector or his assistants in the performance of his or their duty, or shall release any cattle from the said saleyards before the fees and charges have been duly paid (the proof of which payment shall rest with the party charged with a breach of this Regulation) nor shall remove the same from the said yards, or from one part of them to another, without the authority of the Inspector; and any person committing a breach of this By-law in any respect shall be liable to a penalty not exceeding £5.

4. The owner, or any person in charge of any cattle, which shall break or injure the said yards, or any part thereof, or any erection in connection therewith, shall forthwith repair and make good such damage or injury, or in default of his so doing shall be liable to forfeit and pay a penalty not exceeding twice the cost of repairing and making good such damage or injury.

5. Any person or persons who may be found drunk or disorderly within the said sale-yards, or the precincts thereof, or cursing or swearing, or using gross, profane, or abusive language therein, or shall cruelly beat or illtreat any animal therein, shall forfeit and pay for every such offence any sum not exceeding £5.

6. The party or parties placing cattle in the said cattle saleyards, or any other saleyards or premises within the Borough of Tamworth for sale, and also the auctioneer or agent to whom the same shall be brought for such sale, shall be liable for the payment of all fees and charges accruing thereon.

7. Any person or persons who may place cattle in the cattle saleyards of the Borough for sale, and shall neglect for twenty-four hours to supply such cattle with sufficient food and water, shall for every such offence forfeit and pay any sum not exceeding £5, and in case of such neglect for such space of twenty-four hours at any time, the Inspector shall cause such cattle to be supplied with sufficient food and water, and the persons so neglecting as above shall be liable to repay the cost of the same, including a reasonable charge for labour and attendance.

8. The following fees and charges shall be paid and taken for all cattle brought to the cattle saleyards, or yarded in or brought to any other saleyards or premises, and sold within the Borough of Tamworth, that is to say:—For every horse, mare, gelding, foal, ass, or mule, the sum of one shilling; for every bull, cow, ox, heifer, steer, or calf in fat stock, the sum of sixpence; for every bull, cow, ox, heifer, steer, or calf in store stock, the sum of threepence; and for every sheep, lamb, pig, or goat, the sum of one half-penny.

9. The said fees shall be payable by the several persons hereinbefore rendered liable to pay the same so soon as the cattle in respect of which they are chargeable shall be sold, and the same shall be paid accordingly into the hands of the Inspector of the said cattle saleyards or his assistants. Provided that such Inspector may, with the consent of the Mayor, for the time being arrange with any auctioneer conducting sales within the Borough of Tamworth for making monthly returns or statements of all cattle sold by such auctioneer since the time up to which the next preceding returns shall have been made, and for payment upon such monthly return, and if any person shall fail to make payment, as herein first provided, or shall fail, after arranging as aforesaid, make any false or incorrect return, or statement therein, or shall omit from the same any of the required particulars of cattle, or shall fail to make faithful monthly payments in accordance with such arrangement, he shall be liable to a penalty not exceeding five pounds for every such offence.

10. Any person who shall neglect to comply with these By-laws, or be guilty of any breach thereof, shall, in cases where no special penalty is provided, be liable to a penalty not exceeding two pounds.

PART IX.

By-laws for the regulation of the Tamworth Free Library.

1. The Tamworth Free Library shall be open to the public daily, from 3 o'clock p.m. to 6 p.m., and from 7:30 p.m. to 10 p.m., except on Sundays, Christmas Day, Good Friday, and public holidays.

2. Every person entering the Library, whether for the purpose of inspection or otherwise, shall immediately write his or her name and address in a book to be called the "visitors book," and the Librarian shall keep such book conveniently placed for that purpose, and no person shall be allowed to inspect or use the Library unless and until he or she shall have complied with this By-law.

3. No person visiting the Library for the purpose of study or reference to any book, chart, globe, apparatus, model, specimen, or other library property, shall be allowed to help himself or herself, but shall apply to the Librarian, or other authorized person, to have his or her wants supplied. Any person infringing this By-law will be liable to immediate expulsion from the Library.

4. Where books or any library property shall be in use by any person or persons, and shall be applied for by others, the Librarian shall record such applications as they occur, and supply the applicants in the order of such records, but no person shall be solicited or hurried in the prosecution of such study or reference.

5. Any person who, being intoxicated, shall enter the Library shall be at once removed from the premises, and any person who shall use therein any abusive, improper, or unbecoming language, or who shall, by unnecessarily loud talking or by any noise, or otherwise disturb or annoy the persons using or resorting to the Library, or who shall, without lawful excuse, but without felonious or larcenous intent, remove or attempt to remove from the Library any book or other article belonging thereto or used therein, shall be forthwith removed by any officer of the Council or person in charge of the Library, and shall forfeit and pay any sum not less than ten shillings nor more than ten pounds.

6. Any person who shall, whether wilfully or otherwise, damage any book, catalogue, record, chart, model, apparatus, specimen, or other article, or thing belonging to or used in the Library, may be called upon by the Librarian or any member of the Library Committee to pay the ascertained amount of damage or the value of the article injured, and in the event of refusal so to pay shall, at the discretion of the Library Committee, be sued for the amount of damage or value aforesaid in a competent Court, or be proceeded against summarily, and in the latter case shall, upon conviction, forfeit and pay a penalty not exceeding ten pounds in addition to the ascertained amount of damage to or value of the article.

7. It shall not be in the power of the Librarian or the Library Committee, or any of them, except by the permission of the Council, to remove or permit the removal of any book, chart, apparatus, model, specimen, or any article or thing whatsoever belonging to or used in or connected with the said Library, and any of such persons as aforesaid so offending will be liable to the proceedings and penalties provided in section 5 of these By-laws.

8. Any society or class for mutual improvement or instruction, or study, or experiments may, with the consent of the Council, be formed in connection with the Free Library, and may hold its meetings and carry on its studies or experiments at the Library, provided that the general free access to and quiet use of the said Library by persons who are not members of any such society or class be not thereby interfered with, and provided further, that any and every rule framed by any such society or class shall be approved of by the Borough Council before any such rule or rules shall be put in force.

9. It shall be the duty of the Librarian to see that these By-laws are strictly adhered to and to report forthwith to the Library Committee any infraction of the same, or any injury to, or removal of, any of the books or other articles belonging to, or used in, the Library.

10. Any donation of money or other property made to or for the use of the Library may be received by the Librarian, the Library Committee, or the Council. Any money donation shall forthwith be paid to the credit of the Free Library account in such bank as the Council may appoint.

11. The salary and duties of the Librarian shall be fixed by the Council, and the appointment and removal of the said officer shall rest wholly with the Council. In matters of routine the Librarian shall be under the control of, and be directed by, the Library Committee.

12. A copy of these By-laws and of all rules and regulations which shall from time to time be made thereunder shall always be kept exhibited in a conspicuous and convenient place of access in the Library, and copies shall be printed for distribution on such terms as the Council may direct.

13. In the foregoing By-laws the word "Library" shall be taken to mean the Tamworth Free Library, and the word "Council" shall be taken to mean the Municipal Council of the Borough of Tamworth, as provided for by the Municipalities Act of 1867, 31 Victoria No. 12.

Adopted by the Municipal Council of the Borough of Tamworth, this 16th day of April, 1889.

(L.S.) C. H. VENESS,
Mayor.

D. F. W. VIXESS,
Council Clerk.

1889.

NEW SOUTH WALES.

PUBLIC VEHICLES REGULATION ACT OF 1873, AND PUBLIC VEHICLES
REGULATION ACT AMENDMENT ACT OF 1886.

(BY-LAWS.)

Presented to Parliament, pursuant to Act 36 Vic. No. 14, sec. 15.

Colonial Secretary's Office,
Sydney, 18th September, 1889.

BY-LAWS UNDER PUBLIC VEHICLES REGULATION ACTS OF 1873-1886.

The following By-laws, made by the Metropolitan Transit Commissioners, under the "Public Vehicles Regulation Act of 1873," and the "Public Vehicles Regulation Act Amendment Act of 1886," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the provisions of the above cited Acts.

HENRY PARKES.

Interpretation.

THE Metropolitan Transit Commissioners, empowered and elected under the provisions of the "Public Vehicles Regulation Act of 1873," and the "Public Vehicles Regulation Act Amendment Act of 1886," do, by virtue of the authority vested in them by the said Acts, hereby make the following By-laws to operate within the Police District of Sydney, for carrying into effect the powers, authorities, purposes, and provisions of the said Acts; and declare that the same shall stand in the place and instead of all By-laws heretofore in force, which By-laws heretofore made are hereby repealed.

1. In the construction of these By-laws, unless the context shall otherwise indicate, the following terms in inverted commas shall bear the meaning and include the things herein after severally assigned or set against them:

"Commissioners"—The Board of Metropolitan Transit Commissioners, empowered and elected under the provisions of the said Acts.

"Registrar"—The Registrar appointed by the said Commissioners.

"Inspector"—Inspector or Sub-Inspectors now or hereafter to be appointed by the said Commissioners.

"Public Vehicle"—Shall include all vehicles of any description hereafter defined in these By-laws.

"Omnibus"—A vehicle used for the purpose of plying for hire in any public street or place for passengers to be carried at separate fares, and including the following description:—Vehicles on four wheels, drawn by two or more horses or other animals; also omnibus-cars or waggettes on four wheels, drawn by one or more horses or other animals.

"Carriage"—Any vehicle used for the purpose of plying for hire in any public street or place, and including the following descriptions:—Hackney carriages or vehicles on four wheels, and cabs and vehicles on two or more wheels drawn by one or more horses or other animals.

"Van"—Van, wain, waggon, cart, dray, or vehicle of any construction plying for hire in any public street or place, and drawn by one or more horses or other animals.

"Owner"—Every person who alone or in partnership with any other person or any company or body corporate that shall keep any vehicle for which a license has been or shall or may be obtained by or transferred to him, or it, under these By-laws.

"Driver"—Every person engaged or employed in driving any licensed public vehicle.

"Conductor"—Every person other than the driver engaged or employed or attending in or upon any omnibus.

"Passenger"—Every person carried in or upon any omnibus or carriage other than the driver or conductor.

"Horse"—Horse, mare, gelding, mule.

And in the construction of these By-laws, any word importing the singular number shall be understood to include several persons or things as well as one person or thing, and any word importing the plural number shall be applied to one person or thing, and every word importing the masculine gender shall extend and be applied to a female as well as a male.

Public Vehicles generally.

Public vehicles not to ply, or person to drive or conduct without a license.

2. No public vehicle, or vehicle of any kind, shall ply for hire, nor shall any person ply for hire or act as the driver or conductor of any such public vehicle or vehicle within the Police District of Sydney, unless licensed in the manner hereinafter mentioned, nor during the suspension or after cancellation of such license, and the conveyance of goods or passengers for hire, or the occupying of a place on any public stand for licensed vehicles, shall be *prima facie* evidence that such person is plying for hire.

A requisition must be signed for a license.—Certificate from two respectable persons and Inspector of Police.—Meetings of Commissioners.—Age of licenses.

3. Any person requiring a license as owner, driver, or conductor of any public vehicle, shall obtain from the Registrar, free of charge, a requisition in the form of the Schedule A hereto, or to the like effect, and shall duly fill up and sign the same and deliver it with a certificate from two

respectable persons, and from the Inspector or Chief Officer of Police for the district in which he resides, stating that he is of good character, of the required age, and competent for the position under license applied for, to the Registrar, at least three days previous to the day for granting licenses by the Commissioners next following the date of such requisition. Meetings for dealing with applications for licenses and other business shall be held by the Commissioners on Wednesday in each week at 11.30 in the forenoon, or at such other time as they may notify in a daily paper twenty-four hours previously, when licenses may be granted or refused at the discretion of the Commissioners. The required age for a driver or owner shall be at least 21 years, and for a conductor 14 years, and every applicant for a driver or conductor's license must be able to read and write.

No license to be granted for vehicle in bad condition.

4. No license for any public vehicle shall be granted or renewed unless such vehicle, and the horse or horses, or other animals, and harness, shall have been examined by the Inspector and reported by him to be in a fit state to be licensed; and no license shall be granted for any public vehicle, which in the opinion of the Commissioners, shall be unsafe, in bad repair, or otherwise unfit for the accommodation or conveyance of passengers, or for the conveyance of goods or merchandise.

Form of license.

5. Licenses for owners, drivers, or conductors shall be in the form provided in Schedule B for each such license respectively, or to the like effect.

Licenses to be under the hand of the Chairman and the Registrar.—Licenses to continue in force till 31st December in each year.—Substitute may be used by giving notice to Registrar.—Substitute to be subject to these By-laws.—“Permit license” to be granted for substitutes.—“Permit license” may be granted to any licensee for one month.

6. Every license granted under these By-laws shall be under the common seal of the Commissioners, and under the hand of the Chairman of the Board, or of the Chairman of the meeting at which such license shall have been granted, and also under the hand of the Registrar; and shall be, unless cancelled or suspended as hereinafter provided, in force from the date of such license up to and including the 31st day of December then next ensuing; and no such license shall include more than one public vehicle or one person. Provided that if, by accident or otherwise, any public vehicle shall become unfit for use, it shall be lawful for the owner thereof, during such reasonable time as it shall be undergoing repair, to use another vehicle as substitute; but the substitute shall in all respects be subject to these By-laws, and the owner using it shall be liable for any non-compliance with these By-laws. In order to entitle an owner to the benefit of the above provision, he shall give notice in writing to the Registrar of his desire to ply a substitute, stating the cause of his being compelled to do so, and the period during which it will be necessary to ply the same; and no such substitute shall be used until it shall have been inspected and approved of by the Inspector, or for a longer period than fixed by a “Permit license” in the form of Schedule C hereto, or to the like effect, under the hand of the Registrar and delivered to the owner. A “Permit license” may also be granted to any owner, driver, or conductor for any period not exceeding one month, and such owner, driver, or conductor shall in all respects be subject to these By-laws in the same manner as if he had been licensed as before provided.

Fee for license.

7. For every such license or annual renewal thereof there shall be paid to the Registrar the several rates set forth in the Schedule hereunto annexed marked H.

Renewal licenses.

8. Licenses may be renewed at the end of every year by endorsement under the hand of the Registrar: Provided that the applicant for such renewal shall have conducted himself and his business creditably and satisfactorily. And every person desirous of renewing a license as an owner, driver, or conductor, shall sign, and leave with the Registrar, a form of Requisition at least 21 days before the expiration of the license, and every renewal license must be taken up on or before the 14th day of January in each year.

Owner not to part with license.—As to sale of vehicle.—Transfer of license.

9. No owner shall be at liberty to part with or lend his license. Any owner transferring or selling his public vehicle shall immediately give notice thereof to the Registrar; and the transferee or purchaser shall thereupon apply to have the license transferred to him, and shall sign his name on the license and upon the copy of same kept by the Registrar; and for every such transfer they shall be paid the sum of one shilling, and until this By-law shall have been complied with, the transferor or seller shall remain liable as owner for the breach of any of these By-laws, and no transferee or purchaser shall use the said vehicle or allow it to be used to ply for hire.

Who deemed owner.

10. The person or persons in whose name or names a license shall appear on the books of the Registrar shall be deemed the owner of the public vehicle in respect of which such license shall have been issued.

By-laws be given to licensed persons.—Licensees to produce their license when demanded.

11. Every person obtaining an original license under these By-laws shall, at the time of registering the same, have given to him, without charge, a copy of these By-laws; and such person shall at all times have such copy of By-laws ready for production, and shall, upon request, produce the same to any person using or hiring his public vehicle; and every driver or conductor shall at all times have his license, and produce the same when required by any person aforesaid, or to the Inspector, or to his assistants, or to any Justice of the Peace, or officer of Police requiring the same.

Register of license and production at Court.

12. Every owner, driver, or conductor, on receiving his license, shall sign a copy purporting to be such, and acknowledging the receipt of the license, which copy shall be kept by the Registrar, and the production of which, on any proceeding for breach of the By-laws, shall be sufficient evidence that the person so signing is, in fact, the person to whom such original license was issued.

Change of residence to be notified, and license endorsed.

13. Whenever any person named as the owner, or one of the owners, or any driver or conductor of a public vehicle shall change his place of abode, he shall within two days next after any such change, give notice thereof in writing signed by him to the Registrar, specifying his new place of abode, and the same shall be endorsed upon the license granted to such owner, driver, or conductor, and upon the copy of the license kept by the Registrar.

Mode of driving to stands.

14. Every public vehicle on its arrival at any stand shall be drawn to the end of and be the last of the rank of any public vehicles that may be on such stand; and all public vehicles shall be arranged in single file only, and shall draw up in succession in the order of arrival to the place vacated on such stand; a space of eight feet shall be left after every fourth public vehicle.

Driver and conductor to be in attendance, and have control over horses, &c.—Driver to remain on his vehicle.—Driver allowed to load or unload if wheels locked.

15. The driver and conductor of every public vehicle shall be constantly attendant on the same when standing on a public stand, or whilst plying for hire; and no driver or conductor shall, when standing on a public stand, or plying for hire, be at such a distance from the horse or horses or other animals attached thereto, as to prevent his having control over the same; nor shall the driver or conductor at any time stand by or remain on the footway or pavement of any of the streets, lanes, or public places next adjoining any public stand; but every driver and conductor, when not actually employed in or about his public vehicle, or in feeding or watering his horses, shall remain on the driving box or step of such vehicle, and not elsewhere. The driver shall not be deemed guilty of an offence against this By-law if actually engaged in loading or unloading, provided such driver safely and securely lock the wheels of such vehicle.

Mode of feeding horses.

16. The driver of every public vehicle shall place a muzzle upon the head of any vicious horse or other animal whilst on the stand, and whilst feeding his horse or horses or other animals, shall use nosebags to contain the forage, and shall not remove his horses' or other animals' blinkers during the time of feeding, or at any time when attached to the vehicle.

No person to loiter on a public stand.

17. Any person not being a licensed driver or conductor who shall loiter on any public stand, or refuse to depart therefrom when requested so to do by any Transit Inspector or officer of Police, shall be liable to a penalty.

To ply from stands.

18. The owner or driver of any public vehicle shall not permit the same to stand or ply for hire except at or from an appointed stand.

Schedule of stands.

19. The places specified in Schedules L, M, and N, hereto annexed, are hereby respectively appointed stands for public vehicles.

Alternatives of stands, time-tables, and line of road.

20. The Commissioners may from time to time appoint any stands to and from which omnibuses may run, and any time-table and line of road for the same, and may appoint, abolish, or alter the situation and number of any omnibus, cab, or van stand or line of road.

Conductor to wear a badge.—Temporary conductor's license.

21. Every conductor shall when he receives his license be furnished with a badge by the Registrar, to be always worn on the left arm when upon an omnibus; and shall leave the sum of five shillings as a security for same, to be refunded when the badge is returned; and no conductor shall part with or lend his badge, or conduct any vehicle without it. It shall be lawful for the Commissioners at their discretion to issue temporary conductor's licenses for any period less than a year at a reduced fee.

Owner to be responsible for conductor.

22. Every owner shall be held responsible for the good conduct and proper clothing of any conductor employed by him, and shall be liable for all the penalties which such conductor may incur under these By-laws.

Driver to show his license to owner—Not to part with license—Owner not to employ unlicensed driver or conductor—Owner to produce license of vehicle to driver.

23. Every driver or conductor shall at the time of being employed by the owner of any public vehicle produce to such owner his license, and the owner of such vehicle, at the time of employing every such driver or conductor, shall demand the production of his license; such driver or conductor shall not lend or otherwise part with such license, on any pretence whatsoever. No owner of any such vehicle shall employ an unlicensed person as the driver or conductor thereof. Every owner shall at the time of employing a driver produce to such driver the license of the vehicle he is to drive, and no driver shall ply for hire with any public vehicle that is not licensed.

No person to drive without consent of owner.

24. No person except the driver or conductor of a public vehicle (authorized by the owner of such vehicle) shall drive or conduct the same. No driver or conductor shall suffer or permit any other person to act as driver or conductor of such vehicle without the consent of the owner, neither shall the driver or conductor of any public vehicle leave the same when plying for hire, and no person shall tout or solicit passengers for him.

Not to neglect to take a fare.

25. No driver of any public vehicle, having agreed to take a fare from any place at any time, shall delay, neglect, or refuse to do so.

Taking up or setting down passengers at public places.—Mode of approaching and departing, and conduct whilst waiting.

26. The driver of any public vehicle taking up or setting down passengers at any place of public worship or public amusement, or at any place within the Police District of Sydney, or who is waiting at any such place, shall obey the direction of the Inspector or Police constable who may be on duty at such place, as to the taking up or setting down or waiting for passengers, and as to the manner of approaching and departing; and the order and place in which any public vehicle shall stand; and every driver shall perform his duty in a careful and quiet manner, and shall not push into or get out of the line or position fixed for the vehicles, so as to endeavour to arrive at his place of destination before any other vehicle, the driver whereof from its position would have a prior right to take up or set down passengers.

Drivers and conductors guilty of misconduct, bad language, ill-treatment of a horse.—Passengers guilty of misconduct.

27. No owner, driver, or conductor shall, whilst acting as driver or conductor, be guilty of any breach of the peace, misconduct or misbehaviour, or be intoxicated, or make use of any threatening, obscene, abusive, or insulting language, or by act behave in an insulting, threatening, or abusive manner; and no driver shall cruelly beat, ill-treat, or over-drive, abuse, or torture any horse in his charge, but shall at all times be sober and careful in the discharge of his duties. And no person using any public vehicle shall be guilty of any breach of the peace, misconduct, or misbehaviour, or be intoxicated, or make use of any threatening, obscene, abusive, or insulting language, or by act behave in an insulting, threatening, or abusive manner, or wilfully or negligently injure or damage such vehicle.

No loitering.—No obstruction or preventing taking a fare.

28. No driver shall, except whilst on an appointed stand, permit his public vehicle to stand or loiter in any part of the Police District of Sydney longer than may be absolutely necessary for loading or unloading, or for taking up or setting down passengers, nor shall he cause any obstruction, or wilfully or wrongfully or forcibly prevent, or endeavour to prevent, the driver of any other public vehicle from taking a fare or hiring.

Mode of driving.

29. The driver of every public vehicle shall keep the same on the left or near side of the road, except in cases of actual necessity, and shall permit any other vehicle to pass having the right so to do, and when about to stop shall raise his whip straight up above his head, so as to warn the driver of any vehicle that may be behind.

Mode of loading and unloading.

30. Every licensed driver whilst engaged in taking up or setting down any passengers, or in loading or unloading, shall place his public vehicle as near as conveniently may be to the kerbstone on the left of the street, and in a line parallel thereto.

Walking over crossings and round corners.

31. The driver of every public vehicle requiring to turn for the purpose of proceeding in an opposite direction, or in turning the corner of any street, road, or place in the Police District of Sydney, shall bring the horse or horses or other animals to a walking pace before commencing to turn, and shall also go at a walking pace in crossing the intersections of any streets within the city boundary.

Inspection of vehicle, horse, and harness.—Notice of suspension to be sent.—Vehicle may be suspended for not appearing when notified.—Vehicle not to be used after suspension.

32. The Commissioners may, as often as they shall deem it necessary, cause an inspection to be made of all or any public vehicles, and of the harness and horse or horses or other animals used in drawing the same; and if any such vehicle, horse or horses, or animals, or harness shall be found by them, in their opinion, unfit for public use, notice in the form or to the effect contained in the Schedule annexed, marked B., shall be given to the owner of such vehicle; and no owner after such notice shall use or let for hire, or suffer to be used or let for hire, such vehicle, horse, animal, or harness, as the case may be, before the same shall, in the opinion of the Inspector, be in fit condition for public use, and the Commissioners may suspend for such time as they may deem proper the license of such vehicle; and in case the owner shall neglect or refuse to attend with his public vehicle, horse or horses, or other animals and harness, before the Commissioners, when he shall have received a notice to that effect in the form of Schedule D, the Commissioners may suspend or cancel the license of such vehicle, and any owner of such vehicle who shall permit or suffer the same to ply for hire during the suspension or after the cancelling of such license shall be liable to a penalty.

Inspectors to be appointed to see that By-laws are carried out.—Inspectors may order vehicles from stand.—Licensees comply with orders.

33. Such person or persons as may from time to time be on that behalf appointed by the Commissioners shall be Inspector or Sub-Inspectors, during the pleasure of the Commissioners, of all public vehicles plying for hire in the City and Police District of Sydney; and such Inspector or Sub-Inspectors shall every three months examine all such vehicles, and report to the Commissioners on the same, and shall at all times see that as far as possible the By-laws are duly observed; and any such Inspector or Sub-Inspectors shall have power to order from any stand, or from being driven or used for hire, any public vehicle which with horse or horses or other animals and harness attached thereto, upon examination, shall not be in a proper and cleanly state, and in all respects in accordance with the By-laws fit for use; and every owner, driver, or conductor shall comply with the orders and directions so given.

Lamps to be lighted.

34. Every public vehicle, except a van which need only carry one lamp, shall be provided with a lamp on each side of the same, outside; and the driver of same, when plying for hire between sunset and sunrise, shall light and keep such lamps lighted; and the conductor or driver of an omnibus shall also, between the hours of sunset and sunrise, light and keep lighted the lamp inside such omnibus.

Driver to stop his vehicle upon demand of any Transit Officer.

35. The driver of any public vehicle shall stop the same upon demand by any officer of the Commissioners requiring to count the number of passengers, or to ascertain the name of any person who may be offending against these By-laws, or for the purpose of examining any horse or horses or other animals attached to such vehicle, which may then appear to be receiving ill-treatment, or unfit for use, or for any other purpose, and any driver not stopping when so called on shall be liable to a penalty.

Owner to allow the Inspector free access to his premises.

36. The owner of any public vehicle shall at all reasonable times allow any Inspector free access to his premises for the purpose of serving any notice or legal process.

Owner responsible for damages.

37. Any owner who shall entrust or let out his licensed public vehicle to any licensed driver or other person, shall be responsible and liable to pay for any damage done by such vehicle while in the charge or control of such driver.

Owner to make known name and address of driver.

38. The owner of any public vehicle shall at the request of any officer appointed by the Commissioners, make known the name and place of abode of the driver or conductor of such vehicle at any stated date, provided such request be made within 14 days of such date.

No person to obstruct Inspector.

39. No owner, driver, or conductor, or other person shall obstruct or hinder any such Inspector or Sub-Inspector in the execution of his duties, or refuse to comply with any lawful order or direction to be given by him in relation to these By-laws.

Not to demand more than legal fare.—Excessive fare may be recovered.

40. No licensed owner, driver, or conductor shall demand receive, or take more than the several fares or amounts fixed by the Commissioners by these By-laws. If any person pay the driver any sum exceeding the proper fare, he may recover the sum in excess, and the driver will be liable to a penalty for such exaction.

Fares to be paid for vehicles sent for but not used.

41. Any person calling or sending for a public vehicle and not further employing the same shall pay the ordinary fare from the stand or place from which the same was engaged. And if the person calling the same shall detain it more than fifteen minutes, he shall pay for any time it may be detained at the same rate as for ordinary hiring.

Legal fare to be paid when demanded.

42. Any person having hired a public vehicle shall pay the legal fare when demanded; and any person refusing or neglecting to pay the same shall, on conviction in any Court of Petty Sessions, or before any Stipendiary Magistrate, forfeit and pay the same, with such amount of costs and compensation for loss of time or otherwise that shall to the same Court seem just.

Vehicles on stand to be bound to take a fare.—Legal fare may be demanded

43. Every public vehicle, except an omnibus, standing or being on any public stand, shall be deemed to be plying for hire, and the driver thereof shall be bound to take immediately any fare, notwithstanding any pre-engagement: Provided, however, that no driver shall be bound to take such fare unless the person requiring the same shall upon demand tender and pay the legal fare for the required hiring there and then. Further, if at any other place than a public stand the owner or driver shall solicit engagement by word or sign, he shall be bound to take a fare immediately, under the same conditions as before mentioned as to the hirer.

Additional Fare after 10 p.m. and before 6 a.m.

44. For as much of every hiring as may be performed by any public vehicle not an omnibus after 10 o'clock at night and before 6 o'clock in the morning, an addition of one-half the ordinary fare shall be paid with such ordinary fare; and in case of an omnibus, the charge shall be double the ordinary fare between the above-mentioned hours.

Place at which Vehicles shall be driven.

45. No public vehicle except a van shall be drawn through any part of the Police District of Sydney at a walking pace, except as before provided, or on Sunday, when all shall be so drawn when crossing places of public worship during divine service or whilst in a funeral procession, nor at a pace faster than that of a trot, which shall not be at a less rate than six miles an hour, at which rate all public vehicles, except vans, shall be drawn.

Vehicle to be in good order.—Horses to be in fit condition.—Driver and Conductor to be kept clean.

46. The owner of every public vehicle shall at all times make and keep it clean, strong, and in serviceable order in all respects, and if with windows, they shall be sound and unbroken, with the leathers or lifts suitably attached and properly working in the frames. The horse or horses or other animals shall be able and sufficient for their work, free from disease, physical defect, or deformity, and properly broken in to harness; the harness for each horse or other animal shall be perfect, good, and sufficient for the purpose; and every driver or conductor shall be clean in his person, wear clean and respectable clothes, and conduct himself in a proper and decorous manner.

Persons suffering from infectious disease.—Persons under influence of drink.—Offensive matter not to be carried.—No female to ride on top of omnibuses.—Reports to be made to Inspector, and Vehicle to be fumigated.

47. No person suffering or recovering from an infectious or contagious disease shall ride in or upon any public vehicle, and no driver or conductor shall knowingly carry or permit to be carried any such person, or any coffin or corpse, or any person in a state of intoxication, or who is noisily or violently conducting himself, or otherwise so misbehaving as to occasion any annoyance to other passengers or to disturb the public peace (except to a police office or watchhouse), or any substance of an offensive character; and no passenger shall carry in or upon any public vehicle, except a van, any animal, or any substance of an offensive character, or of such dimensions as to incommode other passengers, or that might soil or damage such vehicle or the apparel of other passengers; and no driver or conductor shall sleep in or upon any public vehicle, or use the same for eating his meals therein, and no driver shall allow any female to ride on the driving box or front seat of his omnibus. Whether in breach of the foregoing provisions or otherwise, any person suffering from any such disease shall be carried in or upon any public vehicle, and the owner, driver, or conductor thereof shall be or become cognizant of the fact, it shall be the duty of such owner, driver, or conductor, immediately upon the termination of the hiring, to give notice to the Inspector that such vehicle has been so used, and to cleanse and thoroughly disinfect the same, and not to permit any other person to ride therein or thereon until it shall have been so cleansed and disinfected to the satisfaction of the Inspector.

No smoking.—Conductor not to enter Omnibuses to collect fares.

48. No driver or conductor shall smoke tobacco or other thing whilst driving or conducting any public vehicle except a van engaged on any fare; and no smoking shall be allowed inside any omnibus. No conductor shall enter any omnibus,

nor mount on the top of it, whilst performing his journeys, for the purpose of collecting any fares, or for any other purpose, or permit any person to stand on the steps or monkey boards whilst he shall be conducting, and any person other than a conductor riding on the step or any other part of any public vehicle not being a seat duly provided for passengers shall be liable to a penalty.

Persons breaking By-laws to be removed.

49. Any person or passenger breaking any of the provisions of these By-laws with regard to misconduct by such person or passenger, or smoking, may be removed from any public vehicle by the driver or any Inspector or Police-officer.

No Advertisement to be placed on Public Vehicles without permission.

50. No owner, driver, or conductor shall place or suffer to be placed on the inside or outside of any licensed omnibus or carriage, any notice, advertisement, or printed bill, or any names, letters, or numbers, without the written consent of the Commissioners previously obtained.

Penalty for fraudulently evading Fare.

51. Any person fraudulently evading the payment of any fare for hire of any public vehicle shall, upon conviction in any Court of Petty Sessions or before any Stipendiary Magistrate, be liable to a penalty not exceeding ten pounds nor less than two pounds in addition to amount of legal fare, and such amount of costs and compensation for loss of time or otherwise as shall to the same Court seem just.

Service of Notices.

52. Where personal service of any notice or process cannot be effected, the same shall be deemed to be duly served if left at the place of abode of the person notified, or, if he be a licensed person, at the place of abode specified in his license.

Closing of Streets for Traffic.

53. Whenever, for the prevention of accident or maintenance of order, any street or other public place shall be declared to be closed against traffic of vehicles, the drivers of public vehicles shall, when so required by the Inspector or Police-constable, obey and conform to such request by abstaining from going or by withdrawing and removing from where mentioned. And the drivers of such vehicles which may be there, whether plying for hire or on any duly appointed stand or otherwise, shall, when so required by the Inspector or Police-constable, remove their vehicles, and arrange in any other street as directed.

Omnibuses.

Construction of Omnibus Fittings, &c.

54. Every omnibus for which a license shall hereafter be applied for shall be of the dimensions herein directed, and shall be provided with the fittings and furniture, and have painted on it the words, figures, and notices detailed and described hereunder:—

Dimensions.

From floor to roof, to line with front of each seat, not less than five feet.

From top of seat of cushion to roof, not less than three feet six inches.

Each seat shall be not less than fourteen inches wide. Space from seat to seat between the inside seats, not less than two feet.

Furniture.

The outside seats, when not of the rustic pattern, and all inside seats, shall be furnished with sound and serviceable cushions.

Bell.

A bell or check-string, to warn the driver to stop when required.

Lamps.

Two lamps outside, one on each side of the omnibus, of the colour prescribed for the line of road on which it shall ply, and shown in Schedule P; one lamp inside.

Springs.

Springs or contrivances shall be provided to all window-frames of an approved pattern, effective to prevent noise.

Aprons.

Waterproof aprons shall be provided sufficient to cover the legs of outside passengers, which aprons the driver or conductor shall offer for use.

Covering for floor.

The floor to be covered with rope or coir mats, or some other proper material. Clean straw may be used in wet weather.

Head-piece.

The head-piece of the omnibus shall be painted of the colour prescribed for each particular line of road, and shown in Schedule P.

Numbers of Lamps.

The number of the license, in black, two inches high, of a proportionate width, on the outside lamps.

Numbers on driver's seat.

The number of the license, four inches long, and of proportionate width, upon or near the driver's seat, and upon the panel of the door on the outer side.

Outside doors.

The fare, and name of the owner, and the licensed number of passengers on the outside of the door.

Stands.

The name of the stands between which it shall be licensed to ply, on each external side clear of the wheels; also

Particulars of journey, time and fare, &c., inside omnibus.

On the front panel inside, in a conspicuous place, the names of the stands between which it shall be licensed to ply, the licensed number of passengers, the time of journey, the fare, number of omnibus, and the name of the owner, except where otherwise directed. All the above words and figures to be not less than two inches in length, free from flourishes or intricate designs, and of a colour in clear contrast with the ground on which they shall be painted. No alteration shall be made in any of the above without notice to the Registrar, and the approval of the Commissioners: Provided that no alteration in the colour of the head-piece of any omnibus shall be enforced until it shall be required to be repainted.

Commissioners to determine the number of horses required for each vehicle.

55. The number of horses or other animals required to draw any public vehicle shall be determined by the Commissioners, and such number when so determined upon shall be inserted in the license of such vehicle, and no person shall drive any public vehicle drawn by a less number of horses or other animals than is specified in such license; and all vehicles drawn by more than two horses or other animals shall be provided by the owner thereof with a conductor, except where otherwise directed.

Not to carry a greater number than licensed to.—Persons forcing themselves on vehicle.—Dimensions of seats.—Children under 5 years of age.

56. No driver or conductor shall admit to the inside, or allow on the outside of any omnibus, at any one time, a greater number of passengers than the number it shall be licensed to carry inside or outside, as the case may be; and any person who shall force himself in or upon any omnibus after the licensed number are in or on the same shall be guilty of an offence against this By-law and fined, and may be removed therefrom by the driver or any Inspector or Police Officer; and no omnibus shall be licensed for more passengers than the same will accommodate upon fit seats properly cushioned, allowing for each passenger to be seated on the inside a space of eighteen inches, and for each passenger to be seated on the outside a space of sixteen inches, measuring in a straight line lengthwise on the front of each seat: Provided that no child under five years of age sitting on the lap shall be deemed to be a passenger within the meaning of these By-laws; no passenger to carry more than one such child without paying fare for the same.

Time-tables, &c.—Omnibuses to start in rotation.—Owner shall furnish an omnibus to perform journey.

57. The time of departure and arrival from and to the several stands and places within the Police District of Sydney shall be regulated by a time-table, approved by the Commissioners, copies of which shall be prepared by the Registrar, from whom a copy may be had on application. Every driver who shall start or arrive at any public stand or place otherwise than in strict accordance with such time-table shall be guilty of an offence against this By-law. Provided that as occasion may require any such time-table may be altered under the like authority as aforesaid. The first omnibus to start on one day shall be the last on the next, and the others in their order; and each owner shall furnish an omnibus to perform the journeys in every turn that falls to him, so as to keep a continuous rotation daily.

Line of road and time to be kept.

58. Every omnibus shall, on each line of road, start from its stand, and complete its journey and the parts thereof to the other stand for such road, in the time shown in Schedule O hereto, without turning round or leaving the proper line of road from one stand to the other, as shown in Schedule N hereto.

Permission to leave line of road.

59. The Inspector shall be at liberty to grant permission to the owner or driver of any licensed omnibus to leave the line of road for which such vehicle is licensed, and ply the same from any place not being an appointed stand, and no owner or driver of any public vehicle shall permit or suffer the same to leave the line of road for which such vehicle is licensed without the permission of the Inspector. Written application or permission to leave the line of road must be left with the Registrar at least three days before the date of such leaving.

No blowing of horns, &c.—No shouting on Sunday.—Railway conductor may use a whistle.

60. No driver or conductor of any omnibus, whilst standing at a public stand, or plying for hire in any part of the City or Police District of Sydney, shall endeavour to attract notice by ringing of bells, blowing of horns or other instruments, nor deceive any person in respect of the route or destination thereof by word or sign; nor shall the driver or conductor of any public vehicle endeavour to attract notice by shouting or calling on Sunday whilst at a public stand, or in any part of the Police District of Sydney: Provided that the conductor of any railway omnibus, and no other, shall be permitted the use of a whistle whilst such omnibus shall be performing its journey to or from the Railway Station.

Passing.

61. No omnibus shall pass any other in the Police District of Sydney, proceeding in the same direction from or to the same stand, if the latter be proceeding on its journey at a pace faster than a walk.

Only proper fare to be received.—Additional fare between 10 p.m. and 4 a.m.—Eligible passengers not to be refused.—Driver not to stop on any crossing.

62. No owner, driver, or conductor of any omnibus shall demand, receive, or take from any passenger a larger fare than shall be shown in large immovable figures, as before provided, as the fare for which such omnibus plies: Provided that no fare shall be increased, except between the hours of 10 o'clock at night and 6 o'clock in the morning. And no driver or conductor of an omnibus shall neglect or refuse to stop for, admit, and carry any person for whom there is room, and to whom no reasonable objection can be made under these By-laws; nor, except in cases of accident or other unavoidable cause, shall any driver or conductor stop such vehicle upon any place where foot passengers usually cross the carriage-way.

Omnibus fare to be paid when demanded or placed in fare-box.

63. Any person having taken his seat in or upon an omnibus shall pay the fare when demanded by the driver or conductor after the commencement of his journey: Provided that when a fare-box is in any omnibus, such fare shall be placed by the said person in the fare-box provided for that purpose; and any person who shall refuse or neglect to pay or deposit the same shall be liable, on conviction, to forfeit and pay the same with such amount of over damages, costs, and charges for loss of time or otherwise, as to the Court hearing the said charge may seem just.

Omnibus not to be withdrawn without notice.

64. No owner of any licensed omnibus shall, without leave from the Inspector, withdraw the same from hire, except in case of accident. Any owner desirous of withdrawing his omnibus may do so on giving five days' notice of his intention to the Commissioners, and on receipt of such notice the Commissioners may cancel the license granted to such omnibus.

Carriages and Cabs.

Cab dimensions.—Numbers: where to be painted, size, colour, &c.—Numbers to be kept legible.

65. No license shall be hereafter granted for any public vehicle to be used as a cab unless the said vehicle shall be of the following dimensions:—Height inside from bottom of floor thereof to roof (in front of seat), 4 feet 10 inches; height inside, from top of seat to roof, 3 feet 6 inches; width of seat room, 3 feet; depth of seat, 1 foot 2 inches; space from front of seat to inside of door, 1 foot 2 inches; width outside immediately over door, not less than 3 feet 7 inches. The number of the license granted for every carriage or cab shall be painted in plain block figures of not less than 2 inches in height and of proportionate breadth, of a colour in clear contrast with the colour of the ground on which it shall be painted, outside on the panel of each door on any carriage, and on the back of the boot and the inside of the dash of any cab; and upon the outer side of each lamp on any of the aforesaid vehicles the same number of the same size shall be painted black; and all the aforesaid numbers shall be kept legible and undefaced during all the time such vehicle shall ply or be used for hire.

Back card to be firmly affixed.

66. The driver of every licensed carriage or cab shall have the number of the license thereof, and the table of fares now or hereafter to be affixed by the Commissioners, painted in large, legible, and conspicuous figures on a card firmly affixed to the back panel inside such carriage or cab, and such card shall be kept so affixed, legible, and undefaced during all the time such carriage or cab shall ply or be used for hire.

Approval satchel with two tables of fares to be kept in cab whilst plying.—No person to be carried without consent of the driver.—Tables of fares.

The driver of every carriage or cab shall, whilst plying for hire, keep affixed to the right-hand side under the window of his carriage or cab a leathern satchel, of the pattern approved of by the Commissioners, which satchel shall always contain at least two clean and unfolded copies of a ticket containing a table of the fares payable for the hire of public vehicles, number of vehicle, owner's name and residence, in the form given in

Schedule J, printed in clear and legible characters, and such satchel shall always be kept in such manner that the hirer may without difficulty obtain and take one such printed table, and the driver shall not allow any person to ride, drive, or be carried in or upon such public vehicle without the consent of the hirer. Table of fares may be obtained free of charge at the office of the Commissioners. The carriage and cab fares are those set out in Schedule J hereto.

Fans.

No person to ride in vans without reins.

67. No owner, driver, or other person having the care and charge of any van, drawn by one or more horses or other animals, shall ride thereon unless he shall be provided with sufficient reins; and no block dray shall be allowed to proceed out of a walking pace.

Undelivered goods to be left with Registrar.

68. In every case of goods and merchandise being left on any licensed van, or with the driver thereof, by any person having hired or used the same, such property shall be delivered up to such person, or shall within eighteen hours be taken, in the state in which it shall have been found, to the Commissioners' office, and there deposited with the Registrar.

Not to carry more than one ton on van.

69. No owner or driver shall at any one time carry on any licensed van, having only two wheels and drawn by one horse or other animal, a greater weight than one ton.

Van numbers: where and how to be painted.

70. The number of the license granted for every dray shall be painted in a colour to contrast with the ground in which they shall be painted, on the last panel on each side of the said van, in figures not less than 2 inches in height and of proportionate breadth, with the letters "M. T. C." of the same colour immediately above the figures; and the driver or owner of such van shall at all times keep the same legible and undefaced.

No passenger to be carried.

71. No owner or driver of any van shall permit or suffer any person to be carried therein as a passenger.

Van fares.

72. The van fares are those set out in Schedule K hereto.

As to Property found in Public Vehicles.—Penalties, &c.

Property found in licensed vehicles.

73. The driver of every carriage and conductor of every omnibus shall carefully examine his vehicle immediately after setting down his fare; and in every case of property having been left in any public vehicle by any person having used or hired the same, such property, if found by another passenger or other person, shall be delivered to the driver or conductor, who on receipt thereof, or if he shall himself have found the same, shall within eighteen hours thereafter deliver the same to the Registrar at the Commissioners' office. And no owner shall detain any property delivered to him by any driver or conductor in his employment longer than the time before-mentioned, but shall deposit it at the Commissioners' office with the Registrar.

If not claimed, to be sold, and award given.

If the property found in a public vehicle be not within three months claimed, and proved to the satisfaction of the Registrar to belong to the claimant, the said property shall forthwith be sold, and out of the proceeds shall be awarded to the person returning same as follows: for property consisting of or comprising money, jewellery, or watch, a sum equal to 2s. 6d. in the £1 on the value of the property, such value to be fixed by the Registrar.

If claimed, expenses incurred to be paid by claimant.

If the property be claimed within three months, and the claimant prove to the satisfaction of the Registrar that he is entitled thereto, the same shall be delivered to him on payment by him of all reasonable expenses incurred by the person returning same, amount to be fixed by the Registrar.

Informations may be laid on behalf of complainants.

74. It shall be lawful for the Inspector, on receiving a complaint from the owner, driver, or conductor of any public vehicle, or from any person using or intending to use, or hiring or intending to hire any such vehicle, or other person aggrieved, that any of these By-laws have been disobeyed, to cause the person against whom the said complaint shall have been made to be summoned to appear before any Stipendiary Magistrate or Court of Petty Sessions.

Amount of penalty.—Fine not to interfere with cancellation.

75. For any offence against the provisions of these By-laws or any of them the offender shall be liable to and shall pay a penalty not exceeding £10. The imposition of a penalty on any license shall not interfere with the liability of the offender to have his license suspended or cancelled.

Schedules part of By-Laws.

76. The Schedules hereto form part of these By-laws.

SCHEDULE A.

Requisition for License.

To the Metropolitan Transit Commissioners of the Police District of Sydney.

I, _____ residing at No. _____ Street, do hereby request that a license be granted to me to

within the Police District of Sydney.

SCHEDULE B.

Form of License.

This is to certify that _____ is hereby licensed to a certain No. _____ within the Police District of Sydney, from the date hereof to the thirty-first day of December next, subject nevertheless to all and every the Acts, By-laws, Rules, and Regulations in force relating to public vehicles and licensees.

Given under the Common Seal of the Metropolitan Transit Commissioners at Sydney, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____

Chairman,
Registrar and Chief Inspector.

Build
Colour
Lining
Name
Stand
Line of Road

SCHEDULE C.

Permit License.

This is to certify that _____ is hereby granted permission to

within the Police District of Sydney from the date hereof to the _____ day of _____, subject to all and every the Acts, By-laws, Rules, and Regulations in force relating to public vehicles and licensees.

Given under the Common Seal of the Metropolitan Transit Commissioners at Sydney, this _____ day of _____, in the year of Our Lord one thousand eight hundred and _____

Registrar and Chief Inspector.

SCHEDULE D.

Inspection Notice.

I hereby give you notice that you are required to produce your public _____ No. _____, at the Metropolitan Transit Commissioners' Office, 38 Castlereagh-street, Sydney, on _____ next, the _____ day of _____ at the hour of _____ o'clock in the _____ noon, for the purpose of having the same inspected by the Metropolitan Transit Commissioners, and unless the above-mentioned vehicle is produced as notified the license issued for the same will be suspended.

Description _____
Registrar and Chief Inspector.

SCHEDULE E.

Public Vehicle Suspension Notice.

I hereby give you notice that the _____ No. _____ now used and let to hire, and known by the marks or description hereunder set forth, has been duly inspected and found not to be in a fit and proper condition for public use, and the license granted to _____ to keep and use the said _____ is hereby suspended for the period of _____ from this date.

By order of the Commissioners.

Dated this _____ day of _____ 18 _____
Description _____
Registrar and Chief Inspector.

SCHEDULE F.

Licensee's Show Cause Notice.

I hereby give you notice that you are required to attend before the Metropolitan Transit Commissioners, at 38 Castlereagh-street, Sydney, on _____ next, the _____ day of _____ instant, at the hour of _____ o'clock in the _____ noon, then and there to show cause why the License granted to you as a _____ should not be suspended or cancelled.

Registrar and Chief Inspector.

SCHEDULE G.

Licensee's Suspension Notice.

I hereby give you notice that your License as a
has been for a period of from this
date, by order of the Metropolitan Transit Commissioners.
Dated this day of 18
Registrar and Chief Inspector.

SCHEDULE H.

License Fees.

	On and after 1st January in each year.			On and after 1st April in each year.			On and after 1st July in each year.			On and after 1st October in each year.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Omnibuses each	5	0	0	3	15	6	2	10	0	1	5	0
Waggonettes..... "	4	0	0	3	0	0	2	0	0	1	0	0
Hackney carriages .. "	3	0	0	2	5	0	1	10	0	0	15	0
Cabs	1	10	0	1	2	6	0	15	0	0	7	6
Vans, Carts, and Drays	1	10	0	1	2	6	0	15	0	0	7	6

Drivers of cabs, carriages, and omnibuses, on and after 1 January in each year	10s.
Ditto, on and after 1 July in each year	5s.
Conductors	Yearly 5s.
Drivers of vans..... "	5s.

SCHEDULE J.

Cab and Carriage Fares.

No. Owner Residence
The owner of every carriage must provide for the driver a printed ticket containing the fares, the No. of the vehicle and the owner's name and address. See that the No. corresponds with that on the vehicle.

Keep this ticket. In case of complaint, apply to Metropolitan Transit Commissioners' Office, 38 Castlereagh-street, Sydney.

Rates and Fares to be paid for any cab or carriage within the limits of this by-law, in the City and Police District of Sydney:—

Cab Fares.

	£	s.	d.
For a cab, for any time not exceeding one quarter of an hour, to carry two passengers if required by hirer	0	1	0
For every subsequent quarter of an hour or part thereof	0	1	0

But if engaged for more than one hour, then to be paid at the rate of ninepence for every additional quarter of an hour or part thereof.

Carriage Fares.

For a hackney carriage, for any time not exceeding one half-hour, to carry five persons if required by hirer	0	2	6
For every subsequent quarter of an hour or part thereof	0	1	3

But if engaged for more than one hour, then the fare to be paid at the rate of one shilling and three halfpence for every additional quarter of an hour or part thereof.

Prescribed Boundary.—Fare Back to City Boundary.

If the vehicle is discharged at any place that is beyond the following boundaries, viz., a straight line drawn from the undermentioned places to each succeeding one in the order in which they are placed, viz. :—

- Double Bay Wharf;
- Old South Head Road, at Cowper-street;
- Randwick Road, at Denison-street;
- Bunnerrong Road, at south-west corner of Racecourse fence;
- Botany Road at McEvoy-street;
- Newtown Road, at Church-street;
- Parramatta Road, at Church-street;
- Abattoirs Road, at Crescent-street;

the driver thereof shall be entitled to his ordinary fare of time back to the city boundary, unless a special arrangement as to fare has been made at the time of hiring.

Vehicles engaged Outside Prescribed Boundary.

If the vehicle is engaged at any stand or place that is beyond the above-mentioned boundaries, and is taken any distance beyond a radius of one and a half miles, the driver thereof shall be entitled to half-fare back to the stand or place where he was engaged, unless a special arrangement as to fare has been made at the time of hiring.

Rate of Travelling.

Vehicles to travel at a speed of not less than six miles an hour, except when otherwise ordered by the hirer.

No. of Passengers to be Carried.—Weight and Description of Luggage.—Additional Luggage and Passengers.

The drivers of such vehicles respectively shall be bound to take, if required, exclusive of the driver, four persons inside and one outside a hackney carriage, or two persons inside a cab. The driver shall not be obliged to take any luggage exceeding fifty pounds in weight, being clean and of such a description as may be placed inside or outside the vehicle without injuring the same, and the driver shall be entitled to claim one shilling for every hour or part thereof for every additional fifty pounds weight or portion thereof so carried; but the person hiring such vehicle shall be allowed *eighty-four pounds weight* of luggage when the number of persons is short of the number aforesaid. Whenever the number of persons carried shall exceed that named for each vehicle respectively, the driver shall be entitled to charge one-third more for each adult or two children over five and under fifteen years of age.

Tolls.

Tolls to be paid by the hirer.

Additional Fare between 10 p.m. and 5 a.m.

Half-fare in addition to the ordinary fare after 10 p.m. and before 6 a.m.

SCHEDULE K.

Van Fares.

£ s. d.

Van Fares for Goods.

For removal of goods from any wharf, stand or place in the City or Police District of Sydney, for any time not exceeding one quarter of an hour	0	2	0
For every subsequent quarter of an hour or part thereof	0	1	0

Van Fares for Furniture.

The removal of household furniture shall be by the hour: For the first hour or part thereof	0	2	6
For every subsequent half-hour or part thereof	0	1	3

For two-horse waggons the fare to be, for the first hour or part thereof, 4s.; for every subsequent half-hour, or part thereof, 2s.; or by special arrangement.

Prescribed Boundary.—Fare Back to City Boundary.

If the van is discharged at any place that is beyond the following boundaries, viz., a straight line drawn from the undermentioned places to each succeeding one in the order in which they are placed, viz. :—

- Double Bay Wharf;
- Old South Head Road, at Cowper-street;
- Randwick Road, at Denison-street;
- Bunnerrong Road, at south-west corner of Racecourse fence;
- Botany Road, at McEvoy-street;
- Newtown Road, at Church-street;
- Parramatta Road, at Church-street;
- Abattoirs Road, at Crescent-street;

the driver thereof shall be entitled to his ordinary fare of time back to the city boundary, unless a special arrangement as to fare has been made at the time of hiring.

Tolls.

Tolls to be paid by the hirer.

Vans engaged Outside the Prescribed Boundary.

If the vehicle is engaged at any stand or place that is beyond the above-mentioned boundaries, and is taken any distance beyond a radius of one mile, the driver thereof shall be entitled to half-fare back to the stand or place where he was engaged, unless a special arrangement as to fare has been made at the time of hiring.

Fares.

Vans must be loaded and unloaded and travel without delay.

SCHEDULE L.

Carriage and Cab Stands.

(Inside the prescribed boundaries.)

The following places are appointed stands for carriages, and no more than the following number of carriages shall be allowed at one time on any of the stands, that is to say:—

Stands.	No. of carriages allowed on each.
Bathurst-street, north side, to rank west. First cab to stand ten feet west of George street	10
Bathurst-street, north side, to rank west, between Elizabeth and Castlereagh streets.....	6
Bridge-street, centre of street, to rank east. First cab to stand in George street, east side, ten feet south of Bond-street; second cab to stand in George-street, west side, ten feet north of Jamieson-street; third cab to stand in Bridge-street, ten yards east of George-street; fourth cab to stand in Bridge-street, at end of rank. The remainder of cabs to rank between third and fourth cab	12
Bridge-street, centre of street, to rank west. First cab to stand ten feet west of Pitt-street.....	6
Beltintona-street, Miller's Point, south side, to rank west. First cab to stand 10 feet west of Macro-street	4

Stands.	No. of cabs allowed on each.	Stands.	No. of cabs allowed on each.
Bayswater Road, Darlinghurst, north side, to rank east. First cab to stand at junction of Bayswater Road and Upper William-street south; remainder to stand in Bayswater Road, north side, 30 yards east of Roslyn-street	6	George-street North, east side, to rank south. First cab to stand 10 feet south of Bethel-street; second cab, 10 feet north of Argyle-street. When P. and O. steamer arrives six cabs from this rank will work down to wharf. First cab to stand north of gangway	9
Barrack-street, north side, to rank west. First cab to stand in George-street, east side, 10 feet west of General Post Office; two cabs to stand in Barrack-street, 10 feet east of George-street	3	George-street North, in centre of street, to rank north, at the junction of Fort and George streets	6
Castlereagh-street South, west side, to rank south. First cab to stand 10 feet south of main entrance to the old Exhibition Building	30	Gipps-street, south side, to rank east. First cab to stand in George-street, east side, 10 feet north of Hay-street; second cab in Hay-street, north side, 10 feet east of George-street; third and fourth cabs in Parker-street, east side, 10 feet south of Hay-street; remainder to stand in Gipps-street, opposite Parker-street	12
Castlereagh-street, west side, to rank north. First cab to stand 10 feet north of entrance to Theatre Royal. This rank is only to be used from 10 p.m. to close of theatre, and to be supplied from St. James' Road rank	12	Glebe, Parramatta-road, south side, to rank west. First cab to stand in Glebe-road, south side, 10 feet east of St. John's-road; second cab at junction of Glebe and Parramatta roads; third cab in Newtown-road, north side at waiting-room; fourth cab to be the first of the main rank; fifth cab the last of main rank	20
Castlereagh-street, east side, to rank south. First cab to stand in Elizabeth-street, west side, 10 feet south of Hunter-street; second and third cabs to stand at junction of Hunter and Bligh Streets; fourth cab to stand in Castlereagh-street, 60 yards south of Hunter-street; fifth cab to stand in Castlereagh-street, at end of rank	20	Glebe-road, north side, 10 feet east of Ferry-road	1
Clarence-street, east side, to rank south. First cab to stand in King-street, south side, 10 yards west of George-street; second cab to stand in King-street, north side, 10 feet west of York-street; third cab to stand in King-street, north side, 10 feet east of Clarence-street; fourth cab to stand in Clarence-street, opposite Grand Central Coffee Palace	12	King-street, south side, to rank east. First cab to stand 60 yards from Parramatta river steamer wharf. Howard Smith's wharf to be supplied from this rank	10
Cleveland-street, north side, to rank west. First and second cabs to stand in Cleveland-street, 10 feet west of Castlereagh-street; the remainder to stand in Cleveland-street, 100 yards west of Castlereagh-street	20	Lime-street, east side, to rank north. First three cabs to stand in Lime-street on west side, south of entrance to Newcastle Wharf; remainder on east side, north of Mariner's Hotel. This rank is only to be used on the arrival of a steamer	12
Cleveland-street, north side, to rank east. First cab to stand in Cleveland-street, 10 feet east of Crown-street; second to stand in Cleveland-street, 10 feet east of Bourke-street	12	Liverpool-street, north side, to rank east. First cab to stand in Liverpool-street, north side, 10 feet west of Elizabeth-street; second cab in Liverpool-street, north side, 10 feet east of Castlereagh-street; remainder to stand in Castlereagh-street, east side, 10 feet north of Liverpool-street	8
Collins-street, north side, 10 feet west of Crown-street	4	Loftus-street, west side, to rank north. First cab to stand in Bent-street, north side, opposite Castlereagh-street; second cab in Bent-street, south side, 10 feet west of O'Connell-street; remainder to stand in Loftus-street, 10 feet north of O'Connell-street	12
Circular Quay. First cab to stand on Circular Quay with horse's head 2 feet east of No. 5 Jetty; six cabs on Circular Quay opposite Young-street; eighth cab in Albert-street, south side, 10 feet east of Arbitration-street; remainder of cabs in Albert-street, south side, between Arbitration and Pitt streets. Prince's Stairs and No. 4 and 5 Jetties to be supplied from this rank	20	Margaret-street, south side, to rank east. First cab to stand 10 yards east of Sussex-street	12
College-street, west side, to rank north. First cab to stand in Collogo-street, west side, 20 feet north of Oxford-street; second cab in College-street, west side, opposite Francis-street; third cab in College-street, west side, opposite Stanley-street; fourth cab in College-street, west side, 20 feet south of Park-street	20	Macquarie-street, east side, to rank north. First cab to stand in Macquarie-street, opposite Hunter-street; second cab in Macquarie-street, east side, south of entrance to Domain. Parliament House to be supplied from this rank during time of sitting only	20
Cowper Wharf, west side, to rank south. First cab to stand at Domain entrance	20	Macquarie-street north, east side, to rank north. First cab to stand in Macquarie-street, east side, opposite Reform Club; second cab 10 feet north of Bridge-street	20
Darlinghurst Road, south side, to rank south. First cab to stand in Macleay-street, west side, north of Albert-street; second cab in Darlinghurst Road, north side, west of Macleay-street; third cab in Darlinghurst Road, north side, opposite Springfield school, remainder in Darlinghurst Road, south side, west of Macleay-street	11	Oxford square, north of lamp-post	1
Dowling-street, west side, to rank north. First cab to stand 10 feet north of Woolloomooloo-lane	6	Park-street, north side, to rank east. First cab to stand in George-street, east side, at Royal Hotel; second cab to stand in George-street, east side, at Manchester Arms; third cab to stand in George-street, east side, 10 feet north of Market-street; fourth cab to stand in Market-street, south side, 10 feet east of George-street; fifth cab to stand in Market-street, south side, 10 feet west of Pitt-street; sixth cab to stand in Market-street, south side, 10 feet east of Pitt-street; seventh cab to stand in Market-street, south side, 10 feet west of Castlereagh-street; eighth cab in Market-street, south side, 10 feet west of Elizabeth-street; ninth cab in Castlereagh-street, east side, 10 feet south of Market-street; tenth, eleventh, and twelfth cabs in Castlereagh-street, east side, 100 yards south of Market-street; thirteenth cab in Castlereagh-street, east side, 10 feet north of Park-street; fourteenth cab in Park-street, north side, 10 feet east of Castlereagh-street; fifteenth cab in Park-street, north side, 10 feet west of Elizabeth-street; the remainder to rank in Park-street, east side, between Elizabeth and College-streets	35
Druitt-street, south side, to rank west. First cab to stand in Pitt-street, east side, 10 feet south of Park-street; second cab in Park-street, north side, 25 feet east of George-street	10	Park-road, north side, to rank west, at Outley-road	15
Elizabeth-street, west side, to rank south. First cab to stand opposite Albion-street	20	Pitt-street, east side, to rank north. First cab to stand in George-street, south side, 10 feet east of Regent-street; second cab in George-street, north side, at railway bridge; remainder to stand in Pitt-street, 20 yards north of Devonshire-street	10
Elizabeth-street, Paddington, west side, to rank north. First cab at corner of Oxford-street, remainder at corner of and facing Gordon-street	12	Pitt-street, east side, to rank south, outside Tattersall's Hotel	2
Elizabeth Bay Road, north side, to rank east. First cab to stand 60 yards east of Ithaca Road	6	Pitt-street, west side, to rank south. First three cabs to stand in Pitt-street, outside Prince, Ogg and Co.; fourth cab in Pitt-street, west side, outside General Post Office	4
Erskine-street, north side, to rank east. Six cabs to stand between wharf and Shelley-street. First cab to be nearest Balmain wharf. Twelve cabs to stand in Day-street, east side, 10 feet south of Erskine-street. Lane Cove Ferry to be supplied from this rank	18	Palmer-street, Woolloomooloo, west side, to rank south. First cab to stand in Palmer-street, east side, 10 feet north of William-street	9
Fitzroy-street, north side, to rank east. First cab to stand in Fitzroy-street, 10 feet west of Botany-street; second cab in Fitzroy-street, 10 feet east of Dowling-street	12		
Forbes-street, north side, to rank north. First cab to stand in Forbes-street, 10 feet north of entrance to court-yard; second cab to be last on rank facing north	15		

Stands.	No. of cabs allowed on each.
Phillip-street, east side, to rank south, north of Bridge-street	10
Queen's Wharf, north side, to rank west, between Circular Quay and George-street. First cab to stand on Queen's Wharf, at eastern end; second cab on Queen's Wharf, 10 feet east of George-street. Nos. 1, 2, and 3 Jetties to be supplied from this rank	12
Railway station, north side, to rank west. Thirty cabs to stand within railway yard; remainder to rank in Devonshire-street, north side	160
Randwick-road, north side, to rank east. First cab to stand east of entrance to main gate	100
Belfern, George-street, east side, to rank south, between Post Office and Police Court	8
Regent-street, east side, to rank north. First cab to stand 10 feet north of Cleveland-street	3
Spring-street, north side, to rank north. First cab to stand in George-street, west side, outside Café Français; second cab in Hunter-street, south side, 10 feet east of George-street; third cab in Hunter-street, north side, 10 feet west of Pitt-street; fourth cab in Pitt-street, west side, 10 feet north of Hunter-street; six cabs to stand in Spring-street, north side, 10 feet east of Pitt-street; eleven cabs in Gresham-street, in centre of street between Bent and Bridge-streets; twelve cabs to stand in Bridge-street, north side, 20 feet east of water-trough	33
St. James' Road, south side, to rank west. First cab to stand in Pitt-street, west side, 10 feet north of King-street; second cab to stand in King-street, north side, 10 yards east of Pitt-street; third cab in King-street, south side, at Daily Telegraph Office; fourth cab to stand in King-street, south side, 12 yards east of Castlereagh-street; fourth and fifth cabs in King-street, south side, 10 feet east of Elizabeth-street; sixth cab in King-street, south side, 20 yards east of fifth cab; seventh, eighth, and ninth cabs in King-street, 10 feet west of Macquarie-street; tenth cab in Macquarie-street, east side, 10 feet north of King-street; the next fifteen cabs to stand in St. James' road between the Avenue and Elizabeth-street; the remainder of the cabs to rank from Avenue east of Prince Albert's Statue along College-street southward	55
Victoria-street, Darlinghurst, west side, to rank south. First cab to stand in Darlinghurst road, north side 10 feet north of junction of Victoria-street; second cab in Victoria-street, east side, opposite William-street; third cab in Victoria-street, west side, 30 yards south of junction of Darlinghurst road, and to be the first cab on the main rank, fourth cab to be last of main rank facing south	21
Wharf-street, east side, to rank south. First cab to stand at entrance to the New Hunter River Co. Wharf; second cab to stand south of Wharf-lane	20
Woollahra. First three cabs to stand in Old South Head road, east side of Queen-street; remainder to stand south side of Park road to rank west	20
Woollahra, Point Piper road, west side, east of Council Chambers, to rank south	10
Woollahra, New South Head road, north side, to rank east. Twenty yards east of Darling Point road	20
Woollahra, Ocean-street, west side, 10 feet north of Queen-street	3
York-street, east side, to rank north. At Markets for night only	6
York-street, east side, to rank north. First cab to stand in Grosvenor square opposite hotel; second cab in York-street, east side, 10 feet south of Grosvenor-street; third and fourth in York-street, 10 feet south of Margaret-street; fifth in Carrington-street, at east side, 20 yards south of Margaret-street; sixth cab to stand in Carrington-street, west side, at entrance to the square; seventh in Carrington-street, west side, 10 feet north to Wynyard-street; eighth in Wynyard-street, north side, east to York-street; remainder to stand in York-street, north of Irlskine-street	30
(Outside the prescribed boundary.)	
Ashfield, Hercules-street, west side, to rank 20 yards south of railway station	20
Ashfield, Charlotte-street, west side, to rank north, on north side of railway station	12
Balmain, Beattie-street, south side, 10 feet west of Mullens-street	3
Burwood, Railway terrace, north side, 10 feet west of entrance to station	20
Croydon, Croydon road, east side, to rank south of Railway station	12

Stands.	No. of cabs allowed on each.
Manly, Corso, centre of the road, to rank north. First and second cabs to stand on west side of the wharf, remainder to stand 10 yards north of lamp	15
Newtown, Bedford-street, east side, to rank south. First cab to stand 10 feet south of bridge	20
Petersham, Trafalgar crescent, north side, to rank west, west of railway gates	20
Petersham, Warrell-street, north side, to rank west, opposite Regent-street	6
Petersham, Terminus-street, south side, to rank east, east of Palace-street	0
Summer Hill, Carlton crescent, north side, to rank west, 20 feet west of entrance to railway station	10
St. Leonards east, Western Wharf road, north side, to rank west. First four cabs to stand on wharf, east of passengers' jetty; fifth and sixth cabs to stand in Alfred-street, east side, 20 yards south of Campbell-street; remainder to rank west of Alfred-street	15
Waverley, Cowper-street, east side, to rank south. Two cabs to stand in Cowper-street, 20 feet south of Old South Head road, remainder to stand in Spring-street, north side, west of Cowper-street	12
Waverley, Leichhardt-street, north side, to rank east, 20 feet east of Albion-street	6

SCHEDULE M.
Van Stands.

(Inside the prescribed boundary.)

Stands.	No. of vans allowed on each stand.
Burton-street, Woolloomooloo, to rank	6
Bay-street, Glebe, west side, 10 feet north of Parramatta-street, to rank north	6
Charlotte-place, south side, adjoining reserve, to rank west	15
Crown-street, Woolloomooloo, in centre of street, 10 feet south of William-street, to rank south	12
Crown-street, Surry Hills, east side, 20 feet north of Cleveland-street, to rank north	6
Circular Quay, opposite Custom House, to rank east	12
Dixon-street, east side, 10 feet south of Pier-street	10
Druitt-street, south side, opposite York-street, to rank west	10
Elizabeth-street north, east side, south of Market-street, to rank south	20
Elizabeth-street north, east side north of Park-street, to rank north	10
Forbes-street, to stand in centre of the road, at junction of Bourke-street, near water-tanks, to rank north	6
Forbes-street, east side, adjoining Fish Markets, to rank north	10
George-street south, north of urinal, in centre of street	3
Harris-street, west side, 10 feet north of George-street	3
Hay-street, north side, between George and Pitt-streets. First van to stand in Hay-street, north side, 10 feet west of Pitt-street; second van to stand in Hay-street, south side, 10 feet east of George-street; third van to stand in Hay-street, north side, 35 yards east of George-street, and to be first on the main rank	30
King-street. First van to stand in York-street, east side, 10 feet south of Wynyard-street; second and third vans to stand in Barrack-street, south side, 10 feet west of York-street; fourth van to stand in Barrack-street, south side, 10 feet east of Clarence-street; fifth van to stand in Clarence-street, east side, south of water-trough; the remainder of the vans to stand in King-street, south side, between Clarence and Kent-streets, to rank west	11
Margaret-street, north side, 12 yards east of Sussex-street, to rank east	14
Oatley-road, Paddington, west side, adjoining Barracks, 100 yards south of Oxford-street, to rank south	6
Queen's Wharf, at George-street north, south of Government stores, to rank east	10
Regent-street, Chippondale, east side, 30 yards north of Cleveland-street, to rank north	6
Riley-street, Surry Hills, east side, 10 feet south of Oxford-street, to rank south	10
Sussex-street, east side, north of Market-street, to rank north	15
Victoria-street, east side, 60 yards north of William-street, to rank north	10
Wharf-street, west side, opposite Wharf lane, to rank south	4
(Outside the prescribed boundary.)	
Ashfield, Hercules-street, east side, 20 yards south of railway station	6
Burwood, Railway terrace, north side, 10 feet east of entrance to station	6
Newtown, Crescent-street, west side, to rank south	15
Petersham, Crystal-street, west side, to rank south	8

SCHEDULE N.

Showing the Omnibus Stands, with the Lines of Roads to and from the same.

Stands.	Line of Road.	Stands.
Alexandria, south side of Henderson Road, 10 feet south of Alexandria-street.	Henderson Road, Raglan-street, Botany Road, Regent, George, Wynyard, Carrington, Margaret, George and Regent Streets, Botany Road, Raglan-street, and Henderson Road.	Carrington-street, east side, 10 feet south of Margaret-street.
Alexandria, Mitchell Road, at Sparkes' Bridge.	Mitchell-road, Buckland-street, Botany Road, Regent, George, Wynyard, Carrington, Margaret, George, and Regent Streets, Botany Road, Buckland-street, and Mitchell Road.	Carrington-street, east side, 10 feet south of Margaret-street.
Alice-street, south side, at Edgeware Road, Enmore.	Alice and King Streets, Newtown Road, George, Barrack, Clarence, Erskine, York, Wynyard, and George streets, Newtown Road, King, and Alice Streets.	Clarence-street, east side, 10 feet north of Erskine-street.
Arncliffe, south side of Arncliffe Road, 20 yards from Rocky Point Road.	Arncliffe and Cook's River Roads, King-street, Newtown Road, George, Barrack, Clarence, Erskine, York, Wynyard, and George Streets, Newtown-road, King-street, Cook's river, and Arncliffe Roads.	Clarence-street, east side, 10 feet north of Erskine-street.
Balmain, Darling Road, at Callan Park.	Darling Road, Elliott, Beattie, Mullen, Parson, and Crescent Streets, Abattoir and Pymont Bridge Roads, Harris, George, Barrack, Clarence, Erskine, York, Wynyard, George, and Harris Streets, Pymont Bridge and Abattoir Roads, Crescent, Parson, Mullen, Beattie, and Elliott Streets, and Darling Road.	Clarence-street, east side, 10 feet north of Erskine-street.
Belmore, George-street, at Belmore Post Office.	George-street, Canterbury Road, Crystal-street, Parramatta Road, George, Barrack, Clarence, King and George Streets, Parramatta Road, Crystal-street, Canterbury Road, and George-street, Belmore.	Clarence-street, west side, 20 feet north of King-street.
Botany Road, at King-street.	Botany Road, Regent and George Streets, Queen's Wharf and Circular Quay.	Circular Quay, 20 yards south of Pitt-street.
Canterbury Road, east side, south of Prout's bridge.	Canterbury, Stanmore and Enmore Roads, King-street, Newtown Road, George, Barrack, Clarence, Erskine, York, Wynyard and George Streets, Newtown Road, King-street, Enmore, Stanmore, and Canterbury Roads.	Erskine-street, north side, 10 feet west of York-street.
Darling Point Road, at Darling Point.	Darling Point Road, South Head Road, William, Boomerang, College, King, George, Barrack, York, King, College, Boomerang and William Streets, South Head Road, and Darling Point Road.	York-street, 10 feet south of Barrack-street.
Double Bay, William-street.	Bay-street, South Head Road, William, Boomerang, College, King, George, Hunter, Pitt, and Bridge Streets.	Macquarie Place, east side, north of Bridge-street.
Druitt Town, Liverpool Road, at bridge.	Burwood and Liverpool Roads.	Burwood, Burwood Road, at Railway Station.
Darlington, Darlington Road, west side, north of Forbes-street.	Darlington Road, Cleveland, Abercrombie, George, Lower Fort, and Argyle Streets.	Argyle-street, north side, west of Kent-street.
Enmore, Enmore Road, at Stanmore Road.	Enmore Road, King-street, Newtown Road, George, Barrack, Clarence, Erskine, York, Wynyard, and George Streets, Newtown Road, King-street, and Enmore Road.	Erskine-street, north side, 10 feet west of York-street.
Elizabeth Bay, Elizabeth Bay Road, at Reserve.	Elizabeth Bay Road, Darlington Road, William, Boomerang, College, King, George, Barrack, Clarence, King, College, Boomerang, and William Streets, Darlington Road, and Elizabeth Bay Road.	Clarence-street, east side, north of King-street.
Golden Grove, Wilson-street, west of Abercrombie-street.	Wilson, Abercrombie, Bank, Regent, George, Lower Fort, and Argyle Streets.	Argyle-street, north side, west of Kent-street.
Five Dock, Great North Road.	Great North Road, Parramatta Road, Frederick, John, Alt, and Elizabeth Streets.	Ashfield, on north side of Railway Station.
Forest Lodge, junction of Pymont Bridge Road and Parramatta Road.	Pymont Bridge Road, Ross-street, St. John's Road, Mount Vernon, Catherine, and Derwent Streets, Parramatta-street, George-street, Queen's Wharf, and Circular Quay.	Circular Quay, opposite Loftus-street.
Glebe, at Sydney Tramway and Omnibus Company's waiting room, Parramatta Road.	Parramatta-street, George, Lower Fort, and Argyle Streets.	Argyle Place, north side, east of Kent-street.
Glebe Point Road, north side, 10 ft. west of Leichhardt-street.	Glebe Road, Parramatta-street, George-street, Queen's Wharf, and Circular Quay.	Circular Quay, opposite Loftus-street.
Glebe-street, Brougham-street, at Pymont Bridge Road.	Brougham, Deubam, Glebe, Bay, George, Lower Fort, and Argyle Streets.	Argyle Place, north side, east of Kent-street.
Glenmore Road, at Gurner-street.	Glenmore Road, Oxford, College, Park, Pitt, and Bridge Streets.	Macquarie Place, east side, north of Bridge-street.
Gordon, Gordon Road, at Bobbin Road.	Gordon Road, Lane Cove Road, Mount, and Alfred Streets.	Campbell-street, north side, east of Alfred-street.
Hargrave-street, Queen-street, north side, at Nelson-street.	Queen, Mouru, Hargrave, and Gurner Streets, Glenmore Road, Oxford, College, Park, Pitt, and Bridge Streets.	Macquarie Place, east side, north of Bridge-street.

SCHEDULE N—continued.

Stands	Line of Road.	Stands
Hornsby, Great Northern Road, at Post Office.	Great Northern Road, Gordon Road, Lane Cove Road, Mount and Alfred Streets.	Campbell-street, north side, east of Alfred-street.
Kingston, Australia-street, at Deuisson-street.	Australia and King Streets, Newtown Road, George-street, Queen's Wharf, and Circular Quay.	Circular Quay, 20 ft. east of Pitt-street.
Leichhardt, Marion-street, north side, east of Elswick-street.	Marion and Norton Streets, Parramatta Road, George, Barrack, Clarence, Erskine, Wynyard, and George Streets, Parramatta Road, Norton and Marion Streets.	Erskine-street, north side, west of York-street.
Macdonaldtown, Union-street, at Erskineville Road.	Erskineville Road, King-street, Newtown Road, George, Barrack, Clarence, Erskine, York, Wynyard, and George Streets, Newtown Road, King-street, and Erskineville Road.	Erskine-street, north side, west of York-street.
Macdonaldtown, Knight-street, at Union-street.	Knight, Newman, King Streets, Newtown Road, George, Barrack, Clarence, Erskine, York, Wynyard and George Streets, Newtown Road, King, Newman, and Knight Streets.	Erskine-street, north side, west of York-street.
Marrickville, Blawarra Road, at Warren Road.	Illawarra, Addison, and Enmore Roads, King-street, Newtown Road, George, Barrack, Clarence, Erskine, York, Wynyard, and George Streets, Newtown Road, King-street, Enmore, Addison, and Illawarra Roads.	Erskine-street, north side, west of York-street.
Marrickville, Livingstone Road, at Terrace Road.	Livingstone, Canterbury, Stanmore, and Enmore Roads, King-street, Newtown Road, George, Barrack, Clarence, Erskine, York, Wynyard, and George Streets, Newtown Road, King-street, Enmore, Stanmore, Canterbury, and Livingstone Roads.	Erskine-street, north side, west of York-street.
Nortlake, Burwood Road.	Burwood Road.	Burwood road, at north side of Railway Station.
North Willoughby, Royal Park, at Avenue.	North Willoughby Road, Lane Cove Road, Mount-street, and Alfred-street.	Campbell-street, north side, west of Alfred-street.
Ocean-street, at New South Head Road	New South Head Road, William, Park, Pitt, and Bridge Streets.	Macquarie Place, east side, north of Bridge-street.
Potts' Point, Macleay-street, at Wylde-street.	Macleay-street, Darlinghurst Road, William, Boomerang, College, King, George, Barrack, Clarence, King, College, Boomerang, and William Streets, Darlinghurst Road, and Macleay-street.	Clarence-street, west side, 10 ft. north of King-street.
Potts' Point, Macleay-street, at Wylde-street.	Macleay-street, Darlinghurst Road, William, Park, and Pitt Streets.	Pitt-street, west side, north of Bridge-street.
Pymont, Harris-street, at John-street.	Harris and George Streets, Queen's Wharf, and Circular Quay.	Circular Quay, opposite Loftus-street.
Railway station.	George-street.	George-street, east side, 10 ft. north of Bridge-street.
Redfern, Pitt-street, at Wellington-street.	Pitt, Cleveland, Regent, George, Wynyard, Carrington, Margaret, George, Regent, Cleveland, and Pitt Streets.	Carrington-street, west side 10 ft. south of Margaret-street.
Ryde, Great Northern Road, at Church-street.	Church-street, Great Northern Road, Cambridge, Weston, and Crescent Streets, Abattoir Road, Miller and Union Streets, Pymont Bridge, Market, George, Barrack, Clarence, Erskine, York, Barrack, George, and Market Streets, Pymont Bridge, Union and Miller Streets, Abattoir Road, Crescent, Weston, and Cambridge Streets, Great Northern Road and Church-street.	Clarence-street, east side, north of Erskine-street.
Strawberry Hills, Wellington-street, at Elizabeth-street, Waterloo.	Elizabeth, Devonshire, George, Wynyard, and York Streets.	York-street, east side, north of Wynyard-street.
Surry Hills, Bourke-street, east side, north of Cleveland-street.	Bourke, Oxford, Liverpool, Elizabeth, Park, Pitt, and Bridge Streets.	Macquarie Place, east side, north of Bridge-street.
Surry Hills, Crown-street, at south side of Cleveland-street.	Crown, Oxford, Liverpool, Elizabeth, Park, Pitt, and Bridge Streets.	Macquarie Place, east side, north of Bridge-street.
St. Peter's, Cook's River Road, at Bishop-street.	Cook's River Road, King-street, Newtown Road, George, Barrack, Clarence, Erskine, York, Wynyard, and George Streets, Newtown Road, King-street, and Cook's River Road.	Erskine-street, north side, east of York-street.
Vaucluse, New South Head Road, at Vaucluse gate.	New South Head Road, William, Park, Pitt, and Bridge Streets.	Macquarie Place, east side, north of Bridge-street.
Waverley, Victoria-street, north side, east of Vickery-street.	Cowper-street, South Head Road, Oxford, Liverpool, Elizabeth, Bathurst, Pitt, and Bridge Streets.	Macquarie Place, east side north of Bridge-street.
Woolloomooloo, Victoria-street, at William-street.	William, Boomerang, College, King, George, Barrack, York, King, College, Boomerang, and William Streets.	York-street, east side, south of Barrack street
Woollahra, Point Piper Road, from Council Chambers gate to Trolawney-street.	Point Piper Road, South Head Road, Oxford, College, Park, Pitt, and Bridge Streets.	Macquarie Place, east side, north of Bridge-street.

SCHEDULE O.

Alexandria, Mitchell Road.

Each omnibus plying to and from Mitchell Road, Alexandria, and Wynyard Square, shall perform the journey in thirty minutes, and the parts thereof, as follows:—

- Between Mitchell Road, at Spark's bridge and Cleveland-street, in 11 minutes.
- „ Cleveland-street and Railway Bridge in George-street, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and "Royal Hotel," in 5 minutes.
- „ "Royal Hotel" and Wynyard-square, in 4 minutes.

Alexandria, Henderson Road.

Each omnibus plying to and from Henderson Road, Alexandria, and Wynyard-square, shall perform the journey in 30 minutes, and the parts thereof, as follows:—

- Between Henderson Road, at Stand, and Cleveland-street, in 11 minutes.
- „ Cleveland-street, and Railway Bridge, George-street, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street, and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Wynyard-square in 4 minutes.

Arncliffe.

Each omnibus plying to and from Arncliffe and Clarence-street, Sydney, shall perform the journey in 60 minutes, and the parts thereof as follows:—

- Between Arncliffe Road and St. Peter's Church, in 15 minutes.
- „ St. Peter's Church and Railway Bridge, Newtown, in 15 minutes.
- „ Railway Bridge, Newtown, and Fitzroy-street, in 6 minutes.
- „ Fitzroy-street and George-street West, in 5 minutes.
- „ George-street West, and Newtown Road to Railway Bridge in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Erskine-street, in 4 minutes.

Alice-street, Newtown.

Each omnibus plying to and from Alice-street, Newtown, and Clarence-street, Sydney, shall perform the journey in 38 minutes, and the parts thereof, as follows:—

- Between Alice-street, and Railway Bridge, Newtown, in 5 minutes.
- „ Railway Bridge and Fitzroy-street, in 6 minutes.
- „ Fitzroy-street and George-street West, in 5 minutes.
- „ George-street West, and Newtown Road, to Railway Bridge in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street, and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Clarence-street, in 4 minutes.

Balmain.

Each Omnibus plying to and from Balmain and Clarence-street, Sydney, shall perform the journey in 55 minutes, and the parts thereof, as follows:—

- Between Darling Road at Callan Park, and Abattoir Road, in 20 minutes.
- „ Abattoir Road, at Crescent-street, and Pyrmont Bridge Road, in 10 minutes.
- „ Pyrmont Bridge Road and George-street, in 10 minutes.
- „ George-street, at Harris-street, and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Erskine-street, in 5 minutes.

Botany.

Each Omnibus plying to and from King-street, Botany, to Circular Quay, shall perform the journey in 45 minutes, and the parts thereof, as follows:—

- Between Botany Road, at King-street, and Raglan-street, in 18 minutes.
- „ Raglan-street and Cleveland-street, in 5 minutes.
- „ Cleveland-street and George-street, in 4 minutes.
- „ George-street, at Regent-street, and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Essex-street, in 5 minutes.
- „ Essex-street and Circular Quay, in 5 minutes.

Belmore.

Each Omnibus plying to and from Belmore and Clarence-street, Sydney, shall perform the journey in 2 hours, and the parts thereof, as follows:—

- Between Belmore Post Office and Terrace Road, at Canterbury Road, in 60 minutes.
- „ Terrace Road and Crystal-street, 21 minutes.
- „ Crystal-street, at Canterbury Road, and Pyrmont Bridge Road, in 10 minutes.
- „ Pyrmont Bridge Road and Newtown Road, in 10 minutes.
- „ Newtown Road and Railway Bridge, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Clarence-street, in 4 minutes.

Chatswood.

Each Omnibus plying to and from Chatswood and Milson's Point shall perform the journey in 50 minutes.

Canterbury.

Each Omnibus plying to and from Canterbury and Clarence-street, Sydney, shall perform the journey in 70 minutes, and the parts thereof, as follows:—

- Between Canterbury and Terrace Road, in 10 minutes.
- „ Terrace Road and Crystal-street, in 21 minutes.
- „ Crystal-street and Enmore Road, in 3 minutes.
- „ Enmore Road, at Stanmore Road, and Railway Bridge, Newtown, in 6 minutes.
- „ Railway Bridge, Newtown, to Newtown Road at George-street West, in 10 minutes.
- „ Newtown Road and Railway Bridge, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Clarence-street, in 5 minutes.

Darling Point.

Each Omnibus plying to and from Darling Point and York-street shall perform the journey in 30 minutes, and the parts thereof, as follows:—

- Between Darling Point and South Head Road, in 7 minutes.
- „ South Head Road, at Darling Point Road, and Victoria-street, in 10 minutes.
- „ Victoria-street and Yurong-street, in 5 minutes.
- „ Yurong-street and Elizabeth-street, in 5 minutes.
- „ Elizabeth-street and York-street, in 3 minutes.

Double Bay.

Each Omnibus plying to and from Double Bay and Macquarie-place shall perform the journey in 35 minutes, and the parts thereof, as follows:—

- Between Double Bay and Darling Point Road, in 7 minutes.
- „ Darling Point Road and Victoria-street, in 10 minutes.
- „ Victoria-street and Yurong-street, in 5 minutes.
- „ Yurong-street and Elizabeth-street, in 5 minutes.
- „ Elizabeth-street and Macquarie-place, in 8 minutes.

Darlington.

Each Omnibus plying to and from Darlington and Miller's Point shall perform the journey in 50 minutes, and the parts thereof, as follows:—

- Between Darlington Road, at Newtown Road, and Railway Bridge, in 8 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Essex-street, in 5 minutes.
- „ Essex-street and Kent-street, at Argyle-street, in 7 minutes.

Druitt Town.

Each Omnibus plying to and from Druitt Town and Burwood shall perform the journey in 20 minutes.

Enmore.

Each Omnibus plying to and from Enmore and Erskine-street shall perform the journey in 35 minutes, and the parts thereof, as follows:—

- Between Enmore and Newtown Railway Bridge, in 5 minutes.
- „ Newtown Bridge and Fitzroy-street, in 6 minutes.
- „ Fitzroy-street and George-street West, in 5 minutes.
- „ George-street West, at Newtown Road, and Railway Bridge, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Erskine-street, in 4 minutes.

Kyeleigh.

Each Omnibus plying to and from Kyeleigh and Miller's Point shall perform the journey in 35 minutes, and the parts thereof, as follows :—

- Between Wilson-street and Railway Bridge, George-street, in 10 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Essex-street, in 5 minutes.
- „ Essex-street and Kent-street, in 10 minutes.

Elizabeth Bay.

Each Omnibus plying to and from Elizabeth Bay and Clarence-street shall perform the journey in 25 minutes, and the parts thereof, as follows :—

- Between Elizabeth Bay and Victoria-street, in 10 minutes.
- „ Victoria-street and Yurong-street, in 5 minutes.
- „ Yurong-street and Elizabeth-street, in 5 minutes.
- „ Elizabeth-street and Clarence-street, in 5 minutes.

Five Dock.

Each Omnibus plying from Five Dock and Ashfield shall perform the journey in 20 minutes.

Forest Lodge.

Each Omnibus plying to and from Forest Lodge and Circular Quay shall perform the journey in 41 minutes, and the parts thereof, as follows :—

- Between Forest Lodge stand and Newtown Road, in 16 minutes.
- „ Newtown Road and Railway Bridge, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Essex-street, in 5 minutes.
- „ Essex-street and Circular Quay, in 5 minutes.

Glebe.

Each Omnibus plying to and from Glebe and Miller's Point shall perform the journey in 30 minutes, and the parts thereof, as follows :—

- Between Glebe stand and Railway Bridge, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Essex-street, in 5 minutes.
- „ Essex-street and Lower Fort-street, in 5 minutes.
- „ Lower Fort-street, and George-street, to Kent-street, in 5 minutes.

Glebe Point.

Each Omnibus plying to and from Glebe Point and Circular Quay shall perform the journey in 36 minutes, and the parts thereof, as follows :—

- Between Glebe Point and Newtown Road, in 11 minutes.
- „ Newtown road and Railway Bridge, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Essex-street, in 5 minutes.
- „ Essex-street and Circular Quay, in 5 minutes.

Glebe-street.

Each Omnibus plying to and from Brougham-street, via Glebe-street, Glebe, and Miller's Point, shall perform the journey in 35 minutes, and the parts thereof, as follows :—

- Between Brougham-street and Bay-street, in 5 minutes.
- „ Bay-street, at Glebe-street, and Railway Bridge, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Essex-street, in 5 minutes.
- „ Essex-street and Kent-street, at Argyle-street, in 10 minutes.

Glenmore Road.

Each Omnibus plying to and from Glenmore Road, Paddington, and Macquarie-place, shall perform the journey in 25 minutes, and the parts thereof, as follows :—

- Between Glenmore Road, at Corner-street, and Bourke-street, at Oxford-street, in 10 minutes.
- „ Bourke-street and Market-street, in 5 minutes.
- „ Market-street and Macquarie-place, in 7 minutes.

Gordon.

Each Omnibus plying to and from Gordon and Milson's Point shall perform the journey in 60 minutes, and the parts thereof, as follows :—

- Between Gordon and Great Northern Hotel, in 30 minutes.
- „ Great Northern Hotel and Milson's Point, in 30 minutes.

Hornsby.

Each Omnibus plying to and from Hornsby and Milson's Point shall perform the journey in 1 hour and 45 minutes.

Kingston.

Each Omnibus plying to and from Kingston and Circular Quay shall perform the journey in 36 minutes, and the parts thereof, as follows :—

- Between Kingston and Fitzroy-street, in 7 minutes.
- „ Fitzroy-street and George-street West, in 5 minutes.
- „ George-street West and Newtown Road, to Railway Bridge, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Essex-street, in 5 minutes.
- „ Essex-street and Circular Quay, in 4 minutes.

Leichhardt.

Each Omnibus plying to and from Leichhardt and Clarence-street, shall perform the journey in 40 minutes, and the parts thereof, as follows :—

- Between Marion-street and Balmain Road, in 5 minutes.
- „ Balmain Road and Pyrmont Bridge Road, in 6 minutes.
- „ Pyrmont Bridge Road and Newtown Road, in 10 minutes.
- „ Newtown Road and Railway Bridge, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Clarence-street, in 4 minutes.

Marrickville, Illawarra Road.

Each Omnibus plying to and from Marrickville and Clarence-street, shall perform the journey in 60 minutes, and the parts thereof, as follows :—

- Between Warven Road and Addison Road, in 15 minutes.
- „ Addison Road and Enmore Road, in 5 minutes.
- „ Enmore Road and Boland's Corner, in 5 minutes.
- „ Boland's Corner and Newtown Railway Bridge, 5 minutes.
- „ Railway Bridge and Fitzroy-street, 6 minutes.
- „ Fitzroy-street and George-street West, in 5 minutes.
- „ George-street West, at Newtown Road, and Railway Bridge, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Clarence-street, in 4 minutes.

Marrickville-Livingstone Road.

Each Omnibus plying to and from Livingstone Road, Marrickville, and Clarence-street, shall perform the journey to and from Marrickville and Clarence-street in 60 minutes, and the parts thereof, as follows :—

- Between Public School, Livingstone Road, and New Canterbury Road, in 15 minutes.
- „ New Canterbury Road and Boland's Corner, in 10 minutes.
- „ Boland's corner and Newtown Railway Bridge, in 5 minutes.
- „ Railway Bridge and Fitzroy-street, in 6 minutes.
- „ Fitzroy-street and George-street West, in 5 minutes.
- „ George-street West and Redfern Railway Bridge, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Clarence-street, in 4 minutes.

Marrickville, Norwood Park.

Each Omnibus plying from Neville-street, Marrickville, and Clarence-street, shall perform the journey in 50 minutes, and the parts thereof, as follows :—

- Between Neville-street, Marrickville, and Enmore Road, in 10 minutes.
- „ Enmore Road and Boland's Corner, in 5 minutes.
- „ Boland's corner and Newtown Railway Bridge, in 5 minutes.
- „ Railway Bridge and Fitzroy-street, in 6 minutes.
- „ Fitzroy-street and George-street West, in 5 minutes.
- „ George-street West and Redfern Railway Bridge, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Clarence-street, in 4 minutes.

Macdonaldtown, Union-street.

Each Omnibus plying to and from Union-street, Macdonaldtown, and Clarence-street, shall perform the journey in 33 minutes, and the parts thereof, as follows :—

- Between Union-street and Fitzroy-street, in 9 minutes.
- „ Fitzroy-street and George-street, in 5 minutes.
- „ George-street, at Newtown Road, and Railway bridge, in 5 minutes.
- „ Railway bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Clarence-street, in 4 minutes.

Macdonaldtown, Knight-street.

Each Omnibus plying to and from Knight street, Macdonaldtown, to Clarence-street, shall perform the journey in 35 minutes, and the parts thereof, as follows :—

- Between Knight-street and Railway bridge, Newtown, in 5 minutes.
- „ Railway Bridge and Fitzroy-street, in 6 minutes.
- „ Fitzroy-street and George-street West, in 5 minutes.
- „ George-street West and Railway Bridge, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Clarence-street in 4 minutes.

Mortlake and Burwood.

Each Omnibus plying to and from Mortlake and Burwood Railway station shall perform the journey in 30 minutes.

North Willoughby.

Each Omnibus plying to and from North Willoughby and Miller's point shall perform the journey in 50 minutes.

Potts' Point and Pitt-street.

Each Omnibus plying to and from Potts' Point and Pitt-street, shall perform the journey in 25 minutes, and the parts thereof, as follows :—

- Between Macleay-street and Forbes-street, in 10 minutes.
- „ Forbes-street and Pitt-street, in 6 minutes.
- „ Pitt-street, at Park-street, and Bridge-street, in 9 minutes.

Potts' Point and Clarence-street.

Each Omnibus plying to and from Potts' Point and Clarence-street, shall perform the journey in 20 minutes, and the parts thereof, as follows :—

- Between Macleay-street and Forbes-street, in 10 minutes.
- „ Forbes-street and Pitt-street, in 6 minutes.
- „ Pitt-street and Clarence-street in 4 minutes.

Pyrmont.

Each Omnibus plying to and from Pyrmont and Circular Quay shall perform the journey in 30 minutes, and the parts thereof, as follows :—

- Between Pyrmont and Railway Bridge, in 10 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Essex-street, in 5 minutes.
- „ Essex-street and Circular Quay, in 5 minutes.

Redfern, Pitt-street.

Each Omnibus plying to and from Pitt-street, Redfern, and Wynyard-square shall perform the journey in 30 minutes, and the parts thereof, as follows :—

- Between Wellington-street and Regent-street, in 11 minutes.
- „ Regent-street, at Cleveland-street, and Railway bridge, George-street, in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Wynyard-square, in 4 minutes.

Ryde.

Each Omnibus plying to and from Ryde and Clarence-street shall perform the journey in 70 minutes, and the parts thereof, as follows :—

- Between Ryde and Crescent-street, Balmain, in 45 minutes.
- „ Crescent-street and Harris-street, in 10 minutes.
- „ Harris-street and George-street, in 10 minutes.
- „ George-street, at Market-street, and Clarence-street, in 5 minutes.

Railway.

Each Omnibus plying to and from Railway and Bridge-street shall perform the journey in 15 minutes, and the parts thereof, as follows :—

- Between Railway and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Bridge-street, in 5 minutes.

Strawberry Hills, Elizabeth-street.

Each Omnibus plying to and from Elizabeth-street, Redfern, and Wynyard-square, York-street, shall perform the journey in 30 minutes, and the parts thereof, as follows :—

- Between Elizabeth-street, Redfern, and Railway, at George-street, in 15 minutes.
- „ Railway and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Wynyard-square, in 5 minutes.

Surry Hills, Bourke-street.

Each Omnibus plying to and from Bourke-street, Surry Hills, and Macquarie-place shall perform the journey in 20 minutes, and the parts thereof, as follows :—

- Between Bourke-street, at Cleveland-street, and Oxford-street, in 9 minutes.
- „ Oxford-street, at Bourke-street, and Market-street, in 9 minutes.
- „ Market-street and Macquarie-place, in 8 minutes.

Surry Hills, Crown-street.

Each omnibus plying to and from Crown-street, Surry Hills, and Macquarie Place shall perform the journey in 20 minutes, and the parts thereof, as follows :—

- Between Crown-street at Cleveland-street, and Oxford-street, in 9 minutes.
- „ Oxford-street, at Crown-street, and Market-street, in 9 minutes.
- „ Market-street and Macquarie Place, in 8 minutes.

St. Peter's.

Each omnibus plying to and from St. Peter's and Erskine-street, Sydney shall perform the journey in 42 minutes, and the parts thereof, as follows :—

- Between St. Peter's and Railway Bridge, Newtown, in 12 minutes.
- „ Railway Bridge, Newtown, and Fitzroy-street, in 6 minutes.
- „ Fitzroy-street and George-street West, in 5 minutes.
- „ George-street West, at Newtown Road, and Railway Bridge in 5 minutes.
- „ Railway Bridge and Liverpool-street, in 5 minutes.
- „ Liverpool-street and Royal Hotel, in 5 minutes.
- „ Royal Hotel and Erskine-street, in 4 minutes.

Woolloomooloo.

Each omnibus plying to and from Victoria-street, Woolloomooloo, and York-street shall perform the journey in 15 minutes, parts thereof, as follows :—

- Between Victoria-street and Yurong-street, in 5 minutes.
- „ Yurong-street and Elizabeth-street, in 5 minutes.
- „ Elizabeth-street and York-street, in 5 minutes.

Waverley.

Each omnibus plying to and from Waverley and Macquarie Place shall perform the journey in 30 minutes, and the parts thereof as follows :—

- Between Victoria-street and Tea Gardens, in 8 minutes.
- „ Tea Gardens and Piper-street, in 12 minutes.
- „ Piper-street and Bourke-street, in 13 minutes.
- „ Bourke-street and Market-street, in 9 minutes.
- „ Market-street and Macquarie Place, in 8 minutes.

Woollahra, Point Piper Road.

Each omnibus plying to and from Point Piper Road, Woollahra, and Macquarie Place, shall perform the journey in 40 minutes, and the parts thereof, as follows :—

- Between Woollahra Stand and South Head Road, in 10 minutes.
- „ South Head Road, at Piper-street, and Bourke-street, in 13 minutes.
- „ Bourke-street and Market-street, in 9 minutes.
- „ Market-street and Macquarie Place, in 8 minutes.

Woollahra, Ocean-street.

Each omnibus plying to and from Ocean-street and Macquarie Place, shall perform the journey in 30 minutes, and the parts thereof, as follows :—

- Between Ocean-street and Victoria-street, in 10 minutes.
- „ Victoria-street and Yurong-street, in 5 minutes.
- „ Yurong-street and Elizabeth-street, in 5 minutes.
- „ Elizabeth-street and Macquarie Place, in 10 minutes.

Woollahra, Queen-street.

Each omnibus plying to and from Queen-street, Woollahra, via Hargrave-street and Macquarie Place, shall perform the journey in 30 minutes, and the parts thereof as follows :—

- Between Queen-street and Bourke-street, at Oxford-street, in 15 minutes.
- „ Bourke-street and Market-street, in 8 minutes.
- „ Market-street and Macquarie Place, in 7 minutes.

SCHEDULE P.
Omnibuses plying through George-street.

Line of Road.	Colour of Head-piece.	Colour of Lamps.
Alexandria.....	Blue	} Blue Cross.
Alexandria, Mitchell Rd.	Blue	
Allee-street.....	Blue	Blue near side.
Arncliffe.....	Green	Green Cross.
Balmain.....	Blue	Blue near side.
Belmore.....	Blue	White.
Botany.....	Red.....	Red.
Canterbury.....	Blue	White.
Darlington.....	Red.....	Red near side, with a bar across off side.
Kamore.....	Red.....	Red.
Eveleigh.....	Red.....	Two Reds.
Forest Lodge.....	Green.....	Green near side.
Glebe.....	Red.....	Two Reds.
Glebe Point.....	Green.....	Two Greens.
Glebe-street.....	Red.....	Red near side.
Kingston.....	Red.....	Red.
Leichhardt.....	Blue.....	Red Cross.
Macdonaldtown.....	Green.....	Green.
Marrickville.....	Blue.....	Two Blues.
Pyrmont.....	White.....	White.
Redfern.....	Blue.....	Two Blues.
Railway.....	Blue.....	Blue near side.
Ryde.....	Red.....	Red.
Strawberry Hills.....	Green.....	Green bar across near side
St. Peter's.....	Blue.....	Blue off side

Omnibuses plying through Pitt-street.

Darling Point.....	Red.....	Two Reds.
Double Bay.....	Red.....	Red near side.
Elizabeth Bay.....	Blue.....	Blue near side.

Line of Road.	Colour of Head-piece.	Colour of Lamps.
Glennmore Road.....	Blue	Blue.
Hargrave-street.....	Green.....	Green near side.
Ocean-street.....	Red.....	Red near side.
Points Point.....	Blue.....	Blue near side.
Rose Bay.....	Red.....	Red near side.
Surry Hills.....	Blue.....	Blue.
Vaucluse.....	Red.....	Two Reds.
Victoria-street North.....	Blue.....	Blue near side.
" " South.....	Blue.....	Blue near side, with a bar across off side.
Waverley.....	Red.....	Red.
Woolshra.....	Purple.....	Blue near side, with a bar across off side.
Point Piper Road.....	} Blue.....	Two Blues.
Woolloomooloo.....		

Passed by the Metropolitan Transit Commissioners, this seventh day of July, in the year of our Lord one thousand eight hundred and eighty-nine. Witness the hands and Common Seal of the Metropolitan Transit Commissioners.

JOHN HARRIS, Chairman,
Mayor of Sydney.

W. J. TRICKETT, Commissioner,
Elected by Municipal Council.

(L.S.) EDMUND FOSBERY, Commissioner,
Inspector General of Police.

J. D. YOUNG, Commissioner,
Elected by Licensees.

ALFRED EDWARD,
Registrar and Chief Inspector.

1889.

NEW SOUTH WALES.

NEWCASTLE PAVING AND PUBLIC VEHICLES REGULATION ACT.
 (BOROUGH OF NEWCASTLE—REGULATIONS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 36 sec. 9.

Colonial Secretary's Office,
 Sydney, 1st April, 1889.

NEWCASTLE MUNICIPALITY.—REGULATIONS.

THE following Regulations, made by the Council of the Borough of Newcastle, under the "Newcastle Paving and Public Vehicles Regulation Act," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the provisions of the above-cited Act.

HENRY PARKES.

THE BOROUGH OF NEWCASTLE.—ADDITIONAL TIME-TABLE AND STANDS.

THE Council of the Borough of Newcastle do, by virtue of the authority vested in it by the Newcastle Paving and Public Vehicles Regulation Act, 39 Vic. No. 36, of 1876, hereby make and establish the following Regulations, and declare that the following Time-table and Stands shall be an addition to those at present in force in this City, in place of those in Government Gazette No. 569, of 6th September, 1888, which Regulations so made are hereby cancelled, and these substituted in their stead:—

Bus Stands.

Omnibuses plying to and from the stand in Scott-street to the stand in Kenrick-street shall start from the stands at intervals of ten minutes.

Every alternate omnibus from the stand in Scott-street shall ply for hire by the following route:—By Blane-street, Darby-street, along Laman-street, Corlette-street, Parry-street; and thence along Darby-street to the stand in Kenrick-street.

Every alternate omnibus from the stand in Kenrick-street shall ply for hire by the following route:—By Darby-street, along Parry-street, Corlette-street, Laman-street, and Darby-street, to the stand in Scott-street.

Cab Stands.

Hunter-street:—North side, between Watt and Bolton Streets; and not more than eight cabs shall be on the stand at one time.

Scott-street:—North side, between Watt-street and eastern end of Railway-station; and not more than seven cabs shall be on the stand at one time.

Parkin-street:—East side, between Hunter-street and King-street; and not more than two cabs shall be on the stand at one time.

Bingo-street:—At eastern corner of Terrace-street; and not more than one cab shall be on the stand at one time.

Darby-street:—West side, between Blane-street and Lower Church-street; and not more than one cab shall be on the stand at one time.

Steele-street:—East side, at corner of Blane-street; and not more than one cab shall be on the stand at one time.

For any offence against any of the provisions of these Regulations, the offender shall be liable to and shall pay a penalty not exceeding (£10) ten pounds, nor less than (5s.) five shillings.

Made and passed by the Council of the Borough of Newcastle, this twenty-eighth day of January, in the year of our Lord one thousand eight hundred and eighty-nine.

(L.S.) HENRY BUCHANAN, Mayor.

EDWARD S. HOLLAND,
 Town Clerk.

1889.

NEW SOUTH WALES.

METROPOLITAN FIRE BRIGADES BOARD.

(FIFTH ANNUAL REPORT.)

Presented to Parliament, pursuant to Act 47 Vic. No. 3, sec. 7.

The Chairman, Fire Brigades Board, to The Colonial Secretary.

Sir, Head Quarters Fire Station, Castlereagh-street, Sydney, April, 1889.
I have the honor, on behalf of the Fire Brigades Board, to present to you its fifth Annual Report for the year ending 31st December, 1888, in accordance with the 7th section of the Fire Brigades Act of 1884.

Combined with this report will be found the annual report and statistical returns of the Superintendent of Fire Brigades, and the whole is hereby presented as one, under the administration of the Board, in accordance with the 1st section of the Act. The seats on the Board held by the representatives of the Municipal Councils, Insurance Companies, and Volunteer Fire Companies became vacant in the month of March, by effluxion of time. The usual elections were then held, which resulted as follows:—For the Sydney Municipal Council, Mr. S. E. Loes (re-elected); for the Suburban Municipalities, Mr. R. McCoy (re-elected); for the local Fire Insurance Companies, Mr. Walter Church (re-elected); for the Foreign Fire Insurance Companies, Mr. W. A. Gibb (*vice* Mr. M. W. S. Clark); for the Volunteer Fire Companies, Mr. E. J. Love was re-elected.

At the first meeting of the newly constituted Board Mr. Church was unanimously elected to the position of Vice-Chairman.

With regard to the Insurance Companies a list is appended which shows the amount held at risk, and the amounts contributed by each Company.

On comparing the gross total of the amounts held at risk by the Insurance Companies, a slight increase will be observed, which appears to have been general with all Companies.

The figures representing the previous year amounted to £49,209,395, and those which represented last year were £50,528,368, showing the increase to have been £1,318,973. The previous year's increase amounted to £2,956,025.

The names of two new Insurance Offices appear on the list for 1888, viz.:—The Australian Traders' Mutual, and the Fire, Marine, and Accident Indemnity Company.

Messrs. S. Hoffnung and Company by an arrangement with the offices interested contributed a *pro rata* amount on the sum of £39,500. This last-mentioned sum represents an amount which that firm has insured with offices not represented in the Colony.

There are several firms in the city who are compelled to effect insurances elsewhere, and such firms have agreed with the Insurance Offices to pay all fire brigade charges, &c., as there is no provision in the Act empowering the Board to levy on these firms, no steps of a definite character have been taken.

The figures represented above, and which are shown in the list referred to, are compiled from a statutory declaration furnished by the Companies in accordance with the 15th section of the Act.

Forty-one Insurance Companies contributed during the past year as against forty-two during the previous year.

In connection with the Municipal Councils the list remains the same as last year's report, although the aggregate amount of ratable property has slightly increased. Each Council shows an increase, and on comparing the figures for 1887 with those of 1888 the following increase is found:—

Assessment 31st December, 1887...	£4,293,962
Assessment 31st December, 1886...	£3,945,291
Increase...	£348,671

as against, £272,137 for the year 1887.

The extension and maintenance of a thorough system of fire protection in the city and suburbs has been still further advantageously carried out, but as the Superintendent in his report has particularized the extension, there is no necessity to allude to it again.

The Superintendent also refers to the completion and occupation of the head quarters fire station.

The Board is confident, that the erection of this station was a step in the right direction, as the citizens can rely more confidently upon better and more effectual service. Much has been said in previous reports concerning the advantages to be derived from this station; and the Board is pleased to be able to report that all the anticipations have been fully realized.

The offices of the Board have been removed to the head station, where the administration of the Act is carried on in conjunction with the working of the department in the matter of fire extinction.

The Board would recommend the careful perusal of the Superintendent's report, as there are several important matters mentioned in it connected with the administration and working of this department.

During the year the position of the principal foreman, or second to the Superintendent, was vacated by Mr. William Bouch. After very careful consideration the Board was of the opinion that a person should be appointed, whose experience and knowledge was such as to be thoroughly qualified and fit to undertake the duties and responsibilities of superintendent, should at any time the latter be absent or temporarily incapacitated.

The appointment of Mr. Alfred Webb, late of the Metropolitan Fire Brigade, London, was the outcome of this resolution; and from the excellent recommendations received the Board has no doubt that its expectations will be fully realized.

The Board regrets very much that it is obliged to again bring under the notice of the Honorable Colonial Secretary the defectiveness of the Fire Brigade Act. As the Board has repeatedly expressed its views on this subject in previous reports and by deputations, it would be needless to again recapitulate them. In former reports the special points requiring legislation, and also the unworkable nature of the Act, has been pointed out, and in an amending Bill the Board has shown how the defects might be remedied. Each succeeding year brings with it additional dangers, with fresh and increasing responsibilities, besides increasing values of the merchandise stored in the various warehouses. Representations have been repeatedly made in previous reports, and during the past year the Board proposed an amending Bill, and invited the Insurance Companies and Municipal Councils to suggest any amendments they might think desirable. Several amendments were made and embodied in the draft Bill (copy herewith annexed), and finally the same was presented to the Colonial Secretary in October last.

The Board desire therefore to place this matter more forcibly in the light which, in the interests of the public, it should be taken. As an instance why legislation should be brought to bear on the subject is the fact of the enormous value of the properties. There should be restrictions as to storage, otherwise, in the course of competition, we shall be having warehouses of tremendous cubical capacity, stocked with valuable goods, and as it has been repeatedly pointed out, were a fire to occur in any of these lofty buildings we shall be experiencing gigantic fires.

The Board feels that it has only done its duty by calling attention to these matters, as unless some steps are taken by the Legislature, and special endeavours made, immense sacrifice of property, and probably loss of life, may ensue. With regard to the question of holding inquests on fires, inquiries have been held where the circumstances attending the origin were suspicious. Here again, the want of better legislation is much felt. The special points requiring amendment have already been mentioned in former reports, and is also dealt with in the proposed amending Bill.

The most important subject, however, is that of our water supply. During the past year this matter has been seriously considered, and as several instances have happened of defectiveness in the existing system, the Board has considered it desirable to represent such in as forcible language as possible. Soon after the present Water Supply and Sewerage Board came in existence, the Brigade Superintendent reported very fully on the matter, and as that report contains the gist of what is absolutely required for the City of Sydney, the Board have considered it advisable to annex that document to this report. It is very pleasing to note that the Water Board has seriously taken the matter up, and it is confidently hoped that at an early date the whole system will be attended to such an extent as to be of more service, and also to be a source of reliability for all future time.

The unfortunate accident which befel one of the members of the Metropolitan Fire Brigade at a fire in York-street, whereby his life was lost, adds another instance for special comment. The defects of the Building Act have been repeatedly referred to, and as there are no provisions for protection from accident around dangerous openings, lifts, and well-holes in warehouses, great danger menaces the firemen, when performing their duty to the public.

The Board has framed various amendments to the City of Sydney Improvement Act, but up to the present time the Board administering that Act has not been successful in putting them in force, and it is feared that at some time there will be cause to regret that the suggestions referred to have not been carried out.

The Board again deems it its duty to call attention to representations made in previous reports concerning the great want of a fire station in the northern part of the City, and in doing so it desires to emphasize the remarks of the Superintendent in his report. That the station is absolutely required, when the value of the Government buildings, bonded warehouses, wool stores, shipping, and other properties at risk in that part of the City are considered.

Newtown is another important locality which deserves particular attention. Endeavours have been made to obtain a site for a fire station there, on the land lately occupied as a police station, as this site is the most central and would be the best for all time.

The Board desire to strongly urge the adoption of its recommendations more especially in the interest of the business and manufacturing portion of that community. The Volunteer Company at Newtown find the present station scarcely habitable, and in consequence of which have been on the point of disbanding. In the absence of possessing a suitable site the Board is unable to afford sufficient protection in this important locality.

With this report is annexed a tabulated summary of the working of the whole of the Volunteer Fire Companies as a body.

In conclusion the Board has to express a hope that at the most convenient and early date the Government will take action in this and former reports, with the view of affording further protection to life and property in this large and growing metropolis.

I have, &c.,
 CHARLES BOWN,
 Chairman, Fire Brigades Board.

APPENDIX I.

REPORT from the Superintendent of Fire Brigades to the Fire Brigades Board.

Gentlemen,

Metropolitan Fire Brigade Headquarters Station, 18 June, 1888.
 I am pleased to receive a letter from the Secretary of the Water and Sewerage Department asking me to furnish his Board with my suggestions respecting the adoption of some precaution such as I may think necessary to ensure a plentiful supply of water for the purpose of extinguishing fires. As this question of our water reticulation, and arrangements for putting out fires generally, is a serious one to consider for the future requirements of the city and suburbs, I have considered it my duty to answer it through the medium of your Board in order to record more fully the many objections in the water system that have existed, that now exist, and perhaps will continue to exist, if not dealt with at once.

In the first place, I do not think it necessary to go over the same ground covering all the subjects dealt with in our annual reports on the water supply as some of the defects have been removed though many still remain. I would, therefore, recommend a copy of each of your annual reports to be sent with the letter to the Water and Sewerage Board, to assist it in its work.

The first and most serious matter which I desire to point out, is the practice of putting down 3in. and 4in. water-mains in districts which are fast becoming manufacturing centres and where large warehouses are springing up, besides which the average drawing off after being laid for a few years would be much too great for their delivcing capacity. Irrespective of this it is a very great question whether the Prospect water being filtered (not naturally filtered, as in the case of the Botany water) will not corrode the water pipes quicker and thereby cause the smaller pipes to be taken up more frequently than hitherto, which, not only means additional expense for replacing the pipes, but the cost of reconnecting each house and remaking the roads or pavements.

Another serious matter which must be well borne in mind is, that if the water-mains are to be placed under the pavements in the future, some provision should be made respecting the depth they should be placed underground to save them from being broken, which, if not so protected, would happen if heavy walls fell on them during a fire, and thereby probably causing a sudden stoppage to all the fire-engines. Accidents such as these have happened before in many Cities.

As regards the present system of plug-boxes and ball hydrants on all mains for the extinguishing of fires, I may say that it is a foolish system indeed, as I have repeatedly pointed out that it is of no use putting plug-boxes down where the pressure is over 60 lb. on the square inch with a good flow, such as is found in York-street, as it is almost impossible for even three or four men to ship a standpipe when once the plug is drawn. To give an illustration of this mistake, I may state that at the late fire at Messrs. Fraser's in York-street I gave an order for a hydrant to be used, but the turncock, on his arrival at the fire, immediately drew a plug, and six men were unable to ship the standpipe, thereby causing a fearful waste of water, and not being able to extinguish the fire so quickly until the water had been shut off, the plug put in, and the valve opened again. I may here add that at times, under lower pressure, the same thing has occurred by the shoes of the standpipe catching the flange of iron, owing to the sand or clay shifting, thereby causing the plug-box to be slightly shifted.

Again, the system of placing one plug and one ball-hydrant along the main is extremely foolish, as the first hydrant may be doing very good work, but some Volunteer Company coming up might start a plug, which would take away the whole of the water until the standpipe was adripped.

While speaking of both plug-boxes and ball-hydrants, I would strongly recommend your Board to ask the Water and Sewerage Board to adopt a system of screw-down hydrants in our principal thoroughfares, and not to buy any more plug-boxes or ball-hydrants, as they are considered out of date, and are continually getting out of order, besides causing every engine to carry about 56 lb. more weight than should be carried. I am quite positive, if proper patterns were made of the hydrant I recommend, and many castings got at a time, with an engine to properly gauge and fit them together, in time they would prove themselves almost as cheap as the ball-hydrants, especially so, when once they are fitted they require very little attention, and I would gladly undertake to allow my men to periodically inspect them, as is done throughout the whole of the city of London and in most American Cities, where no plugs or ball hydrants exist. They can also be easily fitted to the present changes without further cost. If these valves were placed along our principal thoroughfares, the present plugs and ball hydrants might be utilized on new mains when being laid in the Suburbs, but in each case to so place them to suit the pressure, i.e., where there is over 45 or 50 lb. on the square inch, put down a ball hydrant under 45 lb., a plug-box, and so to use up in time the old plugs and ball hydrants, but eventually do away with them altogether.

One may be sent to the Board, complete if necessary, on application to myself.

Since receiving the letter from the Water and Sewerage Board I have tested the difference of flow and quantities of water delivered under an equal head for eight mornings at about 5-30 a.m., and the following are the results:—

Ball-hydrant, fully open, through 50 feet length of canvas rubber-lined hose, no branch or nozzle, with a pressure of 50 lb. on the square inch, a delivery of 167.7 gallons per minute was obtained.

Stance or full waterway-hydrant, as per sketch, under exactly the same conditions, 176.8 gallons per minute was obtained, showing clearly a benefit of 9.1 gallons per minute more than the ball hydrant, or 5.45 gallons per hour more, and I need hardly point out that with greater pressures better results would be obtained in favour of the hydrant recommended.

Another great gain to the ratepayers would be the chance of knowing they could put out a fire themselves by merely keeping a length of hose, branch and nozzle, and very likely it would be found cheaper to water the streets by these same hydrants, as is done in some parts of London, Paris, and other large Cities, by means of a watering apparatus.

I would also recommend that all street lamps be marked with small red numbers denoting the distance in feet of the hydrant or plug, with a small red hand pointing in the direction in which it is to be found, as is done throughout the whole of London. Main and stop valves should be placed at the intersection of the streets to ensure a system, and to enable the Fire Department in the future to be able to intercept the water from running to lower levels, especially so in the case of a turncock not being in attendance or available.

District maps should be made of all water reticulations, showing the sizes of the units, the positions of the plugs, stop-valves, main valves, &c., &c., the reticulation from each reservoir having a distinctive colour, and also showing the junction with other mains, as is done in England and America, and most continental cities.

All plugs, hydrants, &c., should bear a registered number in each street from north to south, or from east to west, and so on. The turncock having charge of the district should periodically inspect each hydrant and open same and report it to the Inspector of the district on printed forms. All dead ends should be flushed out periodically and also reported.

I would strongly recommend the Board to allow the removal of water meters in large establishments, especially in the case of large Government buildings, such as the Railway Department at Redfern and Kewleigh, where it is required to make great provisions against fire, and the full flow and capacity is wanted. The holes of the strainers of the largest water meters are not equal to the area of their quoted size, and the flow is therefore very much retarded in long services.

Some persons will perhaps say have a bye-pass in case of fire, but my experience teaches me that the bye-pass is invariably forgotten in the excitement of the moment.

The city and the suburbs contiguous to it should be placed under an inspector of turncocks, and a certain number of turncocks should have a certain area to look after together with the inspector of plugs, hydrants, and the water supply fittings in all houses, and who should report in accordance with the requirements. Each of these turncocks should take turn in attending the fire-quarters fire station. Three men should be encouraged to live within their boundary, and as close to the hot fire station as possible. They should be allowed to pay a small reward to any person calling them in case of fire within the radius of their respective districts, the payment of a reward being only allowed in the case of the first turncock in attendance at the fire. This system is carried out by the whole of the private water companies in London.

I may here point out, for the information of the Water and Sewerage Board, that at the present time the turncock is paid 2s. after every fire, if water is required from the plugs or hydrants for the extinguishment of a fire.

This practice of encouraging the turncocks has a tendency to create a spirit of emulation to assist the Fire Brigade as much as possible.

In the suburbs outside of the before-mentioned area an inspector of turncocks or a senior turncock should have full charge over a certain district, and deputy turncocks should be employed who would be subordinately responsible to the senior. These deputy turncocks should also be the actual pipe-layers of the whole of their own district as well as assisting with any other district.

I would strongly recommend the principle to be adopted that no turncock or deputy turncock should be appointed to such positions without first having served as a pipe-layer, and each and all should be governed by seniority, instead of each one doing as he liked as has been the case of late.

Steel gauges should be kept and all articles gauged to ensure uniformity, and so prevent the many mistakes that have existed occurring again.

In conclusion I strongly recommend the Water Supply and Sewerage Board to well think over the suggestions contained in my last annual report to your Board about placing the whole of the city and the suburbs having contiguity to it under a recognised and reliable head of water, so that warehousemen may be enabled to protect their own warehouses, especially so in cases of the upper stories, by means of their own fire extinguishing appliances, and further to be able to extinguish a fire long before any fire brigade could possibly be on the spot and get to work effectually.

If the scheme of Mr. E. O. Moriarty, the Engineer-in-Chief, is followed out (See page 5 "Extinction of Fires," in his report to the Honorable Secretary for Public Works, dated the 10th day of January, 1891), I am of the opinion that it will be a complete failure in many ways.

Copy of paragraph from the Report referred to "Extinction of Fires."

"Much has been said and written by the advocates of Kenny Hill as to the advantages possessed by their scheme in regard to the extinction of fires, the saving in fire insurance alone being variously estimated at £150,000 to £300,000 per annum.

"That newspaper writers, non-professional men, and quasi-engineers should fall into this error is of course not to be wondered at, but that a gentleman occupying the position of City Engineer should not only make such a mistake but should enlarge in most eloquent terms upon it does seem surprising. None of them seem to be aware that it is one of the most ordinary arrangements in connection with the water service of a town where there are reservoirs at different levels to have the means of placing the whole town or any part of it which may be desired under the pressure of the highest reservoir when required for the extinction of fire, and that the operation is performed in a few minutes by merely shutting off the connection with the low-service reservoirs and opening the valve communicating with the high service; this can be done in a minute or two on the signal of fire being conveyed to the central pumping station and instantly the whole town or any desired part of it is brought under the pressure of the higher reservoirs. Thus supposing a fire were to occur in any part of Sydney the people at the nearest fire-station instead of fussing about in the manner described by the City Engineer in his speech at the Royal Society, would telegraph the single word "fire" to the Central Station, say at Crown-street, whereupon the person in charge of the machinery there merely screws down the valve connecting Crown-street with the city mains, and opens the valve connecting them with Paddington, Woollahra, or Waverley, and in less time than it takes to write it, the whole city or any section of it which may be desired, is under the pressure of whichever of the high service reservoirs it has been connected with. This arrangement is in full operation in the city of Auckland (N.Z.), the water supply of which has been carried out from my designs. That it has not been in operation in Sydney too is a matter more for surprise than commendation of those who have had the charge of such matters."

First—The Fire Department may not get an early call for the fire, and even supposing it did it would take time to send it through the different stations, and then 5 minutes to turn off a large valve and turn another one on. By this time if a fire occurred in one of our present large warehouses, which has a tremendous cubical capacity, it would be beyond control if steam fire-engines were not in existence.

Second—If hydrants are fitted up throughout a warehouse, the night watchman would probably think of putting out the fire at once, and after getting everything ready for work in stories above the Crown-street reservoir he would find that there was no water. To my mind there is no doubt that the tremendous rush of air through the pipes caused by the water being turned on at the waterworks would add considerably to the harm already done. This is bound to be the case where the reticulation is very great in large warehouses.

Third—The telephone or telephone wire may be out of order, or the man at either end away from his post, or many such unforeseen accidents may happen by leaving things in such an haphazard way.

My experience of nearly twenty years as a paid and continual fireman in a public service teaches me never to trust to such complications, as they are bound to fail at a moment when we little expect them to do so. There are, if such a system is to be brought into working order the fire department will always have to maintain a large number of steam fire-engines, and I need hardly point out that this would be a far more expensive way than pumping the water up to higher levels at a rate given by Mr. E. O. Moriarty of one million gallons per 100 feet high for the sum of £1 sterling. If the Board think that I have gone out of my province I trust they will excuse the liberty I have taken, but having had a great practical experience in London with all the water companies, and knowing their systems, I have thought it best to state the case as plainly and openly as possible, to get the best system for the future benefit of this great city, with a view in mind that if a proper system is commenced with the present Board it will no doubt save some thousands of pounds being spent hereafter to alter it to what is both simple and perfect.

I have, &c.,

WILLIAM D. BEAR,

Superintendent of M.F.B.

APPENDIX II.

FIRE BRIGADES BOARD.

STATEMENT showing the assessed value of rateable property for the year 1887, in the City of Sydney and the under-mentioned Municipalities, with proportion of expenses as estimated by the Fire Brigades Board, for the year ending 31st December, 1888.

Municipality.	Assessed Value	Contribution.	Municipality.	Assessed Value.	Contribution.
	£	£ s. d.		£	£ s. d.
City of Sydney	2,000,238	1,164 11 2	Paramatta	73,878	43 0 3
Alexandria	60,000	34 18 8	Petersham	98,738	57 9 9
Ashfield	124,845	72 13 0	Randwick	83,285	48 9 10
Balmain	182,144	106 0 11	Redfern	158,777	92 8 10
Barwood	77,325	45 0 5	St. Leonards	94,675	55 1 4
Camperdown	40,900	23 16 3	St. Leonards East	60,402	40 8 2
Darlington	26,900	15 13 3	St. Peter's	33,000	19 4 3
Five Dock	22,622	13 5 9	Victoria	38,528	22 8 8
Glebe	147,284	85 15 0	Waterloo	65,441	38 2 0
Leichhardt	103,300	60 2 10	Waverley	95,069	55 14 0
Macdonald Town	34,030	19 16 4	Willoughby North	54,050	31 9 4
Marily	71,768	41 15 8	Woollahra	129,092	75 3 2
Marrickville	105,068	61 3 5			
Newtown	148,000	86 3 4	Totals.....	£ 4,203,962	2,500 0 0
Paddington	154,897	90 3 8			

APPENDIX III.

FIRE BRIGADES' BOARD.

STATEMENT showing amount held at risk within the City of Sydney and the Municipalities (enumerated in Schedule A) and Parramatta, of the Fire Brigades' Act, 1887, by the undermentioned Fire Insurance Companies, for the year ending 31st December, 1887, with proportion of expenses, as estimated by the Fire Brigades' Board, for the year ending 31st December, 1888.

Insurance Companies	Amount of Risk.	Contributions for the year 1888.
	£	£ s. d.
The Australian Alliance	442,000	21 17 6
Alliance, British and Foreign	786,423	38 18 2
Australian Mutual	6,690,057	331 0 1
Australian Traders' Mutual	6,881	0 6 11
City of London	187,022	9 5 1
City Mutual	1,830,151	90 11 2
Colonial Mutual	1,417,000	70 2 3
Commercial Union	5,564,644	275 6 5
Cornwall	158,428	7 16 9
Equitable of New Zealand	332,284	16 8 10
Fire, Marine, and Accident Indemnity Co.	91,664	4 10 1
General	146,805	7 5 3
Glasgow and London	220,870	10 18 7
Guardian	231,365	13 18 5
Hamburg Magdeburg	152,095	7 10 6
Imperial	1,115,000	55 3 4
Industrial Mutual	1,055,905	52 4 11
Lion	358,510	17 14 9
Liverpool and London, and Globe	3,067,488	151 15 5
London and Lancashire	437,737	21 13 1
Manchester	123,000	6 1 9
Mercantile Mutual	4,890,675	241 19 7
National of N.Z.	1,507,289	64 13 7
N.S.W. Assurance Corporation	596,659	29 10 5
New Zealand	1,770,408	87 11 11
North British and Mercantile	850,422	42 1 6
Northern	810,000	40 1 6
Norwich Union	2,018,817	99 17 8
Pacific	973,500	48 3 4
Phoenix	1,784,009	88 5 4
Queen	1,062,982	52 11 11
Royal	650,000	32 3 2
Scottish Union and National	483,215	23 18 2
South British	941,254	46 11 5
Standard of N.Z.	1,187,968	58 15 7
Sun Fire Office	386,434	19 2 4
Sydney Mutual	885,444	43 16 2
Union of New Zealand	786,000	38 17 9
United	2,734,194	135 5 7
United Australian Mutual	264,192	13 1 5
Victoria	1,680,000	83 2 5
Total	£ 59,528,368	2,600 0 0

APPENDIX IV.

SUMMARY of Attendances at Board Meetings for the year 1888.

Names.	Present.	Absent.
Chas. Bown, Esq., J.P.	30	Nil
M. W. S. Clarke, Esq., M.A. (from 6 January to 15 March inclusive)	7	Nil
Walter Church, Esq., J.P.	25	5
S. E. Lees, Esq., J.P.	26*	4
W. A. Gibb, Esq. (from 20 March to 21 December inclusive)	18	5
Richard M'Coy, Esq., J.P.	29*	Nil
E. J. Love, Esq.	26	4

There were 30 meetings of the Board held during the year.

* In each of these instances the members were not present within the regulation time, on one occasion each, but were present during the remainder of the two meetings.

APPENDIX V.

FIRE BRIGADES BOARD OF SYDNEY.

ABSTRACT OF RECEIPTS AND EXPENDITURE for the Year ending 31st December, 1888.

RECEIPTS.		EXPENDITURE.	
	£ s. d.	£ s. d.	£ s. d.
31st December, 1887.			
By Balance—		To Station—Alterations and repairs	256 5 5
Mercantile Bank	2,822 8 10	Salaries	4,649 7 8
Superintendent's watching account	90 0 0	Board fees	300 0 0
" petty cash	18 12 0	Plant, stores, &c.	1,015 18 7
	2,902 8 4	Clothing, boots, &c.	105 15 6
By Contributions—		Printing, stationery, and postage	127 0 7
The Treasury	2,500 0 0		6,474 7 4
Insurance Companies—		Rent	120 13 1
Australian Alliance	21 17 6	Rates and taxes	146 21 0
Alliance Assurance	38 16 2		267 4 1
Australian Mutual	391 0 1	Life premiums	102 15 2
Australian Traders' Mutual	0 6 11	Guarantee premiums	5 0 0
City of London	9 6 3	Medical fees	5 5 0
City Mutual	90 11 2	Auditors' fees	12 10 0
Colonial Mutual	70 2 3		185 10 2
Commercial Union	275 6 5	Lighting	258 10 0
Cornwall	7 16 9	Fuel	46 2 0
Equitable of New Zealand	10 8 10		304 12 0
Fire, Marine, and Accident Ind.	4 10 1	Working engines at fires	2 0 0
General	7 5 2	M. F. B. Benefit Club—Third of watching duties	46 3 1
Glasgow and London	10 18 7	Insurance on stations	10 10 0
Guardian	13 18 5	Rewards for calls	12 13 6
Hamburg Magdeburg	7 10 0	" to firelocks	12 6 0
Imperial	55 3 4	Cab-hire and cartage	32 7 5
Industrial Mutual	52 4 11	Petty expenses	48 0 11
Lion	17 14 9	Assistance rendered	7 16 0
Liverpool and London and Globe	184 16 5	Law costs	14 0 0
London and Lancashire	21 13 1	Miscellaneous items, advertising, &c.	247 2 0
Manchester	0 1 0		447 18 5
Mercantile Mutual	241 10 7	Horses—	
National of New Zealand	04 13 7	Purchase of	115 0 0
New South Wales Assurance Corporation	29 10 6	Fodder for	197 1 5
New Zealand	87 11 11	Shoeing	20 7 11
North British and Mercantile	42 1 6	Harness	31 10 0
Northern	40 1 6		363 19 2
Norwich Union	09 17 8	Telephone fire alarms, extensions, and additions	130 11 0
Pacific	48 3 4	Volunteer Fire Companies Subsidies—	
Phoenix	58 5 4	Paddington	150 0 0
Queen	62 11 11	St. Leonards	200 0 0
Royal	32 8 2	Glebe	150 0 0
Scottish Union and National	23 18 2	Waterloo, including donation £25	125 0 0
South British	46 11 5	Rodfern	100 0 0
Standard of New Zealand	68 15 7	Standard Brewery (donation £20)	70 0 0
Sun	19 2 4	Woollahra	180 0 0
Sydney Mutual	43 16 2	Darlington	20 5 0
Union of New Zealand	34 17 0	Newtown	175 0 0
United	136 5 7	Waverley	49 0 0
United Australian Mutual	13 1 5	Balmain	200 0 0
Victoria	83 2 6	Parramatta (No. 1)	76 0 0
	2,500 0 0	" (No. 2)	75 0 0
Municipal Councils—		Burwood	100 0 0
City of Sydney	1,104 11 2	Alexandria	100 0 0
Alexandria	34 18 8	North City, including donation £25	125 0 0
Ashfield	72 13 0	Paddington Brewery	100 0 0
Balmain	106 0 11	Leichhardt	50 0 0
Burwood	45 0 5		2,051 5 0
Camperdown	23 16 3	New engines and plant for Volunteer Com-	
Darlington	15 13 3	panies at Waverley, Burwood, and Ash-	
Five Dock	13 5 0	field	576 9 6
Glebe	85 16 0	Amount paid to Volunteer Firemen for watch-	
Leichhardt	60 2 10	ing duties at fires	16 17 0
Macdonald Town	10 16 4	Telephone extension to Volunteer Stations,	
Manly	41 15 8	&c., at—	
Marrickville	01 3 5	Waverley	6 15 0
Newtown	55 3 4	Newtown	17 5 0
Paddington	00 3 8	Balmain	2 5 0
Parramatta	43 0 3	North City	23 4 0
Petersham	57 9 9		641 19 9
Randwick	48 9 10	Fire alarm extension to St. Peters	40 5 8
Rodfern	32 6 10		40 5 8
St. Leonards	55 1 4	Total expenditure	£12,033 11 5
East St. Leonards	40 8 2	By Balance—	
St. Peters	10 4 3	Mercantile Bank	100 12 2
Victoria	22 8 8	Superintendent's watching duty account	20 0 0
Waterloo	38 2 0	" petty cash	10 18 5
Waverley	56 14 0		140 11 8
Willoughby North	31 9 4		
Woollahra	75 3 2		
	2,500 0 0		
Rent and gas received from members of brigade			
residing in station	446 6 4		
Life premiums from firemen	59 13 3		
Sale of old plant	52 5 0		
Fines—Members of Brigade	14 8 0		
Waterloo Volunteer Company	7 2 0		
Glebe	3 3 0		
Newtown	2 3 0		
Paddington Brewery Volunteer Com-			
pany	3 3 0		
Forfeit—medical fee	1 1 0		
Insurance Companies, for watching duties	82 16 2		
	658 1 9		
Manchester Assurance Company (late agency)	11 1 1		
Messrs. S. Hoffmann & Co.	1 12 2		
	12 13 3		
Total	£11,033 9 4	Total	£12,033 3 4

I hereby certify that I have this day examined and compared the books, vouchers, and accounts of the Fire Brigades Board for the year ended 31st December, 1888, also statement of receipts and expenditure herein, and find that the same are correct.—JAMES C. TAYLOR, Public Accountant.

2nd May, 1889.

CHARLES BOWN, Chairman,
WILLIAM AGER, Secretary.

APPENDIX

APPENDIX VI.

VOLUNTEER FIRE COMPANIES.

RETURNS of Services rendered and the system generally.

Name of Company.	Situation of Station.	No. of Members registered on Roll.	Plant.	Subsidy per annum.	Total Receipts, not including Board's Subsidy.	Expenditure for the year 1888.	Balance to credit of Company.		Number of Calls attended.		Total number of Alarms given to M.P.B.		Total number of Members attended at all Calls.	Average number of Members attended at each Call.
							31st December, 1887.	31st December, 1888.	False alarms and chimneys.	Actual fires.	False alarms and chimneys.	Actual fires.		
CITY COMPANIES.														
No. 1 Volunteer Company North City	Pitt-street	15	1 manual, 1 reel	Not regist'd.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	.....	.....	2	1	.....	.....
Paddington Brewery	Cumberland-street	.....	1 manual, 1 reel	100	.....	.....	.....	.....	4	32	1	1	211	5.8
Theatre Royal	Dowling and Oxford streets	.....	1 manual, 1 reel	100	4 1 0	83 15 0	27 0 4	.....	6	60	3	11	557	8.4
Standard Brewery	At Theatre, Castlereagh-st.	Unknown	1 reel	Not regist'd.	Unknown	.....	.....	.....	2	9	1	1	58	3.3
	Foveaux-street	20	1 reel	50	32 7 0	92 4 11	34 2 10	.....	8	81	1	10	752	8.4
SUBURBAN COMPANIES.														
*†Alexandria	Gerard-street	19	1 manual, 1 reel	100	Nil.	99 1 2	Nil.	.....	9	34	4	4	341	8
*†Ashfield	Liverpool Road	20	1 manual	Not regist'd.	.....	.....	.....	.....	.....	2	.....	.....	16	8
Balmain (two stations)	Booth and Darling streets	34	2 manuals, 1 reel	200	20 10 0	220 8 2	0 1 10	.....	3	7	.....	6	109	10.9
*Burwood	Burwood Road	17	1 manual	100	.....	.....	.....	.....	4	3	2	.....	35	7.8
Darlington	Shepherd-street	.....	1 manual	.....	15 11 0	52 18 4	6 17 1	.....	9	47	3	2	343	6.1
Glebe	Mitchell-street	17	1 manual, 1 reel	130	19 10 6	169 4 6	55 1 10	.....	4	21	3	7	155	6.2
*Leichhardt	Marion-street	.....	1 reel	50	No particulars	.....	.....	.....	4	19	4	4	130	5.6
*Mauly	Market-lane	16	2 manuals	Not regist'd.	.....	.....	.....	.....	.....	.....	.....	2	20	6.7
Newtown	Railway Bridge	.....	2 manuals, 1 reel, 1 ladder truck	175	1 0 0	155 2 5	36 10 6	.....	4	22	2	12	270	10.3
Paddington	Oxford-street	16	1 manual, 1 reel	150	3 0 0	180 3 10	21 1 0	.....	4	12	.....	5	137	8.5
Farramatta No. 1	Church-street	21	1 manual, 1 reel	75	28 18 0	98 19 1	25 17 3	.....	2	6	1	2	31	3.8
Farramatta No. 2	Church-street	25	1 manual, 1 reel	75	58 14 9	164 1 8	27 9 5	.....	5	6	.....	2	67	6.09
Redfern	Regent-street	21	2 manuals	100	Nil.	138 8 11	37 4 10	.....	5	23	.....	5	263	9.3
†St. Leonards	Mount and Alfred streets†	24	2 manuals, 1 reel	200	99 10 3	311 12 4	12 2 1	Nil.	.....	9	.....	7	89	9.8
*Waterloo	Kellick-street	20	1 manual, 1 reel, 1 ladder cart.	100	104 0 11	245 12 8	22 15 2	.....	3	20	.....	5	207	9
†Waverley	Carrington Road	20	1 manual	80	42 17 0	45 19 5	.....	.....	1	7	2	2	81	10.1
Woolahra	Moncar-street	19	2 manuals	130	.....	267 4 0	5 12 8	.....	1	10	1	4	79	7.18

* The plant at these stations belong to the Board. † In each case the station is under lease to the Board. ‡ Half-year only received.

APPENDIX VII.

STATEMENT showing the Attendance at Actual Fires of Volunteer Companies within specified hours for the Year 1888.

Volunteer Companies.	12 midnight to 6 a.m., 71 actual fires.		6 a.m. to 12 noon, 39 actual fires.		12 noon to 4 p.m., 59 actual fires.		4 p.m. to 12 midnight, 103 actual fires.		Total number of fires, &c.	
	Number of fires attended.	Number of Members present.	Number of fires attended.	Number of Members present.	Number of fires attended.	Number of Members present.	Number of fires attended.	Number of Members present.	Total number of fires attended.	Total number of Members present.
CITY COMPANIES—										
North City	4	31	5	16	8	32	15	105	32	185
Paddington Brewery	16	106	4	8	9	39	31	265	60	418
Theatre Royal	1	2	.....	.....	3	15	5	38	9	55
Standard Brewery	22	165	7	47	13	73	39	409	81	694
SUBURBAN COMPANIES—										
Alexandria	7	75	2	16	5	38	20	160	34	232
Ashfield	1	9	.....	.....	.....	.....	1	7	2	16
Balmain	3	41	1	16	2	22	1	22	7	101
Burwood	1	10	1	5	.....	.....	1	13	3	28
Darlington	11	52	4	24	5	25	27	185	47	286
Glebe	5	22	1	2	3	18	12	87	21	120
Leichhardt	7	45	1	1	4	11	7	35	19	92
Manly	1	8	1	3	.....	.....	1	9	3	20
Newtown	6	76	4	35	5	46	7	66	22	223
Paddington	2	13	1	7	2	18	7	75	12	113
Parramatta (No. 1) .....	.....	.....	.....	.....	4	9	2	10	6	19
Parramatta (No. 2) .....	.....	.....	.....	.....	4	22	2	8	6	30
Redfern	8	54	1	9	2	13	12	147	23	223
St. Leonards	3	32	1	9	3	19	2	29	9	89
Waterloo	6	60	3	13	1	8	10	65	20	176
Waverley	2	19	.....	.....	1	10	4	40	7	69
Woollahra	2	9	.....	.....	3	32	5	40	10	79

Mr. Superintendent Bear's Annual Report.

31 January, 1889.

To the Fire Brigades Board, Sydney,—
Gentlemen,

I do myself the honour to submit to your Board herewith my Fifth Annual Report of the working and general efficiency of your Brigade and the several Volunteer Fire Companies, together with the details of fires attended in the City and Suburbs of Sydney, for the year ending 31st December, 1888.

The total number of alarms received for fires or supposed fires was 311; of these 35 were false alarms, 10 proved to be only chimney alarms, and 265 were actual fires. Of the actual fires 222 were slight or trifling, 19 were serious, and 25 resulted in total destruction.

Of the 265 actual fires 166 were insured, 31 not insured, and in 69 instances insurances on the buildings or contents could not be ascertained.

In addition to the ordinary fires there have been 51 chimney-fires requiring the attendance of firemen with hand-pump only, and 22 casualties in which life was lost or endangered, but in which no damage was done to buildings or their contents, making an aggregate total of 384 calls for fires, false alarms, chimney-fires, and casualties.

The fires of 1888 compared with those of 1887 show an increase of 59. In chimney-fires with engines an increase of only one. Chimney-fires attended by firemen with hand-pump numbering the same as last year, viz., 51.

In fires which were slight there has been an increase of 48; in serious an increase of only one; and in fires which resulted in total destruction an increase of 10. Among the buildings totally destroyed are classed shed buildings, weather-board cottages, &c., the extent of the damage done in these cases being comparatively small.

Attached are detailed statements of the various fires attended by the Brigade and the Volunteer Fire Companies, as well as those unattended but which have been reported to the Brigade from various sources, and a member of the Brigade was sent to obtain the necessary particulars.

The various summaries appended show the particular date, time of calls, time of outbreak, trades, localities, insurances, hourly and daily, weekly and monthly.

There is also appended a summary of the "Supposed origin of Fires" for the year.

Referring to the summary of localities, it will be noticed that in the City of Sydney alone there were 193 calls—138 of which were actual fires, 15 false alarms, 6 chimney-fires reported as houses on fire, and 34 chimney-fires, attended by firemen, with hand-pump only.

Of the actual fires in the city there were in Denison Ward, 25; Cook, 22; Macquarie, 21; Gipps, 19; Brisbane, 18; Bourke, 13; Fitzroy and Phillip Wards, 10 each.

In the suburbs there were 169 calls—of which 128 were for actual fires, 20 were false alarms, 4 were for chimney-fires, reported as houses on fire, and 17 were for chimney-fires which were attended by firemen with hand-pump only.

The suburbs affected in regard to actual fires only were as follows, viz.—Redfern, 10; Glebe, Newtown, and Paddington, 10 each; Balmain, 9; Waterloo, 8; Alexandria, Leichhardt, and Parramatta, 7 each; Petersham, 6; St. Leonards, 5; Murrickville and St. Leonards East, 4 each; Burwood, Camperdown, Manly, Randwick, and Woollahra, 3 each; Darlington, Macdonaldtown, and Waverley, 2 each; Ashfield, Canterbury, St. Peter's, and Rodd Island, 1 each.

Of the chimney-fires, 21 happened in dwellings belonging to poor persons, against whom proceedings were not taken; 15 persons were fined, which in the aggregate, together with costs, amounted to the sum of £24 6s. 6d.; two cases were withdrawn, and in one case no action was taken. The remaining 21 being outside of the city boundary, were not amenable to the "City of Sydney Improvement Act."

In summarizing the trades it will be observed that private dwellings have been mostly affected by fires, the number for all classes of damage being 93, but taking the actual trades into consideration, the most notable stand in the following order, viz.—Licensed victuallers, 22; grocers, 18; butchers, 9; general dealers, 7; drapers and milliners, fruiterers and green-grocers, hairdressers, ironmongers, printers, and stables, 6 each; boarding-houses, bootmakers, builders, engineers, general importers, restaurants, and timber merchants, 3 each; the respective numbers of each other trade affected is less than the last mentioned figure, and are to be found in the "Summary of Trades."

The strength of the Brigade is as follows, viz.—

One large steam fire-engine
Five small steam fire engines
One 7-inch manual engine
Four 6-inch manual engines
Six under 6-inch manual engines
Two telescopic ladders
One ladder van
One hose van
Three hose reels

13,787 feet of 2½ inch hose, most of which is in good condition
Eight horses
Thirty-nine telephones
Four fire-alarm telephones
Six fire-alarms in circuit
Twenty-nine firemen, including Superintendent, principal foreman, and conchman

The

The undermentioned Volunteer Fire Companies hold plant on loan from your Board, viz. :—

Alexandria Volunteer Fire Company	Manly Volunteer Fire Company
Ashfield " " "	St. Leonards " "
Burwood " " "	Waverley " "
Leichhardt " " "	

Five Volunteer Fire Stations are also vested in the hands of your Board. The following comprise the Volunteer Fire Companies within your Board's jurisdiction, viz. :—

Alexandria Volunteer Company, subsidized by your Board (£100).
Ashfield Volunteer Company, only lately formed; not yet subsidized.
Balmuin Volunteer Company (two stations); subsidized (£200).
Burwood " " subsidized (£100).
Glebe " " " (£150).
Darlington " " " (£26 5s.).
Leichhardt " " " (£50).
Manly " " not subsidized last year.
Newtown " " subsidized by your Board (£175).
North City " " " (£125).
Paddington " " " (£150).
Paddington Brewery Volunteer Company's subsidized by your Board (£100).
Parramatta " " No. 1 subsidized (£75).
Parramatta " " No. 2 " (£75).
Redfern " " " (£100).
St. Leonards (two stations) " " " (£200).
Standard Brewery " " " (£70).
Theatre Royal " " Not subsidized.
Waterloo " " Subsidized (£125).
Waverley " " " (£40).
Woollahra " " " (£130).

Total amount paid to Volunteer Fire Companies by your Board for the year, £2,051 5s.

Irrespective of the subsidies granted by your Board several of the suburban Volunteer Fire Companies have received new plant, extension of telephone communication, &c., to the value of over £800.

The undermentioned are the whole of the members of the Metropolitan Fire Brigade on the 31st December, 1888 :—

Name.	Rank.	Date of Appointment.	Where Stationed.
William Douglas Bear	Superintendent of Fire Brigades and Inspector of Kerosene.	May, 1884...	No. 1 Head Quarters Station.
Alfred Webb	Principal foreman	26 June, 1888...	do
Edward Ashdown	Foreman	1 July, 1884...	Officer in Charge No. 2 Station.
William McKnight	Engineer	do	Head Quarters Station.
John McKnight	do	do	do
John Saelson	1st class fireman and acting foreman	14 July, 1884...	Officer in Charge No. 3 Station, Marrickville.
George Gray	2nd class fireman	1 July, 1884...	No. 2 Station.
Thomas Mackie	do	do	No. 1 Station.
Charles Brown	do	do	No. 3 Station.
Joseph Stanchell	do	do	No. 2 Station.
Solomon Samuel	do	do	do
James Hancock	do	1 August, 1884...	do
John Ford	do	do	Head Quarters Station.
Sydney Watson	do	1 Jan., 1885...	do
George Lang	do	7 Jan., 1885...	do
Thomas Gordon	do	3 Jan., 1885...	do
Thomas German	do	18 June, 1885...	No. 3 Station.
Samuel Hohman	do	11 Feb., 1886...	Head Quarters Station.
John Goodhead	do	8 June, 1886...	No. 2 Station.
Robert Nash	do	1 Jan., 1887...	No. 3 Station.
John Kellott	3rd class fireman	4 May, 1887...	Head Quarters Station.
Charles Bowers	do	5 May, 1887...	No. 2 Station.
Thomas Matthews	3rd class fireman and coachman	23 Feb., 1888...	Head Quarters Station.
Thomas Cutts	3rd class fireman	19 March, 1888...	do
Francis Howard	do	19 April, 1888...	No. 2 Station.
Stephen Eyre	3rd class fireman and coachman	6 August, 1888...	Head Quarters Station.
Percy Houghton	3rd class fireman	9 August, 1888...	do
Alfred Pickering	do	13 August, 1888...	do
George Watson	do	8 Oct., 1888...	do
William South	Messenger	1 July, 1884...	do

Your Brigade has been called upon to mourn the loss of one of its members during the past year, that of Richard Dalton, who was killed at the fire in York-street, on the night of the 22nd of February, by accidentally falling down an unprotected lift, whilst the warehouse was very dense with smoke. Richard Dalton joined the Brigade on the 16th June, 1886, and served from that time until his death with zeal and energy, and was an exceedingly good member.

During the year a new Volunteer Fire Company was formed at Waverley in place of the old one, and a new fire station has been built in the Carrington Road, for which your Board supplied a first-class manual engine, plant, and a fire bell.

Another Volunteer Fire Company was also formed at Ashfield, and a fire station built in the Liverpool Road, for which your Board also supplied a first class manual engine and plant.

The Burwood Volunteer Fire Company has been furnished by your Board with a new manual engine and plant in place of the one formerly stationed there, which was found too heavy to be moved about quickly, and a new fire-bell has also been supplied.

A new Volunteer fire station has been built by the North City Volunteers in Cumberland-street, City, towards which your Board granted a donation of £25. As so much valuable property exists at the northern end of the City, I have thought it best to place one of the small steam fire-engines in reserve at the latter station, for the express purpose of being able to obtain this engine quickly by means of the horses from the first steam fire-engine to arrive at a fire instead of sending back to the head fire station first. This is the best arrangement I can make until a Northern Station is built, although the thoroughfares are exceedingly steep round Cumberland-street, thereby making it awkward for travelling.

Extensive alterations have been made to the Waterloo Volunteer fire station which is vested in the hands of your Board, and towards which your Board granted a donation of £25.

Woollahra

Woollahra Volunteer Fire Station and No. 2 Parramatta Volunteer Fire Station have been reconstructed by each company from their subsidies at a considerable cost, and I may here remark that they deserve great credit for the alterations, as both stations are now good structures.

I feel very glad to inform your Board that all Volunteer Fire Companies registered under your Board are now clear of any financial difficulties, and I think this will tend to induce the members to take a better interest in the affairs of the companies than formerly.

Telephonic communication has been established between the head quarters fire station and the undermentioned places during the year, viz.:—North City Volunteer Fire Station, Albamta Music Hall, Criterion Theatre, Gaiety Theatre, Haymarket Music Hall, Opera House.

A duplicate telephone line was erected between the head quarters fire station and the Exchange, at the General Post Office, as there was a risk of the one line being in use on the occasion of a call of fire being required to be transmitted from the Exchange.

A fire-alarm telephone was placed at the St. Peters Municipal Town Hall in connection with our No. 3 fire station, Marrickville.

I may here inform your Board that nothing has yet been done with regard to the telephone communication being established between the No. 2 fire station and Campdown Municipal Town Hall for which I had your authority, as there is no caretaker living at the hall.

All Volunteer fire stations, with the exception of Ashfield, Burwood, Manly, and Parramatta, all theatres, and all music-halls, with the exception of the Academy of Music, the Government Printing Office, the Railway Department, and the Town Hall, are in direct telephonic communication with our three permanent fire-stations.

The various police stations are also connected up through the Central Police Station. The various wharves, warehouses, business houses, and many public buildings, are also in telephonic communication, though indirectly through the Telephone Exchange at the General Post Office, which is open to receive and transmit calls for fires at any hour of the day or night.

By your Board's authority a new exchange-board has been ordered for the head quarters fire-station containing 200 shutters, and when fitted proprietors of the large warehouses will be invited to place their premises in direct telephone communication with our head quarters fire-station. The 30-shutter board will then be removed to the No. 2 station, the No. 2 station's 10-shutter board will be removed to the No. 3 station, and their 6-shutter board will then be used at the head quarters fire-station for the telephone fire-alarms distributed about the city.

The six fire-alarms fitted up on circuit have caused us a great deal of anxiety during the year, and I have had to put up a notice on each of them to say that they are "not in working order." It will be remembered by your Board that I reported some time back that I was not very sanguine as to their working continually with success. It would have been waste of money to have erected many fire-alarm wires before we occupied the new head quarters station, on account of the expense of their removal; but I trust that shortly I shall be in a position to recommend a special telephone fire-alarm system to your Board, and if approved of the telephone fire-alarm will be placed throughout the principal streets of the city.

On the 1st of March the new head quarters fire-engine station was opened and the old one in Bathurst-street was closed. The new station has fulfilled in every way what was anticipated for it, both with regard to turning out quickly to fires and for holding the necessary reserves of every kind for a large fire; and I think your Board may be well satisfied with the result.

A heater similar to that at No. 2 station has also been fitted up, for the purpose of keeping from 5 to 10 lb. of steam on a steam fire-engine during the day and night; and we can now obtain 100 lb. pressure of steam in 3½ minutes from the time of lighting the fire at a cost of about £9 a year, which is less than a fourth for which we should pay for gas to obtain the same result.

Since the fire at the *Evening News* Office several persons writing to the newspapers have suggested that a man should be continually on watch in the tower at the head station, and I take this opportunity to answer them instead of doing so through the newspapers.

To keep a man continually on watch in the tower means the cost of three additional men; and for the number of fires which show a light before we are called (about three a year) this appears a great waste of money. I am strongly of opinion that the same amount expended on telephone fire-alarms each year would give infinitely better results, as in time the whole of the city would be placed in direct communication with the permanent fire-stations, thus ensuring us early information of fires occurring, which is certainly not the case when they are showing a light.

In consequence of the fire which happened at Wentworth House on the 25th of December, when two men lost their lives by falling from the roof, the question of placing fire-escapes about the city has been mooted; and although it is very doubtful that the men would have been saved had an escape or a long ladder been near, on account of their peculiar position, I feel it my duty to refer to the subject.

In my first report to your Board and the Government, on my arrival, I recommended three permanent fire-stations for the protection of this city—the head station to be situated about where it now stands, another one about the same situation as the present George-street West station, and the third somewhere near Circular Quay; the latter to answer a twofold purpose, viz.,—a land station, for the protection of the enormous property at the northern end of the city and the wharves; and, in time to come, it would also be convenient for the men in this station getting away quickly with a steam fire-boat for the protection of the shipping, if the Government at any time provided one. Up to the present, as your Board are well aware, no northern fire-station has been built, and all the protection we have at present for the safety of millions of pounds worth of property is a volunteer fire-station, situated in Cumberland-street. The distance of some of the wharves from our head station is over ½ miles, therefore a fire occurring on these properties would be likely to have made great progress before we can be in attendance.

It was my intention of running fire-escapes from each of these stations, and with this object in view your Brigade has manufactured, under my own supervision, a fire-escape which can be raised to a height of just over 50 feet, and which has proved to be very suitable for the purpose. To meet the requirements of our city these escapes must be of a special design, to surmount the difficulties of the telegraph wires and the narrow streets and lanes, and your brigade must be well trained to their use otherwise fire-escapes would be useless.

While on the subject of fire-escapes it is a great question whether occupants of houses should not make some provision of their own for escaping in case of fire, and experience teaches that this is the more ready and inexpensive way, as well as the most efficient. The construction of the generality of the houses also favours this view, especially those having balconies, and the hotels, coffee palaces, boarding-houses, &c., in many instances having verandahs. In buildings of more than two storeys in height the provision of domestic fire-escapes would doubtless be best, and the business places provided with them would be more likely to be patronized than where they did not exist.

Perhaps it would not be thought out of place to say what are considered the best. For the back of premises an iron ladder might be hung from the top by means of a pivot bolt, and placed at the side of all approachable windows with a rod of iron at the bottom, also on a pivot, to enable the first person down, or any person, to pull the bottom of the ladder out about 6 feet, and slip the movable rod of iron into an eye fixed into the wall; this makes a first-class escape which any timid person could descend with confidence; it takes up very little room and its cost should be trifling.

For front escapes steel wire or steel chain ladders may be used for floors above the first floors. The ladders can be made with hooks at the bottom to hook on to eyes let into the kerb-stone, and may be kept very conveniently round small wooden drums under the approachable windows, with a portable wooden cover over them, having directions on the top how the ladder is to be used in case of fire.

With this latter kind of escape, if the fire should be coming out of the lower windows, the people in the street can keep the lower end of the ladder on the windward side of the windows, thereby making it a first-class escape. I need hardly say that any wire-worker in this city can make this description of ladder.

If fire-escapes were to be adopted, as some persons have suggested, and watches kept up throughout the night, the cost would be enormous, to say nothing about every suburb requiring the same kind of apparatus merely because they are paying a contribution, however small, to your Board. I am positive the result would be very disappointing, for many reasons. Our streets at night are almost deserted, therefore the fire-escape would probably get into calls for fires, as was the case with ourselves in the late fire at Wentworth House, and, as I have before pointed out, the telegraph lines running through the streets and in front of houses would necessitate at least two trained men on duty with each escape instead of one man, as in London.

The great question arises whether it is fair to tax the whole community, and especially so the Government and the insurance offices contributing to the support of the fire-brigade for the purpose of keeping fire-escapes in Sydney at an enormous cost to all, for the smallest benefit to a very few who should be made by legislation to provide for themselves and for their customers.

During the past year many high buildings have been erected without any regard having been paid to the distance between them and other premises, and in some cases only narrow lanes intervene. I must again repeat what I have stated in previous reports, that should a fire obtain a firm hold of one of these buildings it would not only result in total destruction to itself but would very seriously endanger the surrounding property. No fire brigade could expect to cope successfully with such a body of fire as some of these buildings and their contents represent.

Owners of warehouse buildings, having openings in their walls under a given distance from other premises, should be compelled by law to provide against the spread of fire by protecting such openings with iron shutters, and it should be made a regulation that they should be closed during the night. I would also point out that there is an absence of complete internal divisions in some of these buildings, which is an additional source of danger, and considerably augments the difficulties experienced in extinguishing fire.

I sincerely hope that this year we shall see the commencement of a system of screw-down fullway hydrants adopted by the Water and Sewerage Board, to take the place of the old-fashioned fire-plugs, which are the cause of so much waste of water and waste of valuable time in getting to work at fires. With the hydrant I have recommended the full water-way is secured and the hose can, if necessary, be connected to the hydrant without the intervention of any appliance. Neither with the ball hydrants nor with the fire-plugs is this the case, and this point is of such material importance that it cannot be over-estimated. Again, when the pressure of water is not good, hose connected to the screw-down hydrants can be led to the steam fire-engines, which may then be placed close to the fire, and thus we should have the advantage of the full power of the engines, instead of so much force being lost by friction in pumping, as we often have done through 400 or 500 feet of hose. Besides the ball hydrants very frequently get out of order, and cause us a great deal of trouble owing to the balls not working properly. Another point is the advantage which would be gained through the turncocks not having to interfere with the locks to such an extent as is necessary now to command the fire-plugs, and I have no doubt that your Board will be surprised to hear that these plugs in some cases cannot be properly governed unless five or six locks are first shut down, during which process water is running to waste, as it is very difficult to put in a standpipe when there is a good head of water. In the event of the screw-down hydrant being adopted, I have offered to take them over and cause them to be periodically inspected and tested by my own men, who will send in their reports to me in the same manner as is carried out in London and other large cities.

The whole of the Volunteer Fire Companies when at fires have worked in complete harmony both with the Metropolitan Fire Brigade and amongst themselves, and through your Board I desire to express my obligations to them for their valuable co-operation during the past year.

My best thanks are due to the officers and members of the Police Force and to the city turncocks for the cordial and energetic assistance which I have received from them on every occasion.

I have also to offer to your Board my sincerest acknowledgments for the unvarying support accorded to me, and I trust that it is pleased with the result of the year's working.

In conclusion, I have to state that the condition of the Brigade with regard to discipline and general efficiency is very satisfactory.

I have, &c.

WILLIAM D. BEAR,

Superintendent, M.F.B., and Inspector of Kerosene.

DETAILS of lives "lost or endangered" during the year 1888.

1. In this case, which occurred at a private house at about 11 o'clock in the night, and was caused by a light being thrown down, a man, aged 30 years, was severely burned on the hands and legs. He was taken to Prince Alfred Hospital, and has since recovered.
2. In this case, which occurred at a private house at about 8 o'clock in the night, and was caused by a candle, a boy, aged 14 years, was severely burned on the legs and body. He has since died.
3. In this case, which occurred at a private house at about half-past 8 in the morning, and was caused by standing too near the fire whilst cooking, a woman, aged 20 years, was severely burned on the body, hands, and legs. She was taken to Sydney Hospital, and has since recovered.
4. In this case, which occurred at a private house at about half-past 4 o'clock in the evening, and was caused by the explosion of blasting powder, a child, aged 4½ years, was severely burned on the face. He has since recovered.
5. In this case, which occurred at a private house, and was caused by walking into a heap of burning rubbish, a child, aged 4½ years, was burned on the feet and legs. He has since recovered.
6. In this case, which occurred at a private house at about 11 o'clock in the morning, and was caused by playing with fire, a child, aged 4 years, was severely burned on the body and legs. He was taken to Prince Alfred Hospital, and has since died.
7. In this case, which occurred at a private house at about half-past 9 o'clock in the morning, and was caused by the explosion of a kerosene lamp, a woman, aged 21 years, was severely burned on the face and body. She was taken to Prince Alfred Hospital, and has since recovered.
8. In this case, which occurred at a private house at about 12 o'clock noon, a woman, aged 20 years, was very severely burned on the body. She was taken to Prince Alfred Hospital, and has since died. The cause of this fire has not been ascertained.
9. In this case, which occurred at a private house at about 2 o'clock in the afternoon, and was caused by playing with matches, a child, aged 4 years, was severely burned on the body. He has since died.
10. In this case, which occurred at a private house, at about 11 o'clock in the night, and was caused by a candle, a child, aged 4 months, was very severely burned on the face. He has since died.
11. In this case, which occurred at a private house, and was caused by playing with a gas-stove, a boy, aged 7 years, was burned on the body and arms. He has since died.
12. In this case, which occurred at a private house, and was caused by the explosion of a kerosene lamp, a man, aged 21 years, was burned on the face and hands. He has since recovered.
13. In this case, which occurred at a private house at about a quarter past 10 o'clock at night, and was caused by a light coming in contact with curtains, a girl, aged 17 years, was burned on both hands. She has since recovered.
14. In this case, which occurred at a private house at about 5 o'clock in the morning, and was caused by a candle, a man, aged 40 years, was burned on the hands. He has since recovered.
15. In this case, which occurred at a private house at about half-past 6 o'clock in the evening, and was caused by a candle, a woman, aged 23 years, was burned on the lower part of the body. She has since recovered.
16. In this case, which occurred at a private house at about 7 o'clock in the evening, and was caused by an explosion of gas, one man, aged 25 years, was injured by shock to the system, and a youth, aged 17 years, was burned on the face. Both have since recovered.
17. In this case, which occurred at a private house at about half-past 8 o'clock in the morning, and was caused by wood falling from the fire, a girl, aged 15 years, was very severely burned on the arms and legs. She was taken to Sydney Hospital, and has since died.
18. In this case, which occurred at a private house at about half-past 4 o'clock in the afternoon, and was caused through intoxication, a woman, aged 43 years, was burned on the lower part of the body. She was taken to Prince Alfred Hospital, and has since recovered.
19. In this case, which occurred at a private house at about half-past 3 o'clock in the morning, and was caused by a candle, a woman, aged 25 years, was burned on the head. She has since recovered.
20. In this case, which occurred at a private house at about 8 o'clock in the night, and was caused by a candle, a girl, aged 10 years, was severely burned on the back and legs. She was taken to Sydney Hospital, and has since died.

21. In this case, which occurred at a private house at about 7 o'clock in the morning, and was caused by playing with fire, a girl, aged 9 years, was severely burned on the legs and body. She was taken to Sydney Hospital, and has since died.
22. In this case, which occurred at a coach-builder's factory at about 12 o'clock at night, and was supposed to be caused by rats at matches, a man, aged 28 years, was burned on the arms and hands. He has since recovered.
23. In this case, which occurred at a railway station at about half-past 4 o'clock in the evening, and was caused by seeking for an escape of gas with a light, two men, aged respectively 42 and 30 years, were burned on the face and hands. Both have since recovered.
24. In this case, which occurred at a private house at about 9 o'clock in the morning, and was caused by a spark from a fire, a girl, aged 15 years, was burned on the back and legs. She was taken to Sydney Hospital, and has since recovered.
25. In this case, which occurred at a private house at about 8 o'clock in the morning, and was caused by playing with fire, a boy, aged 8 years, was burned on the body and arms. He has since recovered.
26. In this case, which occurred at a private house at about 11 o'clock at night, and was caused by a candle, a woman and a boy, aged respectively 36 and 7 years, were burned on the body and the legs. The woman has since died, and the boy has recovered.
27. In this case, which occurred at a private house at about half-past 10 o'clock at night, and was caused by a candle, a man, aged 35 years, was burned on the hands, and a woman, aged 66 years, was severely burned on the arms and legs. Both have since recovered.
28. In this case, which occurred at a private house at about half-past 7 o'clock in the evening, and was caused by children playing with matches, a child, aged 3 years, was burned on the body and legs. She has since died.
29. In this case, which occurred at a private house at about half-past 4 o'clock in the evening, and was caused by a spark from a fire, a woman, age unknown, was severely burned on the body. She was taken to the Cottage Hospital, and has since died.
30. In this case, which occurred at a private house at about 7 o'clock in the evening, and was caused by a candle, a man and woman, ages unknown, were burned on the arms and hands. Both have since recovered.
31. In this case, which occurred at a private house at about half-past 10 o'clock at night, and was caused by a candle, a girl, aged 10 years, was severely burned on the body. She was taken to Sydney Hospital, and has since died.
32. In this case, which occurred at a restaurant at about 9 o'clock at night, and was caused by fat boiling over, a man aged 32 years was burned on the hands and face. He has since recovered.
33. In this case, which occurred at a private house at about 7 o'clock in the morning and was caused by playing with matches, a child aged 20 months was severely burned on the back, legs, and arms. She was taken to the Sydney Hospital; afterwards removed to her parents residence and has since died.
34. In this case, which occurred at a draper's shop at about 7 o'clock at night and was caused by a gas bracket, a man aged 16 years was burned on the face and hands. He has since recovered.
35. In this case, which occurred at a fruiterer's shop at about half-past 9 o'clock at night, and was caused by a candle, a man aged 32 years was burned on the hands and arms. He has since recovered.
36. In this case, which occurred at a private house at about 8 o'clock in the morning, and was caused by playing with matches, a child aged 18 months was severely burned on the sides. She has since died.
37. In this case, which occurred at a grocer's shop at about half-past 10 o'clock in the morning, a woman aged 21 years whilst in a fit, fell into the fire and was burned on the face and hands. She was taken to Prince Alfred Hospital and is still a patient.
38. In this case, which occurred at a private house at about 8 o'clock in the morning and was caused by clothes coming in contact with fire, a woman aged 44 years was burned on the body. She was taken to Prince Alfred Hospital and is still a patient.
39. In this case, which occurred at a hotel at about 5 o'clock in the morning, two men, aged respectively 27 and 29 years, were killed by falling from the roof of the building. The cause of this fire has not been ascertained.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies, for the Year ending December, 1888, Sydney, New South Wales.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an Inquest recommended?	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1888. Monday, 2 January.	2-15 p.m.	2-30 p.m.	44, Park-street	C. H. Witton	Ironmonger	Brick, and shingle roof.	Spark from chimney of house.	Unknown	None	No.	About 3 feet square of shingle roof burned	Neighbours, with buckets of water.
Tuesday, 3 January.	4-45 a.m.	4-57 a.m.	159, King-street, Newtown.	Abraham Almsworth	Hairdresser and tobacconist.	Brick, and iron roof.	Matcher, careless use of.	Australian Mutual, £400.	United, £150	"	Front shop and contents, together with a quantity of taxidermists' material and goods burned out. Two rooms over shop and contents slightly damaged by smoke and heat.	Neighbour Volunteer Company, with stand-pipe.
Friday, 6 January.	3-50 a.m.	3-55 a.m.	29, O'Connell-street	Messrs. Lysaght Bros. & Co.	Offices	"	Light thrown down.	Norwich Union, £3,000; General Assurance, £8,000	None	"	A small quantity of old papers buried under staircase on ground floor. Staircase damaged by fire, and walls slightly by heat.	Employees of S.M. Herald, with private appliances.
"	10-9 p.m.	10-10 p.m.	63, Dowling-street, Redfern.	Unoccupied	Private dwelling.	Brick, and iron over shingle roof.	Fire, carelessness with.	"	"	"	About 3 x 3 feet of flooring burned on first floor, roof and ceiling over same severely damaged by fire; rest of cottage, of three rooms, damaged by water.	Neighbours, with buckets of water, and M.F.B. with hand-quint.
Tuesday, 19 January.	9-5 p.m.	9-10 p.m.	George-street, Hay-market.	"	Building in course of erection.	Brick	Light thrown down.	None	"	"	About 2 x 1 feet of planks, forming scaffolding, damaged by fire.	"
Thursday, 12 January.	4-8 a.m.	4-14 a.m.	Corner of Goulburn and Sussex Streets.	Isaac Israel	Grocer	Brick, and iron roof.	Matches; rats at.	Pacific, £1,000	Pacific, £2,000	"	A case of matches destroyed by fire on ground floor of store; also a small portion of stock slightly damaged by water.	M.F.B., with stand-pipe.
Sunday, 15 January.	12-40 a.m.	1-9 a.m.	Cleveland-street, Moore Park.	The Zoological Society.	Monkey-house	Brick and weatherboard, with tile roof.	Unknown	Mercantile Mutual, £700.	None	"	A building of one floor, about 66 x 24 feet (known as the monkey-house), and containing a number of animals and fancy birds; very severely damaged by fire.	M.F.B., with steam fire-engine.
"	12-30 p.m.	No call.	Alfred-street, St. Leonards.	Francis Roberts	Butcher	Weatherboard, and iron roof.	Light thrown down.	None	Mercantile Mutual, £100.	"	A weatherboard building containing shop and two rooms; middle room and contents, consisting of a small quantity of bedclothes, underlinen, and furniture severely damaged by fire and water; ceiling (galico) of front shop slightly damaged by fire and water; and a small quantity of stock, consisting of fruit, &c., by water.	St. Leonards Vol. Co., with stand-pipe.
Sunday, 15 January.	1-12 p.m.	No call.	Off Church-street, Parramatta.	Messrs. Murray Bros.	Ironmonger	Open yard	"	"	None	"	A large quantity of packing-cases, casks, straw, &c., burned in open yard.	Parramatta Vol. Co's., Nos. 1 and 2, with hydrant, assisted by neighbours.
Monday, 16 January.	8-20 a.m.	8-26 a.m.	15, Wellington-street, Waterloo.	Unoccupied	Private dwelling.	Brick; weatherboard, and shingle roof.	Fire, careless use of.	"	"	"	A cottage of five rooms. Roof of same together with flooring boards and partition of backroom on ground floor damaged by fire.	M.F.B. with Tazer pump, assisted by Waterloo Vol. Co.
"	11-9 a.m.	11-4 a.m.	160, King-street, Newtown.	E. Newton	Herbalist	Brick, and iron roof.	Chemicals, explosion of.	National of N.Z., £500.	City Mutual, £260	"	Gas fittings and a small portion of stock, consisting of herbs, &c., damaged by explosion in front shop on ground floor.	Junimates, with buckets of water.
Tuesday, 17 January.	6-20 p.m.	6-31 p.m.	303, Kent-street	Paul Gutke	Agents (manufactures).	"	Smoking tobacco	Victoria, £1,000.	Commercial Mutual, £300.	"	A small fire in office on second floor of warehouse; window-frame burned, and rest of contents on same floor slightly damaged by smoke.	M.F.B., with buckets of water.
Thursday, 19 January.	9-45 p.m.	No call.	Church-street, Parramatta.	Francis A. Artlett	Furniture warehouseman.	Weatherboard, and iron roof.	Unknown	None	None	"	A building of two floors about 18 x 30 feet used as work-shop, and containing a large quantity of furniture and other upholstery, tools, &c., burned out and partly fallen down.	Parramatta Vol. Co's., Nos. 1 and 2, with hydrant.
Friday, 20 January.	3-9 a.m.	3-10 a.m.	Sydenham Road, Marrickville.	D. Richmond	Private dwelling.	Weatherboard, and iron roof.	Kerosene lamp; explosion of.	Australian Mutual	"	"	A cottage of two rooms and kitchen, with contents burned out and fallen down.	M.F.B., with manual engine.
"	"	"	"	James Crines	"	"	"	None	"	"	A cottage of two rooms and kitchen, with portion of contents burnt out and fallen down.	"
Tuesday, 24 January.	1-30 a.m.	No call.	100, Pitt-street, Redfern	George O'Donnell	"	Weatherboard, and shingle roof.	Spark from fireplace.	"	"	"	About 1 square foot of lining boards damaged by fire, in kitchen, on ground floor.	Junimates, with buckets of water.
Wednesday, 25 January.	8-30 a.m.	"	36, Westford-street, city	Dr. W. Kippin	"	Brick, and slate roof.	Unknown	Phoenix, £2,400.	"	"	Bed, bedding, and a small portion of contents of front room on ground floor, slightly damaged by fire and water.	Neighbours, with buckets of water.
"	2-25 p.m.	3-2 p.m.	Corner Margaret and York streets.	Mrs. J. Watson	Licensed victualler "Laugham Hotel."	"	Light thrown down.	Norwich Union, £4,000; and rent, £525.	Mercantile Mutual, £1,200.	"	About 1 square foot of wooden verandah damaged by fire and cutting away.	M.F.B., with buckets of water.
"	11-35 p.m.	11-35 p.m.	Corner Mitchell and Derwent streets, Glebe.	Francis M'Carthy	Private dwelling.	Brick, and iron roof.	Kerosene lamp; upsetting of.	"	None	"	Small portion of furniture slightly damaged by fire and water in middle room on ground floor.	Glebe Vol. Fire Co., with buckets of water assisted by Junimates and police.
Thursday, 26 January.	7-50 p.m.	8-9 p.m.	Rose-street, Darlingtown	Alex. Murdoch	"	Brick, and slate roof.	Kerosene lamp; explosion of.	Sydney Mutual, £400.	"	"	A small portion of furniture and wearing apparel burned in kitchen on ground floor. Front door and kitchen windows broken by neighbours.	Police, with buckets of water.
"	9-20 p.m.	No call.	46, Foveaux-street	Abraham Scott	"	"	Candle	Sydney Mutual, £400.	"	"	Window curtain burned and a small portion of furniture damaged by fire and water in back room on ground floor.	Junimates and members of Standard Brewery Vol. Co., with buckets of water.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	Time when discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Extent of Damage, &c.	Extinguished by
								Building.	Contents.		
1888. Friday, 27 January.	11-0 p.m.	11-6 p.m.	Lyons-road, Canpur-down.	George Hayes.	Private dwelling.	Weatherboard, shingle, and iron roof.	Light thrown down.	None.	None.	Weatherboard of 5 rooms and kitchen, with part of contents burned out, east front part fallen down. William Webb (unknown) severely burned on hands and feet, and taken to Friess Alfred Hospital, and has since recovered.	M.F.B. and Vol. Co., with lantern and stand-pipe.
"	11-16 p.m.	No call.	Allen-street, Leichhardt.	Sydney Croft.	"	Weatherboard, and iron roof.	Candle.	Sydney Mutual, £150.	"	Bed, bedding, and clothing together with wall, ceiling, and floor slightly damaged by fire in front room on ground floor.	Members of Leichhardt Vol. Co. and bucket, with bucket.
Saturday, 28 January.	3-15 a.m.	3-23 a.m.	Ada-street, Ultimo.	Unoccupied.	Shed.	Wood and iron.	Vagrants smoking tobacco.	Commercial Union, £150.	"	A shed containing of two floors, about 15 x 30 feet, very severely damaged by fire.	M.F.B., with hydrant.
"	7-55 p.m.	No call.	Edmond-street, Waverley.	Mrs. Kennedy.	Private dwelling.	Brick, and iron shingle roof.	Candle.	None.	"	A quantity of flock burned, door slightly damaged by fire, and window-frame and glass broken in back bedroom on ground floor. Michael Kennedy, aged 14 years, severely burned on head and body; since dead.	Waverley Vol. Co., with hand-pump and bucket of water.
Friday, 7 February.	9-26 p.m.	9-40 p.m.	7, Boundary-line, Redfern.	Daniel Downing.	"	Brick, and white roof.	"	Mercantile Mutual, £150.	"	Window curtains and blind burned in front room on ground floor.	Inmates and members of Paddington Vol. Co., with bucket of water.
"	9-25 p.m.	9-30 p.m.	Matthews-street, Darling Harbour.	Messrs. D. Richards and Sons.	Stables, wholesale butchers.	Wood and iron.	Unknown.	Victoria, £250.	"	Stabling, about 32 x 18 feet, severely damaged by fire; one horse also severely burned.	M.F.B., with stand-pipe.
"	"	"	"	Messrs. Riley & Attwater.	Wholesale butchers and sausage makers.	Brick, and iron roof.	"	"	"	Roof of factory severely damaged by fire; a few machines badly burned, and the machinery slightly damaged by water.	Neighbors with buckets of water.
Sunday, 7 February.	7-0 a.m.	7-32 a.m.	410, Harris-street, Ultimo.	Unoccupied.	Shed building.	Wood, and iron roof.	Smoking tobacco.	City Mutual, £600.	"	A small quantity of rubbish, and about 8 feet of flooring-board burned in floor of shed 39 x 10 feet.	"
Tuesday, 7 February.	11-57 p.m.	11-57 p.m.	Edward's Road, Marrickville.	W. Fear.	Private dwelling.	Brick, and slate roof, main building only.	Light thrown down.	None.	"	A small portion of fencing and some firewood burned in open yard.	"
Wednesday, 8 February.	12-18 a.m.	12-21 a.m.	Liverpool-street.	Messrs. Don, Irving, & Co.	Engineers.	Wood and iron.	Furnace, over heat of.	"	"	About 3 feet of lining boards of workshop damaged by fire.	Beluain Vol. Co., assisted by M.F.B. and Newtown & Westmead Vol. Co.
"	3-20 a.m.	No call.	129, York-street, City.	William Denton.	Licensed victualer, "Gardener's Arms."	Brick, and slate roof.	Light thrown down.	Ass. Mutual, £1,000.	"	Roof, bedding, and a small quantity of furniture in front room on first floor slightly damaged by fire and water.	M.F.B. with hand-pumps and buckets.
Saturday, 11 February.	3-45 a.m.	4-5 a.m.	221, Cove-street, Balmain.	Unoccupied.	Private dwelling.	Brick, weather-board, and iron roof.	Lane struck by rain.	Ass. Mutual.	"	A small weatherboard cottage of four rooms and kitchen burned out, and most part fallen down.	Beluain Vol. Co., assisted by M.F.B. with stand-pipe.
"	"	"	"	"	"	"	"	"	"	A small weatherboard cottage of five rooms; two rooms on first floor burned out and roof off; three rooms under shed badly damaged by water.	"
"	"	"	"	"	"	"	"	"	"	A small weatherboard cottage of five rooms; two rooms on first floor damaged by fire and roof off; two rooms and kitchen under damaged by water.	"
"	"	"	"	"	"	"	"	"	"	A small weatherboard cottage of 6 rooms; two rooms on first floor damaged by fire and roof off; two rooms and kitchen under damaged by water.	"
Saturday, 11 February.	11-0 p.m.	11-5 p.m.	37, Elizabeth-street, Waterloo.	W. Robins.	Bootmaker.	Brick, with shingle roof.	Candle.	None.	No.	Bed curtains and bedding burned in attic bedroom on first floor.	Waverley Vol. Co., with hand-pump and buckets.
Monday, 13 February.	9-28 a.m.	3-42 a.m.	Corner of King and Pitt streets, City.	William Lees.	Licensed victualer, "Beach's Hotel."	Brick, with iron roof.	Matches, rub at.	Stocks, Pacific, £1,500; Burns, City Mutual, £500.	"	A drawer containing a small quantity of trunks, jackets, &c., in front bar-room burned; also small portion of wood-work damaged by fire.	Waverley Vol. Co., with hand-pump and buckets.
Tuesday, 14 February.	9-25 p.m.	9-42 p.m.	85, Ballasluin-street, Telford.	Patrick Morris.	Private dwelling.	"	Explosion.	None.	"	A small quantity of wearing apparel burned in back room on first floor; door and wooden partition of same room slightly damaged by fire, ceiling under slightly damaged by water.	"
Wednesday, 15 February.	1-40 a.m.	1-51 a.m.	98, Glebe-street, Glebe.	Mrs. Page.	"	Brick and iron roof.	Unknown.	"	"	A portion of bagging used as a weather-screen burned in shed at rear of premises.	Glebe Vol. Co., with hand-pump.
Thursday, 21 February.	10-19 p.m.	No call.	Kent-street.	Messrs. D. Jones & Co.	Stables.	"	Light thrown down.	Royal.	"	A small quantity of rubbish burned in stables at rear of "Richmond and Clarence" Hotel.	Neighbors, with buckets of water.

* Subsequent fire 6 April, 1888. * All adjoining and communicating.

LIST and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Whether injured persons recommended.	Extent of Damage, &c.	Extinguished by.
								Building.	Contents.			
1888. Wednesday, 22 February.	10-15 p.m.	10-18 p.m.	72 and 75, York-street, City.	Messrs. John Frazer & Co.	Wholesale grocers and wine & spirit merchants.	Stone, and slate roof.	Unknown	Liverpool & Lon- don & Globe, £5,000; United, £3,000; Merc. Mutual, £2,000; total, £10,000.	Queen, £5,000; N. Brit. & Merc., £7,000; Imperial, £8,000; Alliance Brit. & Foreign, £5,000; Victoria, £3,000; Standard, £2,000; Union of N. Z., £1,500; United, £2,500; South British, £3,000; North- ern, £2,000; Guardian, £3,000; Lyon & Lanca- shire, £2,000; National of N.Z., £5,000. Total, £50,000.	Yes.	Portion of stock in front part of third floor severely damaged by fire; rest of stock on same floor damaged by heat and smoke; contents of earth floor under damaged by water. A member of the M. F. B., named Richard Dalton, aged 27 years, killed by falling down the lift on the third floor. A member of the Standard Brewery Vol. Company, named William Spooner, aged 22 years, very severely injured by having his arm fractured in four places, caused by falling down the same lift.	M. F. B., with stand- pipe and hydrant.
Saturday, 25 February.	2-35 a.m.	3-40 a.m.	Corner of Pitt and Park streets.	James Rainford	Licensed victual- ler. "Criterion Hotel."	Brick, and slate roof.	Candle	Aust. Mutual, £1,000; New Zealand, £2,000; Pacific, £2,000; Northern, £1,000; Col. Mut., £1,000; Phoenix, £1,000; South British, £1,000; Cornwall, £1,000; Equi- table, £1,000; Nat. N. Z., £1,000; Imperial, £500; Standard, £200; Total, £14,000.	United Aust. Mutual, £1,000.	..	Bed, bedding, and a small quantity of furniture slightly damaged by fire in front bedroom on first floor; window-frame slightly scorched.	Innates, with buckets of water.
Monday, 27 February.	4-30 p.m.	No call.	Rear of 94, Harris-street	James Cross	Private dwelling..	Stone and iron roof.	Incendiarism	None	None	Yes.	Bed and bedding damaged by fire in back room on ground floor. Richard Chapman, age 27, was committed to take his trial at the next Quarter Sessions on the above charge; was convicted and sentenced to twelve months imprisonment on the 4th April, 1888.	" "
Tuesday, 28 February.	10-10 a.m.	12-20 a.m.	Corner of Henderson and Kingsclear Roads, Alexandria.	A. E. Bonney	Draper	Brick and iron roof.	Unknown	Mercantile Mutual, £150.	Mercantile Mutual.	No.	Small quantity of stock, consisting of boots, &c., and fixtures, damaged by fire in shop on ground floor; rest of shop slightly damaged by smoke and water.	Neighbours, with buckets of water.
Wednesday, 29 February.	0-45 a.m.	No call.	29, Smith-street, Surry Hills.	George Robins	Private dwelling..	Brick and slate.	Matches, children playing with.	..	None .....	..	Bed and bedding damaged by fire in front room on first floor; ceiling under slightly damaged by water.	Innates, with buckets of water.
Thursday, 1 March.	2-0 a.m.	2-4 a.m.	39, Phillip-street, Waterloo.	C. Allison	"	Brick and weatherboard, with shingle and iron roof.	Foul chimney ..	Norwich Union, £225.	"	..	Weatherboard kitchen and bathroom, with contents, burned out, and roof off; rest of house, of five rooms, slightly damaged by smoke and water, and furniture by removal.	Waterloo Vol. Co., with standpipe, assisted by M. F. B.
"	"	"	37, "	H. Marks	"	"	"	"	"	..	Ceiling of back room on ground floor slightly damaged by water.	"
Wednesday, 7 March.	11-10 p.m.	11-14 p.m.	61, Argyle-street	Messrs. Evans & Rodgers	Hairdressers and tobaccoists.	Brick and iron roof.	Unknown	United	North British & Mercantile, £220.	..	Capboard under stairs and portion of stairs damaged by fire in back room on ground floor; ceiling of same room, together with stock of shop, slightly damaged by heat, smoke, &c.	M. F. B., with hydrant.
Friday, 9 March.	11-58 a.m.	12-4 p.m.	Corben-street	Mrs. Solomons	Private dwelling..	Brick and iron roof.	"	..	None .....	..	Staircase in back basement severely damaged by fire	Neighbours, with buckets of water.
Sunday, 11 March.	1-0 p.m.	No call.	Surry Hills	E. C. Cracknell	"	Stone and shingle roof.	Spark from bush fire.	..	..	..	About 1 square-foot of shingle roof burned	Woolloom Vol. Co., with manual engine.
"	5-0 p.m.	No call.	70, Weston Road, Bal- main.	John Adams	Grocer	Weatherboard and iron roof.	Kerosene lamp, explosion of.	..	Northern .....	..	A small quantity of furniture in back kitchen damaged by fire and water.	Innates, with buckets of water.
Sunday, 11 March.	5-25 p.m.	No call.	George-street, Parra- matia.	H. Coates	Timber merchant.	Open air	Matches, children playing with.	..	None	No.	A small quantity of laths, empty packing-cases, casks, &c., burned in shed at rear of premises.	Parramatta Vol. Co. No. 1, with buckets of water.
Wednesday, 14 March.	8-12 p.m.	8-14 p.m.	Corner of Bathurst and Castlereagh streets.	R. J. Geddes	Butcher	Brick and iron roof.	Candle .....	..	"	..	Window-curtain in front bedroom on first floor damaged by fire.	Innates.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date	When discovered	Time of Call	Locality	Name of Tenant	How Premises occupied	Construction of Premises	Origin or supposed cause of Fire	Insurances		Was an Inquest held	Extent of Damage, &c.	Extinguished by	
								Building	Contents				
1888 Thursday, 16 March	2-16 p.m.	2-30 p.m.	Paranatta Road, Leichhardt	Wm. Henry Lobb	Crockery and glassware dealer, ironmongery, &c. (general dealer)	Weatherboard, and iron roof	Careless, dith- ing coming in contact with	Queen, £76	Queen, £300	No	Weatherboard shop and room at rear, containing crockery and ironmongery, together with small workshop con- taining engineers' tools, burned out and fallen down.	M.F.B., with manual and standpipe, as- sisted by Leichhardt and Newtown Vol. Cos.	
"	"	"	"	Unoccupied	Shop	"	"	Australian Mutual, £100	"	"	A weatherboard shop and two rooms and kitchen burned out and fallen down.	"	
"	"	"	"	William Purdy	Stationer and fancy goods dealer	"	"	"	None	"	A weatherboard shop and dwelling of two rooms and kitchen, with contents, burned out and fallen down.	"	
"	"	"	"	Eliza Field	Butcher	adjoining and Weatherboard, and iron roof	communicating	Mercantile Mutual	"	"	"	A weatherboard shop and two rooms burned out and fallen down.	"
"	"	"	"	Messrs. Swinerton and Purcell	All the above	"	"	Australian Mutual, £350	"	"	"	A portion of stock damaged by removal.	"
"	"	"	"	Patrick Doyle	Private dwelling	"	"	"	"	"	"	A weatherboard cottage of two rooms severely damaged by fire and water, and part of roof off; furniture by removal.	"
"	"	"	"	Sydney Smith	Auctioneer	"	"	Australian Mutual	"	"	"	A photo-glass window broken and side of wall slightly damaged by heat, &c.	"
Thursday, 15 March	2-30 p.m.	2-27 p.m.	Darling Point	Henry Hudson	Private dwelling	Brick, stone, and slate roof	Children playing with fire	"	"	"	"	A quantity of fencing burned in reserve adjoining the premises.	Workmen employed at adjoining premises.
Friday, 16 March	3-17 a.m.	3-10 a.m.	Corner of George and Park streets	Stephen Panel	Licensed victual shop, & Panel's Hotel	Brick and iron roof	Spent from chimney of house adjoining	United, £7,500	"	"	About 2 feet of wooden grating on roof burned	"	Workmen employed at adjoining premises.
Saturday, 17 March	12-40 a.m.	12-45 a.m.	Old Canterbury Road, Petersham	Unoccupied	Private dwelling	Weatherboard and iron roof	Vagrant smoking tobacco	"	"	"	"	"	M.F.B., and Leich- hardt Vol. Co., with standpipes.
"	"	"	"	Mrs. Sweet	"	"	Clothes, too near fire while cook- ing	"	"	"	"	"	"
"	"	"	"	"	"	"	Explosion of blasting powder	"	"	"	"	"	"
Sunday, 18 March	1-5 a.m.	1-13 a.m.	18, Kent-street, City	Sal Mayer	Grocer	Brick and iron shingle roof	Carelessness with burning rubbish	Not insured	Australian Mutual, £250	"	"	Neighbours with buckets of water, and M.F.B., with hand-pump.	
"	"	"	"	"	"	"	Unknown	"	"	"	"	"	Inmates, with buckets of water.
"	"	"	"	H. Gaffney	Private dwelling	"	Incendiarism	"	"	"	"	"	Neighbours with buckets of water, and M.F.B., with hand-pump.
Monday, 19 March	3-45 p.m.	3-50 p.m.	Corner of Denison and Queen streets, Wood- lawn	Vincent Farman	Printer	Brick and iron; back part wood and iron	Matches, dith- ing playing with	"	Aust. Mutual, £100	"	"	Neighbours, with buckets, and Wood lawn Vol. Co. with standpipes.	
Tuesday, 20 March	5-5 a.m.	No call	5, Argyle-street, City	James Kaveney	Grocer and fruiterer	Brick and slate roof	Unknown	"	"	"	"	Neighbours and in- mates, with buckets of water.	
"	"	"	"	Mrs. Sallet	Private boarding house	Brick, stone, and slate roof	Smoking tobacco	"	"	"	"	Inmates, with buckets of water.	
"	"	"	"	Mrs. Minty	Refreshment saloon, Royal Arcade	Brick, with iron and glass roof	Gas-fittings, de- fect in	"	"	"	"	Neighbours, with buckets of water, and M.F.B., with private hydrant.	
Wednesday, 21 March	"	"	Calder-street, Marrick- ville	"	"	Open air	Child playing with fire	"	"	"	"	"	

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an Inquest recommended?	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1888. Wednesday, 21 March.	7-9 p.m.	7-13 p.m.	444, Elizabeth-street, City.	H. Crawley	Private dwelling.	Weatherboard and iron.	Candle	Unknown	Aust. Mutual	No	Canvas ceiling and wooden partition of back and front rooms on ground floor damaged by fire; rest of house of five rooms slightly damaged by water. Furniture also slightly damaged by removal.	Neighbours, assisted by the Standard Brewery Vol. Co., with buckets of water.
Friday, 23 March.	No call.						Kerosene lamp, explosion of.				Margaret Swain, 24 years of age, very severely burned about the body and face, caused by the explosion of a kerosene lamp. Taken to Prince Alfred Hospital.	
Saturday, 24 March.	4-28 a.m.	No call.	Market Lane, Manly	W. Johnson	Stables, &c.	Weatherboard, and iron roof.	Unknown	Commercial Union, £200.			Left over stables in shed building, used as a bed-room, burned out, and part of roof off.	Mainly Vol. Co., with annual engine.
Tuesday, 27 March.	12-15 a.m.	12-35 a.m.	Corner of Mort and Casswell streets, Val- paraiso.	Messrs. Mort & Co.	Engineers	Iron	Oven, overhead of	None	None		A small quantity of timber over oven in pattern-maker's shop destroyed by fire.	Employe, with buckets of water.
Friday, 30 March.	1-40 p.m.	1-40 p.m.	Fishers-street, Peter- sham.	Unoccupied	Private dwelling, in course of re- pairs.	Weatherboard and shingle.	Burning rubbish				About 30 x 10 feet of roof of stables damaged by fire, at rear of building.	M.F.B., assisted by Leichhardt Vol. Co., with stand-pipe.
Monday, 2 April.	4-16 a.m.	4-29 a.m.	1044, Bourke-street, Woolloomooloo.	Carlo Angin	Dealer in second- hand furniture.	Brick, and iron roof.	Unknown	City Mutual, £450	N.S.W. Assurance Corporation, £100.		A building of two floors, about 15 x 36 feet, containing a quantity of second-hand furniture and bedding, very severely damaged by fire and water.	Police, neighbours, and M.F.B., with stand-pipe.
Monday, 2 April.	No call.		Marion-street, Redfern	Jas. Kegan	Private dwelling.					On body of wo- man only.	A woman named Rose Innes, aged 20 years, very severely burned about the body. Taken to Prince Alfred Hospital. Since died on the 11th inst.	
Tuesday, 3 April.	8-5 a.m.	No call.	10, Temora-terrace, Pyramont.	A. Bishop			Matches, playing with.			Special dis- covered with.	A child named Arthur Bishop, aged 4 years, very severely burned about the body; succumbed to his injuries on the 4th April.	
Friday, 6 April.	9-41 p.m.	9-42 p.m.	208, Castlereagh-street.	Robert Johnson	Grocer	Brick and iron.	Kerosene lamp, explosion of.	None	None	No	A small portion of stock, consisting of groceries, &c., in front shop window, damaged by heat, smoke, and water. Some rubbish burned in chimney jamb, and chimney on fire in out-house at rear of office on ground-floor.	Neighbours, with buckets of water, M.F.B., with buckets of water.
Sunday, 8 April.	12-50 a.m.	No call.	Finley Terrace, Rowley- street, Alexandria.	Messrs. R. Richards & Sons, John Stevenson	Butchers (whole- sale).	Brick and shingle.	Unknown				Bed and curtains burned in back room on ground-floor. A man named Phillip Heydon very severely burned on the hands and taken to Prince Alfred Hospital.	Inmates, with buckets of water.
Tuesday, 10 April.	11-0 p.m.		Macquarie-street, Parramatta.	Miss Sarah Jane Stevens			Candle, reading in- bed.			On body of child only.	A child named Ada Stevens, aged 4 months, very severely burned about the face, and since succumbed to the injuries received on the 15th inst.	
Wednesday, 11 April.	2-0 a.m.		278, Oxford-street, Pad- dington.	Robert Biggs	Hairdresser and tobacconist.	Brick and iron.	Unknown	Guardian	New Zealand, £200.	No	A small quantity of stock in front shop window, consisting of tobacconist's material, together with shop windows, very severely damaged by fire; rest of contents of shop slightly damaged by heat, smoke, &c.	Paddington Vol. Co., with hand-pump.
Thursday, 12 April.	2-10 p.m.	2-29 p.m.	Booth-street, Distmain.	S. Sustenance	Private dwelling.	Stone and shingle.	Light thrown down.	United	Victoria	No	Bed curtains burned; bed and bedding damaged by fire; rest of contents of back room on ground floor slightly damaged by smoke and water.	Inmates and neigh- bours, with buckets of water.
Friday, 13 April.	12-7 p.m.	12-12 p.m.	20, Oxford-street, Pad- dington.	Messrs. White and Coghill	Builders	Iron and wood	Spark from fur- nace.		Merantide Mutual, £400; shop and machinery, Union (N.Z.), £500.		A quantity of shavings and a small ladder burned in engine- house.	Engineers, and M.F.B., with buckets of water.
Saturday, 14 April.	No call.		Liverpool-street, City	Frederick Warszitt	Private dwelling.		Gas-stove, play- ing with.			On body of child only.	A child named Orashti Wilkes, aged 7 years, while playing with a gas-stove, very severely burned about the body, and arms, and succumbed to the injuries received on the 15th instant.	
Monday, 16 April.	6-40 p.m.	6-56 p.m.	Corner of Harris and Beaumont streets, Pyramont.	J. S. Blair	Licensed Victual- ler, "Pyramont Arms."	Brick and iron	Candle		None	No	A small quantity of wearing apparel burned in back bed- room on first floor.	Inmates and neigh- bours, with buckets of water.
Tuesday, 17 April.	9-20 p.m.	9-31 p.m.	20, Eveleigh-street, Red- fern.	J. O'Connor	Private dwelling.		Kerosene lamp, upsetting of, Kerosene lamp, explosion of.				Lamp broken and a small quantity of furniture in front room on ground floor slightly damaged by water.	Neighbours, with buckets of water.
"	No call.		21, Ivy-street, Redfern								A man named Roger Canny, aged 21 years, very severely burned about the face and hands, caused by the explosion of a kerosene lamp. Taken to Prince Alfred Hospital.	
"	8-3 p.m.	8-6 p.m.	203, Castlereagh-street, Ry.	Thomas G. Green	Licensed Victual- ler, "Quillhall Hotel."	Brick and iron	Light coming in contact with curtains.		None	No	Bed and bedding slightly damaged by fire and water in front bed-room on second floor.	Inmates, with buckets of water.

* Previous fire, 3 February, 1888.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of fire.	Insurance.		Was an Inquest recommended?	Extent of Damage, &c.	Extinguished by.
								Building.	Contents.			
1888. Tuesday, 17 April.	10-10 p.m.	10-15 p.m.	185, Underwood-street, Paddington.	Julius Clump.....	Private dwelling.	Brick and shingle.	Light coming in contact with curtains.	.....	.....	No.	Bed, bedding, and curtains in front room on first floor severely damaged by fire; rest of contents slightly damaged by heat, water, &c. A girl named Millicent Hyslop, aged 7 years, severely burned on both hands. Since taken to the Sydney Hospital.	Inmates, with buckets of water.
Thursday, 19 April.	1-33 a.m.	2-0 a.m.	285, Pitt-street,	A. B. Pyke.....	Furniture dealer.	Brick and iron.	Unknown.....	.....	.....	.....	Third floor of warehouse, containing a large quantity of upholstering material, burned out and roof off. Rest of warehouse, containing a large quantity of furniture, very severely damaged by water, &c. Previous fire, 12th December, 1887.	M.F.B., with stand-pipe and gaucers assisted by the various Volunteer Companies.
Thursday, 19 April.	3-40 a.m.	No call.	Bennis-street, St. Leonards.	Mrs. Nicholson.....	Private dwelling.	Stone, wood, and iron.	Light coming in contact with curtains.	Commercial Union.	Commercial Union.	.....	A small portion of furniture damaged by fire in room at rear of premises, rest of contents slightly damaged by water, heat, &c.	Inmates and neighbours, with buckets of water.
Thursday, 19 April.	7-45 p.m.	8-1 p.m.	85, Pitt-street, Waterloo.	J. Harper.....	Private dwelling.	Brick, shingle, and iron.	Fire, careless use of lamp.	.....	.....	.....	Wooden ceiling and partition of back room on ground floor slightly damaged by fire; back room slightly damaged by water.	Inmates, neighbours, and Waterloo Vol. Co., with buckets of water.
Friday, 20 April.	3-55 a.m.	4-0 a.m.	120, Oxford-street,	W. C. Hind.....	General dealer.	Brick and shingle.	Smoking lamp.	Australian Mutual, £500.	Australian Mutual, £156.	.....	About 3 feet square of wooden frame of stool used as a smoke-house damaged by fire at rear of premises.	Neighbours & police, with buckets of water.
Friday, 20 April.	4-15 p.m.	4-40 p.m.	Off Bally-street, Newtown.	V. Bushie.....	General dealer.	Weatherboard, and shingle.	Smoking lamp.	.....	.....	.....	A shed building, about 4 x 6 feet, used as a smoke-house, burned out and fallen down; end and roof of shed building attached, used as stable, slightly damaged by fire.	Newtown Vol. Co., with stand-pipe.
Sunday, 22 April.	About 6-30 p.m.	No call.	8, Evans-terrace, off Little Albion-street.	Mrs. Mary Sullivan.....	Private dwelling.	Brick and iron roof.	Candle.....	.....	.....	.....	Door of back room on ground floor slightly damaged by fire. In endeavouring to extinguish the above fire the occupant, a married woman, aged 28 years, was very severely burned on the arms, and the lower part of the abdomen.	Neighbours, with buckets of water.
Monday, 23 April.	8-2 p.m.	8-7 p.m.	573, Sussex-street,	Douglas Hawkins.....	Ice-chest maker.	Open air.....	Spark from chimney, adjoining house.	.....	.....	.....	A quantity of rubbish burned in a box in open yard at rear of premises.	M.F.B., with buckets of water.
Thursday, 24 April.	10-30 a.m.	10-40 p.m.	756, George-street, Hay-market.	Messrs. John Barlow & Co.	Wholesale grocers.	Brick and slate.	Brick and iron. Both buildings adjoining and communicating.	New Zealand, £1700; Northern, £1000; total, £2,700.	New Zealand, £3,000; South British, £1,000; Pacific, £1,000; Northern, £1,000; United Aust. Mutual, £1,000; United, £1,000; National, £25,000; total, 30,000.	.....	A warehouse (in rear of main building) of two floors, about 38 x 50 feet, containing a large quantity of groceries, kerosene oil, &c., very severely damaged by fire and water, and roof off.	M.F.B., with steamers, assisted by several Vol. Fire Companies.
Thursday, 24 April.	About 7 p.m.	No call.	43, Glenview-street, off Fern-street, Fenching-son.	Charles Vider.....	Private dwelling.	Brick and slate roof.	Gas explosion.....	None.	Australian Mutual.	.....	Lever portion of house of two stories very severely damaged by explosion. Window and door of back room on ground floor, also kitchen door, and two windows of front room on first floor, blown out by explosion. Charles Vider, aged 25 years, severely injured by shock to the system, and Ernest Vider, aged 18 years, severely burned about the face. Both under medical treatment.	Inmates, with buckets of water.
Wednesday, 24 April.	11-25 a.m.	No call.	Edrop-street, Burwood.	E. Butler.....	.....	.....	Burning grass.....	.....	.....	.....	A quantity of grass burned in paddock adjoining the residence of E. Butler, Esq.	Burwood Vol. Co., with buckets of water.
Thursday, 26 April.	1-50 a.m.	No call.	Junction-street, St. Leonards.	James Ford.....	Printer and colour and book-binding.	Weatherboard, and iron roof.	Unknown.....	.....	.....	.....	A weatherboard building, about 30 x 30 feet, together with stack and furniture, burned out and fallen down. A room at rear, used as a kitchen, damaged by fire, &c.	St. Leonards Vol. Co., with hydrants.
Friday, 27 April.	3-20 p.m.	3-44 p.m.	Off Jones-street, Ultimo.	R. Harwood.....	.....	Wood and iron.	Fire, careless use of stove.	None.	.....	No.	A shed building, about 48 x 15 feet, containing a quantity of machinery, nearly burned out and roof off.	M.F.B., with stand-pipe.
Saturday, 28 April.	3-5 a.m.	No call.	Mount-street, St. Leonards.	Jerry Wall.....	Hay and corn dealer.	Weatherboard and iron roof.	Spark from forge.	Northern Assurance Company.	Northern Assurance Company.	.....	A small quantity of produce burned in front store on ground floor.	M.F.B., with stand-pipe.
Thursday, 1 May.	8-0 p.m.	8-4 p.m.	425, Oxford-street, Paddington.	Alfred Cohen.....	Draper.	Brick, and iron roof.	Gas-broken.....	None.	None.	.....	A quantity of drapery, curtains, &c., severely damaged by fire in window of front shop.	Inmates, with buckets of water.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurance.	Was an Inquest recommended?	Extent of Damage, &c.	Extinguished by
								Building.	Contents.		
1888 Wednesday, 2 May.	6:20 p.m.	6:24 p.m.	Bathurst-street West ..	J. H. Scamer	Timber merchant	Weatherboard and iron roof.	Light thrown down.	.....	No ..	A small quantity of sawdust and shavings burned in saw-pit	Neighbours and M.F.B., with buckets of water.
Saturday, 5 May.	1:30 a.m.	1:35 a.m.	4, Elizabeth-street, Redfern.	Allen Smith	Grocer	Brick, and iron roof.	Unknown	Aust. Mutual	" ..	Front shop, containing a quantity of groceries, burned out; rest of house of six rooms, together with furniture, severely damaged by heat and smoke.	M.F.B., with stand-pipe.
Monday, 7 May.	8:30 a.m.	8:38 a.m.	"St. Flino," Botany-street, Waverley.	D. C. Bell	Private dwelling..	.....	Wood falling from fire.	.....	" ..	A girl named Mary Ann McDonald, aged 15 years, very severely burned about the arms and legs. Removed to the Sydney Hospital, and succumbed to the injuries received on the 15th May, 1888.	Occupants of the house.
Tuesday, 8 May.	10:30 p.m.	" ..	High-street East, St. Leonards.	Robert Gillian	" ..	Weatherboard, and iron roof.	Hot ashes .....	.....	No ..	Small shed, used as a wash-house, in rear of dwelling slightly damaged by fire.	Inmates, with buckets of water.
Wednesday, 9 May.	12:42 a.m.	12:47 a.m.	North Steyne and Denison Streets, Maaly.	Geo. I. Costener	" ..	Stone, brick, and shingle roof.	Sparks from chimney of house.	.....	" ..	About 4 x 3 feet of shingle roof burned	Inmates and neighbours, with buckets of water.
Thursday, 12 May.	3:20 a.m.	3:29 a.m.	55, George-street North	Cee Iek	Chinese store-keeper, general dealer.	Brick, and slate roof.	Bats at matches ..	Aust. Mutual	" ..	A small quantity of merchandise damaged by fire and water in front room on first floor, window-frame scorched, and ceiling water slightly damaged by water.	Inmates, neighbours, and Police, with buckets of water.
Friday, 13 May.	9:50 a.m.	9:56 a.m.	John-street, Waverley..	William Edwards	Private dwelling..	Weatherboard, and iron roof.	Candle	Aust. Mutual, £150.	" ..	A weatherboard cottage of three rooms burned out and fallen down. Mrs. Edwards, aged years, slightly burned about the head.	Waverley and Woolahra Vol. Co's., with manual engines.
Sunday, 15 May.	9:50 a.m.	9:56 a.m.	Nos. 10, 12, 14, and 16, Park-street.	.....	Offices, shops, and photographic gallery.	Brick, and iron roof.	Unknown	Norwich Union and Mercantile Mutual	" ..	Stairs and staircase leading from first floor to second floor, together with roof over same, burned out.	M.F.B., with stand-pipe, assisted by members of Vol.Co's.
Monday, 14 May.	3:0 p.m.	No call.	No. 14	W. S. Miller	Photographer .....	.....	.....	.....	" ..	Two rooms on second floor, containing a quantity of photographic stock and material, nearly burned out, and roof off; glass roof of another on same floor damaged by heat.	Parramatta No. 1 Vol. Co. with stand-pipe
Monday, 14 May.	6:0 p.m.	No call.	George and Smith Sts., Parramatta.	J. G. Head	Estate Agent .....	.....	.....	.....	" ..	Ceiling and contents, consisting of stationery, books, &c., on first floor, severely damaged by water.	Leichhardt Vol. Co. with buckets of water.
Monday, 14 May.	6:0 p.m.	No call.	.....	Unoccupied	Offices	Brick, and iron roof.	.....	.....	" ..	Ceiling of two unoccupied offices on first floor damaged by water.	M.F.B., with stand-pipe.
Tuesday, 15 May.	2:20 a.m.	2:30 a.m.	No. 16	R. Clark	Dining-rooms .....	.....	.....	.....	" ..	Ceiling of front shop on ground floor severely damaged by water.	M.F.B., with stand-pipe.
Thursday, 17 May.	11:50 p.m.	11:34 p.m.	George and Smith Sts., Parramatta.	Unoccupied	Shop	Stone, and iron roof.	Bats at matches ..	.....	" ..	Ceiling of front shop on ground floor very severely damaged by fire, breakers, and water.	Parramatta No. 1 Vol. Co. with stand-pipe
Friday, 18 May.	2:55 a.m.	3:15 a.m.	.....	Charles Caswood	Private dwelling..	Brick, and iron roof.	Wood falling from fire-place.	.....	" ..	About 6 x 6 feet of iron roof damaged by cutting away and joints under slightly damaged by fire.	Leichhardt Vol. Co. with buckets of water.
Friday, 18 May.	2:55 a.m.	3:15 a.m.	.....	Mrs. Lydia How	Stationer and fancy goods dealer.	Brick, and iron roof.	.....	New Zealand Ins. Co., £330.	" ..	About 2 feet of flooring burned, and a small quantity of goods damaged by fire in back kitchen on ground floor. Wall and ceiling also damaged by heat and smoke.	M.F.B., with stand-pipe.
Friday, 18 May.	2:20 a.m.	2:30 a.m.	Off Circular Quay	S.S. "Midget," 20 tons, No. 8116.	Steaming	Wood	Unknown	Standard (N.Z.) Ins. Co.	" ..	Underneath part of deck and lining of ship of engine-room damaged by fire. Contents slightly damaged by heat and smoke.	M.F.B., with stand-pipe.
Friday, 18 May.	11:50 p.m.	11:34 p.m.	Globe-street, off George-street West.	Chas. Hook	Chinese cabinet-maker	Brick, and iron roof.	Light thrown down.	.....	" ..	A small quantity of shavings, burned and a few planks of timber slightly burned in shed at rear of main building.	Inmates, with buckets of water.
Friday, 18 May.	2:55 a.m.	3:15 a.m.	402, Darling-street, Balmain.	Mrs. Connolly	General provision dealer.	Weatherboard, and iron roof.	Unknown	Selwyn Mutual, £250.	" ..	Shop and contents, consisting of a quantity of groceries, drawers, &c., together with a room at the rear and contents of same, burned out. Rest of house of five small rooms very severely damaged by heat and smoke.	Islisluain Vol. Co., with stand-pipe.
Friday, 18 May.	8:0 a.m.	No call.	Little Albion-street, East St. Leonards.	Unoccupied	Private dwelling..	Weatherboard, and iron roof.	" ..	.....	" ..	A weatherboard cottage of four rooms; two rooms at back burned out and roof off; two rooms in front severely damaged by fire and water.	St. Leonards Vol. Co., with stand-pipe.
Monday, 21 May.	8:0 a.m.	8:5 a.m.	Corner of Eskine and Kent Streets.	George Hoskings	Licensed victualler, "Governor," Denison Hotel.	Brick, and shingle roof.	" ..	United, £1,200 ..	Yes ..	An hotel of ten rooms, bar and five rooms on ground floor, together with contents, nearly burned out, and rest of rooms and contents on first floor severely damaged by fire, heat, and smoke. The occupant, George Hoskings, was tried on a charge of arson on the 31st July; but as he was unable to agree to a unanimous verdict, the jury were tried on the 16th August and acquitted.	M.F.B., with stand-pipe.
Friday, 25 May.	4:0 p.m.	4:3 p.m.	30, Charlotte-place, (city).	Mrs. E. Hanney	Licensed victualler, "Great Northern Hotel."	Brick, and slate roof.	Light thrown down	Norwich Union ..	No ..	Bed curtains burned; bed and bedding, together with window frame and blinds damaged by fire in back room on second floor; rest of room and contents slightly damaged by water. Subsequent fire (Chinney), 4th September, 1888.	Inmates, with buckets of water.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date	When discovered	Time of Call	Locality	Name of Tenant	How Premises occupied	Construction of Premises	Origin or supposed cause of fire	Insurances		Was an Inquest recommended?	Extent of Damage, &c.	Extinguished by
								Building	Contents			
1888, Friday, 25 May	4:30 p.m.	4:45 p.m.	421, Riley-street, Surry Hills	Mrs. Mary Watts	Private dwelling	Brick, and slating to roof	Sparks from chimney of house	Commercial Union, £353 6s. 8d.	None	No	Back room and landing on first floor, with small portion of contents severely damaged by fire, and most part of roof off; ceiling of kitchen and staircase under damaged by water.	M. F. B., with stand-pipe.
"	4:20 p.m.	No call	41, Burton-street, Camperdown	A. Cairns	Private dwelling	Brick, and iron roof	Intoxication	"	"	"	A married woman named Mary Cairns, whilst in a state of intoxication, fell into the fire, and was severely burned about the legs and lower part of the body; since taken to the Regent Alfred Hospital.	Inmates.
"	4:45 p.m.	5:0 p.m.	Frank-street, Petersham	F. J. York	Stables	Weatherboard, and iron roof	Unknown	Norwich Union	"	"	A school building, about 15 x 24 ft., used as stables and coach-house, and containing a room, buggy, and a quantity of harness, &c., burned out and fell to ruin; about 60 feet of fencing damaged by fire; one horse severely burned, since dead.	M. F. B., with stand-pipe.
Monday, 28 May	9:10 a.m.	9:15 a.m.	15, Wilson-street, Strawberry Hill, and St. John's Lane, Globe	Mrs. Jane Simmonds	Private dwelling	Brick, and iron roof	Matches, children playing with	None	"	"	Bed, bedding, and curtains burned in back room on first floor; rest of room slightly damaged by water.	Inmates, with buckets of water.
"	2:32 p.m.	2:42 p.m.	17, Little Norton-street, Surry Hills	Robert Hogg	Churchyard	Brick, and slating to roof	Candle	Aust. Mutual	"	"	A large quantity of grass burned in Churchyard adjoining St. John's Church.	Globe Vol. Co., with stand-pipe.
"	8:40 p.m.	No call			Private dwelling	Brick, and slating to roof				"	A child named Isaac Bigger, aged 10 years, while playing with a lighted candle, caused his clothes to ignite; was very severely burned about the back and legs, and was taken to the Sydney Hospital, and succumbed to his injuries on the 14th June, 1888.	Inmates, with blankets.
Tuesday, 29 May	7:0 a.m.	No call	Chelsea-street, Redfern	John Doyle	Private dwelling	Weatherboard, and slating to roof	Fire, children playing with	None	"	"	A child named Lazze Doyle, aged 9 years, while playing with some burning paper, caused her wearing apparel to be ignited, and was very severely burned about the legs and lower part of body. Taken to the Sydney Hospital, and succumbed to her injuries on the 14th June, 1888.	Inmates, with blankets.
"	7:30 p.m.	8:25 p.m.	High-street, East St. Leonards	William Gresh	Private dwelling	Brick, and iron roof	Gas, seeking for an escape of, with light	Commercial Union, £500	"	"	Bed, bedding, and a quantity of wearing apparel damaged by fire in back room on ground floor; doors, windows, and ceilings of front and back rooms on ground floor; together with windows of two front rooms, on first floor; and passage doors, severely damaged by explosion; contents of back and front rooms on ground floor, damaged by water and dirt; walls of house slightly cracked.	Neighbourhood and inmates, with buckets of water.
Thursday, 31 May	4:50 p.m.	5:10 p.m.	Swanstone-street, Manly-downtown	W. J. Pickrell	Private dwelling	Weatherboard, and iron roof	Unknown	Australian Mutual, £150	"	"	A shed building, about 12 x 24 feet, at rear of premises, burned out and fallen down.	Alexander Vol. Co., with stand-pipe.
Sunday, 3 June	10:15 p.m.	10:30 p.m.	87, Phillip-street, City	J. H. Rogers	Licensed victualler "Blue Bell Hotel"	Brick, and iron roof	Candle	Fire and Marine Co., £300	"	"	Casement destroyed, and about 4 x 5 feet of flooring damaged by fire and cutting away in front bar on ground-floor.	M. F. B., with blankets and buckets of water.
Sunday, 10 June	2:15 a.m.	No call	Marin-street, off King-street South, Newtown	Mrs. M. Martin	Dairy keeper	Weatherboard, and iron roof	Unknown	None	"	"	A weatherboard shed building, about 20 x 14 feet, used for storing fodder at rear of main building, containing about 4 tons of bran, burned out and fallen down; one chair-cutting machine damaged by fire.	Neighbourhood, with buckets of water.
"	9:55 p.m.	9:50 p.m.	47, Regent-street, Redfern	James Farr	Carpenter	Weatherboard, and wooden roof	"	"	"	"	A weatherboard shed building, about 18 x 10 feet, at rear of premises, used as a carpenter's workshop, together with a small quantity of tools, severely damaged by fire, and roof burned off.	Neighbourhood, with buckets of water.
"	9:55 p.m.	9:50 p.m.	47, Regent-street, Redfern	H. Blainpied	Restaurant	Brick, and iron roof	"	City Mutual	"	"	Some wearing apparel burned; portion of furniture and window-frame damaged by fire, smoke, and water in window on first-floor.	Eastern Vol. Co., with stand-pipe.
Monday, 11 June	6:0 p.m.	No call	Corner of George and Liverpool Streets	Mrs. Casey	Licensed victualler "Lever Hotel"	Brick, and slating to roof	Matches, children playing with	Liverpool and London and Globe, £600	"	"	Small quantity of bedding and wearing apparel burned; paper on wall slightly damaged by fire; rest of contents of back room on first-floor slightly damaged by water.	Inmates, with buckets of water.
Tuesday, 12 June	1:0 a.m.	1:22 a.m.	Avenue-street, Handwick	William Service	Produce merchant	Brick, and iron roof	Unknown	Union of New Zealand, £75	"	"	A building of two floors, about 50 x 60 feet, containing a large quantity of general produce, together with boiler, engine, &c., burned out, and most part fallen down; four horses burned to death, and one very severely burned. Previous fire, 18th June, 1886.	Waverley Vol. Co. and M. F. B., with stand-pipes.
"	7:30 p.m.	7:45 p.m.	203 & 209 Kent-street, (city)	Messrs. Mason Bros.	General importers	Stone, brick, and slating to roof	Unknown	In several offices	"	"	A crane, containing a quantity of crockery and straw, damaged by fire and breakage in upper part of basement.	Employees, with buckets of water.
"	10:30 p.m.	10:56 p.m.	74, William-street, Woolloomooloo	Messrs. J. Stewar & Co.	Grocers	Brick, and slating to roof	Candle	Colonial Mutual, stock and fittings	"	"	Front shop and contents, consisting of a large quantity of groceries, &c., together with a dwelling of eight rooms, nearly burned out; contents in basement damaged by water.	M. F. B., with stand-pipe, assisted by Vol. Co's.

* Both sheds adjoining.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an inspect re-commended?	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1888. Thursday, 14 June.	13-0 a.m.	12-19 a.m.	10, Argyle-street, City.	George Clark	Private dwelling.	Brick, and iron over shingle roof.	Unknown .....	.....	None	No	A portion of furniture and a quantity of wearing apparel burned in kitchen on ground floor, and about 8 feet of shingle roof also damaged by fire.	M. F. B. and neighbours, with buckets of water.
"	12-0 a.m.	12-15 a.m. of the 15th.	107, New South Head Road, Paddington.	Messrs. J. & J. Short ..	Couch builders ..	Weatherboard, and iron roof.	Matches, rats at ..	United, £160 ..	None	" ..	A quantity of bedding, wearing apparel, and smoking burned; also some furniture and beds slightly damaged by fire in first floor of shed building which was used as a workshop and dwelling. John Short, aged 28 years, slightly burned on hands and arms; treated at the Sydney Hospital.	Insulates, with buckets of water.
Saturday, 16 June.	4-15 a.m. 4-30 p.m.	4-19 a.m. No call.	675, George-street, Haymarket, Railway Station, Harroed.	L. Uhde & Co. N.S.W. Government	Butchers	Brick, and iron roof.	Smoking meat .. Gas, seeking for an escape of, with light; no water in chankler.	None	None	" ..	Small portion of smoke-house (9 x 8 feet) slightly damaged by fire. Waiting-room and contents severely damaged by explosion, and two windows blown out. W. Monk, aged 42 years, and W. Tredale, aged 30 years, severely burned on hands and face.	M.F.B. with buckets of water.
Sunday, 17 June.	12-45 p.m.	1-22 p.m.	86, Parramatta Road, Camperdown.	Henry James Nowell ..	Grocer and general store.	Brick, and shingle roof.	Unknown	Phoenix, £600 ..	Mercantile Mutual, £400.	" ..	Staircase leading from ground-floor to first-floor almost destroyed; dining-room on ground-floor, and 4 rooms on first-floor, together with contents severely damaged by fire, heat, and smoke; front shop, containing a large quantity of groceries, slightly damaged by heat and smoke; back door and two windows of first-floor broken open by neighbours.	Neighbours, with buckets of water.
Tuesday, 19 June.	10-20 a.m.	No call.	Corner of Pitt and Buck- land streets, Waterloo.	Mrs. Annie King	Licensed victual- ler, "Rose of Denmark Hotel."	Brick, and iron roof.	Fireworks .....	.....	.....	" ..	A small portion of window frame, bed clothes, and curtains burned in front room on first floor.	Insulates, with buckets of water.
"	1-20 p.m.	No call.	92, Wells-street, Red- fern.	Thomas King	Private dwelling.	" ..	Light thrown down .....	.....	None	" ..	A small quantity of paper, together with a box, saddle, and a small piece of carpet, burned in back yard, at rear of premises.	Neighbours, with buckets of water.
"	10-0 p.m.	10-25 p.m.	Chester-street, Camper- down.	James Murray	Bedding manu- facturer.	Weatherboard, and iron roof.	Friction of machinery.	None	" ..	" ..	A building of one floor, 30 x 50 feet, containing a large quantity of flock, rags, rope, and machinery, burned out and most part fallen down.	M.F.B. and Vol. Co.'s with stand-pipe.
Wednesday, 20 June.	3-45 a.m.	No call.	88, Abercrombie-street, Redfern.	J. Harrington	Private dwelling.	Brick, and iron roof.	Ignition of wear- ing apparel from fire.	None	None	One held on body only.	A girl named Mary Ann Harrington, aged 18 years, very severely burned about the back and legs, taken to the Sydney Hospital; since dead.	Insulates and neigh- bours with wrap- pers, &c.
Thursday, 21 June.	1-30 p.m.	"	101, Depison-street, Balmain.	George Smith	" ..	Weatherboard, and iron roof.	Matches, children playing with.	None	" ..	No ..	A weatherboard shed building, about 16 x 14 feet, used as stables and fowl-house, burned out and fallen down; also about 20 feet of fencing burned.	Neighbours with buckets of water.
Friday, 22 June.	4-0 a.m.	6-14 a.m.	Corner of King and Sussex Streets.	George Burrows	Licensed victual- ler, "Royal George Hotel."	Stone, and shingle roof.	Matches, careles- ness with	Unknown	Unknown	" ..	A small quantity of bedding and bed curtains slightly damaged by fire in front room on ground floor.	Insulates by smother- ing the fire.
"	4-0 p.m.	6-41 p.m.	Off Cooper-street, Paddington.	" ..	Open ground near private dwelling.	" ..	Light thrown down .....	.....	.....	" ..	A quantity of bush and some bamboos burned in open yard. Previous fire 18th December, 1887.	Paddington Vol. Co., with stand-pipe.
Sunday, 24 June.	8-0 a.m.	No call.	Phillip-street, Parra- matta.	J. Newling	" ..	Weatherboard, and iron roof.	Child playing with fire.	Australian Mutual £200.	None	" ..	Percy Newling, aged 8 years, severely burned about body, arms, and knees. Attended by doctor at his own resi- dence.	Insulates.
Tuesday, 26 June.	3-45 p.m.	"	Old Government House, Parramatta.	D. T. Bishop	Out-house	Brick, and iron over shingle roof.	Smoking meat.	Australian Mutual	" ..	" ..	A shed, about 9 x 6 feet, used as smoke-house, burned out and roof off. The roof of adjoining shed, about 20 x 10 feet, burned off, and roof of stables at rear slightly damaged by fire.	Parramatta Vol. Co.'s No. 8 1 and 2 with hydrant and stand- pipe.
Friday, 27 June.	4-15 p.m.	4-21 p.m.	Dalton's Wharf	Capt. J. Inglis	Ship, "Here- ward."	Iron ship	Matches, careles- ness with	Insured; office unknown.	Insured; office unknown.	No ..	One case, containing wax vestas, severely damaged by fire and water on main deck.	Ships crew, with buckets of water.
"	5-13 p.m.	5-15 p.m.	Church-street, Parra- matta.	Mrs. B. Walsh	General dealer ..	Weatherboard, and iron over shingle roof.	Fireplace, wood falling from.	.....	Royal, £100.	" ..	A weatherboard kitchen and dining-room, together with furniture, burned out and roof off.	Parramatta Vol. Co.'s
Saturday, 30 June.	10-50 p.m.	No call.	33, Vine-street, Redfern	Robert Hyam	Private dwelling.	Brick, and shingle roof.	Candle .....	.....	None	" ..	Bed curtains, bed, and bedding, damaged by fire and water, in middle room on ground floor. Mrs. Hyam, aged 30 years, severely burned about the legs and head. Alfred Richard Hyam, aged 7 years, severely burned about the legs, body, and side of face; both taken to Prince Alfred Hospital.	Insulates and Polton, with buckets of water.
Sunday, 7 July.	3-45 a.m.	3-47 a.m.	George-street West ..	M. Boland	Licensed victual- ler, "Volunteer Hotel."	Brick, and iron roof.	Incendiarism ..	None	None	" ..	A weatherboard shed, about 10 x 15 feet, containing cases of ale and straw, &c., damaged by fire and water.	M.F.B. with stand- pipe.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an Inquest requested?	Extent of Damage, &c.	Extinguished by.
								Building.	Contents.			
1888. Saturday, 7 July.	4-0 a.m.	4-13 a.m.	Rose Valley, Waterloo.	George Anderson	Wool scouring works and factory.	Wood and iron, with iron and shingle roof.	Unknown	Liverpool and London, and Globe.	Liverpool and London, and Globe, £2,000.	No.	A building of two floors, about 60 x 80 feet, containing a quantity of machinery, wool, and skins, burned out and roof off. A building of two floors, about 40 x 25 feet, containing similar machinery, &c., as other building, burned out and roof off.	M.F.B., with steam fire engines, assisted by the Waterloo, Alexandria, Harrington, and other Vol. Co's.
Sunday, 8 July. Tuesday, 10 July.	3-45 p.m. 10-30 p.m.	No call. "	Parker-lane, City 81, Crown-street, Woolloomooloo.	C. H. Wilton Mrs. Arnold	Ironmonger Private dwelling.	Brick, and iron roof. Brick, and slate roof.	Light thrown down. Candle		City Mutual, £200.	"	Two cases of rubbish burned in lane at rear of premises. Bed and bedding slightly damaged by fire in front room on first floor. W. Hunt slightly burned on hands.	Police, with buckets of water. Inmates and neighbours, with buckets of water.
Wednesday, 11 July.	3-0 a.m. 3-25 p.m.	" 8-40 p.m.	Bellington-street 43, Parramatta Road, Glebe.	George Briscoe Robert Anderson	Private dwelling. Perambulator manufacturer.	Brick, and iron roof. Wood, and iron roof.	Unknown Light thrown down.		None Norwich Union; United Liverpool and London, and Globe. Commercial Union, £3,000.	"	Van, and case containing yacht sails, damaged by fire in yard at rear of premises. A small quantity of cases damaged by fire in first floor of shed building used as store at rear of premises.	Inmates, with buckets of water. Glebe Vol. Co., with stand-pipe, and inmates, with private appliances.
Friday, 13 July.	10-0 p.m.	10-9 p.m.	214, Underwood-street, Paddington.	F. Wood	Private dwelling.	Brick, and iron roof.	Lamp (kerosene), upsetting of.		None	"	A small quantity of furniture slightly damaged by fire in front room on first floor.	Inmates and neighbours, with buckets of water.
Sunday, 15 July.	3-40 a.m.	4-14 a.m.	Salisbury Estate, Botany Road, Waterloo.	Unoccupied	"	Weatherboard, and iron roof.	Unknown			"	A weatherboard cottage of three rooms, burned out and fallen down.	Waterloo Vol. Co. and M.F.B., with stand-pipe.
"	"	"	"	Henry Anderson	"	Brick, and iron roof.	"	City Mutual, £150		"	Part of roof slightly damaged by fire and removal; windows of back room slightly damaged by fire and breakage. Gas meter in basement destroyed; basement slightly damaged by fire; contents consisting of wines, spirits, and tea, slightly damaged by smoke and water.	M.F.B. with stand-pipe.
"	5-40 p.m.	5-45 p.m.	Hoskings-place, off Castlereagh-street.	Messrs. Stanley and Littlewood.	Wine, spirit, and tea merchants.	"	Unknown		City Mutual, £500, Liverpool and London, and Globe, £2,000.	"	Window curtains and cover of toilet table burned, and table slightly damaged by fire in front room on first floor.	Inmates and Police, with buckets of water.
Monday, 16 July.	10-15 p.m.	No call.	4, Argyle-place	James Brown	Draper	Stone, and iron roof.	Candle		Commercial Union—Stock, £400; furniture, £200.	"	A small quantity of sponge-line destroyed in workshop on ground floor.	Employees, with buckets of water.
Tuesday, 17 July.	6-5 p.m.	6-10 p.m.	706 and 108, Harrington-street.	Messrs. Foster & Son	Bedstead manufacturers	Wood and iron, with iron roof.	Unknown	United and National of New Zealand.	United and National of New Zealand.	"	18 x 4 feet of weatherboard lining, 36 x 6 feet of ceiling lining, 20 x 14 feet of roof damaged by fire; two pairs of window-sashes by breakage, and furniture slightly by removal.	Barrow's Vol. Co., with stand-pipe.
Thursday, 19 July.	2-50 a.m.	3-33 a.m.	Shaftesbury Road, Burwood.	Mrs. Sarah Nicholls	School	Weatherboard, and shingle roof.	Lamp (kerosene), upsetting of.	Australian Mutual, £500.	Australian Mutual, £200.	"	Weatherboard shed building, about 18 x 40 feet, containing a quantity of rubbish and lumber, burned out and fallen down; about 3 x 3 feet of shingle roof of cottage adjoining slightly damaged by fire.	Neighbours, with buckets of water.
"	2-0 p.m.	No call.	Wardell Road, Marrickville.	Edward Bailey	Private dwelling.	"	Unknown	Liverpool and London, and Globe.	None	"	Four rows of wooden huts, consisting of thirty-eight tenements, together with several small stables and stores, with contents in all, burned out and fallen down. Huts in each row adjoining and communicating.	M.F.B., with steam fire-engines, assisted by several Vol. Co's.
Friday, 20 July	2-0 p.m.	2-22 p.m.	Off Retreat-st., Waterloo 1, Roberts-street 2, " 3, " 4, " 5, "	Messrs. Ah Kit & Low Chue, & others (names unknown). Ah Sing Choy Yung Ah Kee War Kee Chong Hing	Various occupations, but chiefly used as habitations. Private dwelling. General store Eating house Private dwelling. General dealer	Wood, and wooden roofs. Weatherboard, and iron roof. " " " "	Fire, careless use of. " " " " "	None " " " " "	" " " " " "	" " " " " "	A weatherboard cottage of three rooms and shed building in the rear, with contents, burned out and fallen down. A weatherboard cottage of three rooms and shed building in the rear, with contents, burned out and fallen down. A weatherboard cottage of three rooms and shed building in the rear severely damaged by fire, and shed building in the rear damaged by water, and front window broken. Fencing at rear of building damaged by cutting away.	M.F.B., with steam fire-engines, assisted by several Vol. Co's.
Monday, 23 July.	10-0 p.m.	10-6 p.m.	6 and 8, Bond-street Chambers, Bond-street	Messrs. Hugo & Co.	General importers	Brick, and iron roof.	Unknown	London and Lancashire, £7,000.	Antonian Mutual, £1,500.	"	A small quantity of prints, pictures, and fancy goods slightly damaged by fire and water in front office on first floor.	M.F.B., with buckets of water.
Tuesday, 24 July.	7-20 a.m. 6-10 a.m.	No call. 6-15 a.m.	26, Gibbs-street 154, Sussex-street	Mrs. Kate Broady John Mellick & Co.	Private dwelling. Commission agents.	" Brick, and iron roof.	Matches, children playing with. Spontaneous ignition with New Zealand flax.	Pacific	None Colonial Mutual, £3,000.	"	Elizabeth Broady, aged three years, severely burned about the legs and body; taken to the Sydney Hospital. A warehouse of 4 floors, and basement, about 36 x 70 feet, containing a very large quantity of general produce. Portion of contents of 4th floor, consisting of New Zealand flax, miscellany, &c., severely damaged by fire, heat, and water; portion of roof off and windows burned out; rest of contents in floors under damaged by water.	Neighbours. M.F.B., with steam fire engines.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When Discovered.	Time of Ext.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of fire.	Insurances.		Was an Inquest recommended?	Extent of Damage, &c.	Extinguished
								Building.	Contents.			
1888. Wednesday, 25 July.	11-36 a.m.	11-32 a.m.	No. 3, off Campbell- place, Woolloomooloo.	Frederick Alter.....	Private dwelling..	Brick & shingle roof.	Flue, defec in ..	.....	None.....	No ..	About 10 x 10 feet of shingle roof burned off; rest of roof and ceiling under damaged by fire and cutting away.	Neighbors, with buckets of water, and M.F.B. with hand-pump. Neighbors and M.F.B. with buckets of water.
Friday, 27 July.	12-18 a.m.	12-22 a.m.	228 Pitt-street	Messrs. Fox Bros.....	General importers	Brick and iron roof.	Light thrown down.	.....	Commercial Union, £1,600, Colonial Mutual, £1,600.	.....	Box containing rubbish burned, and about 8 feet of fencing severely damaged by fire in yard at rear of premises.	Neighbors and M.F.B. with hand-pump. Neighbors and M.F.B. with buckets of water.
"	1-30 a.m.	1-40 a.m.	Clarence-street	Messrs. Murray and Stewart.	Stabling tank	Brick and iron roof.	"	"	New Zealand, £3,000.	.....	A small quantity of stationary slightly damaged by fire in office on ground floor; office window broken by stranger.	Police and M.F.B. by stamping the fire out.
"	2-41 p.m.	2-45 p.m.	15, Circle-street, Miller's Point.	Mrs. Isah Longford...	Private dwelling..	Brick & shingle roof.	Spark from chim- ney of house adjoining.	.....	None.....	.....	Roof severely damaged by fire; wooden ceiling under damaged by cutting away; 2 rooms under damaged by water.	Neighbors and M.F.B. with buckets of water and hand pump. Neighbors, with buckets of water, and M.F.B. with hand-pump.
Saturday, 28 July.	7-52 p.m.	7-57 p.m.	67, George-street.....	Messrs. Friddy & Co.	Hatters	Brick and iron roof.	Light thrown down.	Pacific	New Zealand .....	.....	A small number of empty hat-boxes damaged by fire; rest of contents of back room on first floor slightly damaged by fire and water.	Neighbors and M.F.B. with buckets of water, and M.F.B. with hand-pump. Police-constable, with buckets of water, Inmates and New- town Vol. Co., with buckets of water. Inmates and neigh- bors, with buckets of water.
Sunday, 30 July.	11-0 a.m.	No ext.	Hays-street	Messrs. G. & C. Hoskins	Engineers	Wood and iron roof.	Match, children playing with.	None.....	None.....	.....	About 2 feet of flooring and a wooden upright slightly damaged by fire in shed building on ground floor. Bedding, bed curtains, window-blind, and ceiling slightly damaged by fire in back room on ground floor, and window broken.	Neighbors and M.F.B. with buckets of water, and New- town Vol. Co., with buckets of water. Inmates and neigh- bors, with buckets of water.
Monday, 30 July.	6-40 p.m.	6-34 p.m.	27, Market-street, Mac- donaldtown.	Frederick Robinson...	Grocer	Weatherboard and shingle roof.	Candle	Australian Mutual, £280.	Australian Mutual, Furniture only, £40.	.....	Window curtains, window sash, and toilet table, together with cornice, damaged by fire in front room on second floor; a small quantity of toilet requisites broken.	Neighbors and M.F.B. with buckets of water, and New- town Vol. Co., with buckets of water. Inmates and neigh- bors, with buckets of water.
"	8-50 p.m.	8-59 p.m.	101, Oxford-street.....	W. J. Austin	Confectioner	Brick and iron roof.	Candle	Scottish Union ..	Portable of New Zealand, £400.	.....	A small quantity of rubbish burned in front room on ground floor.	Neighbors and M.F.B. with buckets of water, and New- town Vol. Co., with buckets of water. Inmates and neigh- bors, with buckets of water.
Tuesday, 31 July.	10-10 a.m.	No ext.	Corner of West and Ox- ford Streets, Ludlow-	Unoccupied.....	Cottage	Weatherboard, and shingle roof.	Smoking tobacco by vegetables.	.....	None.....	.....	A ground floor.	Neighbors and M.F.B. with buckets of water, and New- town Vol. Co., with buckets of water. Inmates and neigh- bors, with buckets of water.
"	10-15 p.m.	10-20 p.m.	6, Market-row, off York-street.	Frank Burt.....	Fruitier.....	Brick and iron roof.	Paraffin, overheat- ed.	.....	None.....	.....	About 4 feet of flooring damaged by fire and cutting away in back room on ground floor.	Neighbors and M.F.B. with buckets of water, and New- town Vol. Co., with buckets of water. Inmates and neigh- bors, with buckets of water.
"	10-40 p.m.	10-45 p.m.	155, Clarence-street	Phillip & Seaphan.....	Photographic printers, &c.	Brick and iron roof.	Unknown	Commercial Union, £4,500.	Australian Mutual, £1,500.	.....	A warehouse of four floors and basement, about 60 x 75 feet. Third floor, used as photographic (chemical) room, burned out and windows broken; underneath portion of roof damaged by fire; floors, together with contents of roof, damaged by water. Shop, containing a quantity of groceries, and house of 5 rooms, burned out, and most part of roof off.	M.F.B. with buckets of water, and New- town Vol. Co., with buckets of water. Inmates and neigh- bors, with buckets of water.
Wednesday, 1 August.	4-30 a.m.	4-30 a.m.	106, Walker-street, Healden.	A. G. Porter.....	Grocer	Brick and shingle roof.	"	None.....	N.S.W. Co.....	.....	Roof damaged by fire and cutting away; rest of house of 5 rooms damaged by water.	M.F.B. with buckets of water, and New- town Vol. Co., with buckets of water. Inmates and neigh- bors, with buckets of water.
"	"	"	35, Redfern-street, Healden.	Unoccupied	Private dwelling..	"	"	"	None.....	.....	A small quantity of coffee, oatmeal, &c., burned; partition and staircase slightly damaged by fire in front shop on ground floor; shutters of front shop broken open by the Police.	M.F.B. with buckets of water, and New- town Vol. Co., with buckets of water. Inmates and neigh- bors, with buckets of water.
Thursday, 2 August.	2-9 a.m.	2-10 a.m.	100, William-street, Woolloomooloo.	Messrs. Chapman Bros.	Grocers	Brick and iron roof.	Incandescence.....	North British and Mercantile, £1,500.	Australian Mutual, £1,250.	.....	Bed curtains and window blind burned in back room on first floor, and window broken; contents in room under slightly damaged by water.	M.F.B. and Newtown Vol. Co., with hand-pump. Neighbors and M.F.B. with buckets of water.
"	6-43 p.m.	6-29 p.m.	222, Sussex-street.....	Messrs. Harp Lee Kee & Co.	Cabinetmakers ..	"	Light coming in contact with curtains.	.....	None.....	.....	A sheet, used as stable, together with a quantity of harness, damaged by fire.	M.F.B. and Newtown Vol. Co., with hand-pump. Neighbors and M.F.B. with buckets of water.
Monday, 6 August.	4-26 a.m.	4-32 a.m.	Parramatta Road, Leichhardt.	Lawrence Sharkey.....	Produce merchant.	Weatherboard and iron roof.	Unknown	Union of New Zealand.	Union of New Zealand, £150.	.....	A weatherboard building, about 44 x 40 feet, with contents, including tin, straw, and other produce, burned out and falling down.	M.F.B. and Newtown Vol. Co., with hand-pump. Neighbors and M.F.B. with buckets of water.
"	"	"	"	R. N. Elliott	Timber merchant	Wood	"	Scottish Union, & National, and Phoenix.	Union of New Zealand, £500.	.....	A sheet, used as stable, together with a quantity of harness, damaged by fire.	M.F.B. and Newtown Vol. Co., with hand-pump. Neighbors and M.F.B. with buckets of water.
Monday, 13 August.	12-30 a.m.	12-40 a.m.	Station-street and En- more Road, Newtown.	Miss C. A. Gogerty (manager for W. Nolan)	Milliner and dressmaker.	Brick and slate roof.	"	United Insurance Co.	Mercantile Mutual, £500.	.....	Front shop and contents, consisting of a small quantity of millinery and three sewing machines, severely damaged by fire; ceiling of back room on first floor also damaged by fire, and part of flooring of stable room on first floor burned through.	M.F.B. and Newtown Vol. Co., with hand-pump. Neighbors and M.F.B. with buckets of water.
Sunday, 19 August.	9-0 p.m.	No ext.	50, Harrington-street ..	Chung War.....	Private dwelling..	"	Smoking tobacco.	.....	None.....	.....	About 2 feet of wooden partition, together with two beds, damaged by fire in back room on second floor, slightly damaged by the and water.	Inmates, with buckets of water.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	Time of Day.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was it requested to be extinguished?	Extent of Damage, &c.	Extinguished by.
							Building.	Contents.			
1888. Thursday, 23 August.	11:45 a.m.	Railway Parade, Lewisham.	C. A. Meers	Private dwelling.	Weatherboard and iron roof.	Matches, children playing with.	None.	None.	No.	A weatherboard shed building, 18 x 15 feet, used as work-shop, in rear of premises slightly damaged by fire, and contents also slightly damaged by water.	Inmates and neighbours, with public fire-engines and ladders.
Saturday, 25 August.	11:30 p.m.	Corner of Oxford and Brompton Streets.	M. Suttonberg	Crozier.	Wood and iron roof.	Light thrown down.	None.	None.	No.	A few cases of kerosene slightly damaged by fire on ground floor of 31 c, at rear of premises.	Inmates and Paddington Fire Co., with buckets of water.
Tuesday, 28 August.	5:30	Rear of 410, George-street.	Messrs. G. and W. Scholze & Co.	Printers.	Brick, iron and wood building, with slate roof.	Unknown.	Liverpool and London and Globe, £2,500.	Fires, Marine, and Accident Insurance Co., £200.	No.	A building of three floors and basement, about 48 x 20 feet. Top floor and contents, consisting of printers' materials, machinery, &c., burnt out, and roof off. The ground and first floors, containing billiard tables and a quantity of furniture, severely damaged by water. First floor and attic, containing a quantity of stores, burnt out and roof off, and front room, used as dentist's operating room, containing furniture, &c., severely damaged by water. Front shop, under, severely damaged by fire and water.	M.P.F.C., with hand-pump.
Wednesday, 29 August.	10:10 a.m.	Stamess Road, Paddington.	J. E. Salter	Stable.	Weatherboard and iron roof.	Spouting mast.	None.	None.	No.	About 8 x 8 feet of roof of stable where of premises burnt, and sides of same, slightly damaged by fire.	M.P.F.C., with hand-pump.
Thursday, 31 August.	9:50 p.m.	Charlotte-street.	Trustees of St. Patrick's Church.	Place of worship.	Stone, and slate roof.	Gas explosion.	City Mutual, £5,000.	None.	No.	About 6 x 5 feet of wooden shanking damaged by fire and ceiling away.	Neighbours and North City Vol. Co., with stand-pipe.
Friday, 1 September.	6:20 p.m.	Castlemore-street.	The New Music Co.	Hall.	Stone, and iron roof.	Light thrown down.	Pacific, £10,000.	None.	No.	Some smoking burned and flooring slightly damaged by fire in anti-room on 2nd floor.	M.P.F.C., with hand-pump.
Saturday, 2 September.	8:45 p.m.	Kerton-street, Leich-ham.	Thomas Hastings	Builder.	Weatherboard and iron roof.	Matches, children playing with.	Mercantile Mutual, £400.	None.	No.	A shed building, about 8 x 12 feet, in rear of premises, used as a workshop, slightly damaged by fire.	Inmates and Leich-ham Vol. Co. with hand-pump.
Sunday, 3 September.	5:50 p.m.	8, Mitohale-street.	Mrs. Willmott	Private dwelling.	Brick, and shingle roof.	Candle.	Aust. Mutual, £500.	None.	No.	Bed and heating burned, door frame and a small quantity of furniture slightly damaged by fire, rest of contents in front room on 1st floor slightly damaged by smoke and water. Window broken by heat.	Neighbours with buckets of water.
Tuesday, 4 September.	9:10 p.m.	78, Hunter-street.	H. B. Stahl	Chemist.	Brick, and iron roof.	Hot ashes.	Aust. Mutual, £500; premium in rear not insured.	None.	No.	Box containing matches, together with a few boxes containing tinny empty bottles, slightly damaged by fire in shed at rear of premises.	Inmates and neighbours with buckets of water.
Friday, 7 September.	11:22 a.m.	164, Riley-street off Liverpool-street, Woolfahra.	G. Pagio	Private dwelling.	Brick, and iron roof, over shingle roof.	Post chimney.	Aust. Mutual, £1,000.	None.	No.	About 8 feet of roof damaged by cutting away.	Engine and M.P.F.C. with buckets of water.
Monday, 10 September.	2:0 a.m.	140, Oxford-street Paddington.	Alfred Henderson	Butcher.	Brick, and iron roof.	Light thrown down.	Guilford, £100.	None.	No.	About 7 x 4 feet of window partition and portion of stairs damaged by fire in front shop on ground floor, ceiling of same slightly damaged by heat and smoke. Front above shop broken open by police.	Police and inmates with buckets of water.
Friday, 14 September.	7:46 p.m.	15, Waverley Road, Woolfahra.	Archibald McKellar	Private dwelling.	Weatherboard and shingle roof.	Spark from chimney of house.	None.	None.	No.	About 2 feet of shingle roof damaged by fire and cutting away.	Woolfahra Vol. Co. with buckets of water.
Saturday, 18 Sept.	8:00 p.m.	15, Henderson Road, Alexandra.	Samuel Jones	General store.	Brick, and iron roof.	Gas 'wrecker.	Aust. Mutual, £1,000; New Zealand, £3,000; Northern, £1,000; Col. Mutual, £1,000; Phoenix, £1,000; South British, £1,000; Cornwall, £1,000; Equitable, £1,000; Nat. of N.Z., £1,000; Imperial, £500; Standard, £500; Total, £14,000.	United Australasian Mutual, £1,000.	No.	A small portion of curtain in shop window on ground floor slightly damaged by fire.	Inmates with buckets of water.
Sunday, 19 September.	2:41 a.m.	Corner of 17th and Park Streets.	James Fairford	Licensed victualler, Criterion Hotel.	Brick, and iron roof.	Light thrown down.	None.	None.	No.	Counter and contents under it in parlour on ground floor slightly damaged by fire. Premises fire 25th February, 1888.	Police and M.P.F.C. with buckets of water.

* All adjoining and communicating.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurance.		Was an Inquest held?	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1888. Sunday, 10 Sept.	7-40 a.m.	7-45 a.m.	Corner of Kippax and Elizabeth Streets.	F. Bower.....	General dealer ..	Brick, and iron roof.	Light thrown down.	.....	City Mutual	No.	A nest of drawers severely damaged by fire in shop on ground floor; rest of contents of shop slightly damaged by fire and water, and front door broken open.	Standard Brewery Vol. Co. with stand-pipe.
"	10-30 p.m.	10-44 p.m.	Abbotscombe and Catherine Streets, Redfern.	F. Graves	Grocer	"	Unknown .....	.....	City Mutual, £305	"	A small portion of stock in shop on ground floor and lining of window damaged by fire. Previous fire 15th December, 1887.	Inmates and neighbours with buckets of water.
Monday, 17 Sept.	12-20 p.m.	12-26 p.m.	285 and 288, Sussex-street.	Messrs. Gardner and Maher.	Hay and corn dealers.	Weatherboard, and iron roof.	Matches, children playing with.	.....	Imperial	"	A weatherboard shed building, about 16 x 16 feet, containing about 30 bales of straw, burned out and roof off.	M.J.R. with stand-pipe.
Tuesday, 7- Sept.	12-50 p.m.	No call.	Broughton-street, Glebe	M. J. Conlon	Pottery	Wood, and iron roof.	"	.....	None	"	A shed building, about 23 x 30, containing eight crates of earthenware, slightly damaged by fire.	Employees and Globe Vol. Co. with stand-pipe.
Friday, 21 Sept.	11-50 p.m.	No call.	George-street, Redfern.	M. Sheen	Licensed victualler.	Brick, and iron roof.	Intoxication .....	.....	.....	"	Some lace burned and dressing-table slightly damaged by fire in back room on first floor.	Inmates with buckets of water.
Sunday, 23 Sept.	5-20 a.m.	5-27 a.m.	1, Steel-lane, off Little Riley-street.	G. Asplet	Private dwelling.	"	Spontaneous ignition.	.....	None	"	A small shed about 15 x 4 feet at side of house slightly damaged by fire.	Inmates and M.F.B. with hand-pump (Tozer's).
"	"	"	33, Little Riley-street ..	Frederick Wardhop ..	"	Weatherboard and brick, with iron roof.	"	.....	Aust. Mutual, £100.	"	Side of house slightly damaged by fire.	"
Friday, 25 Sept.	6-15 a.m.	6-22 a.m.	Brown-street, off King-street, Newtown.	C. Whitley	Coach-builder ..	Brick, iron, and wood, with iron roof.	Furnace, over-heat of.	.....	National of New Zealand, £400.	National of New Zealand, £300.	About 18 x 12 feet of flooring burned on first floor; a small quantity of timber damaged by fire.	Newtown Vol. Co. with hand-pump.
Monday, 7 October.	4-30 p.m.	No call.	35, Datchett-street, Balmain.	"	"	"	"	.....	.....	"	Mrs. A. R. Thompson severely burned on body; taken to the Cottage Hospital; died on the 2nd October.	"
"	7-10 p.m.	7-14 p.m.	Elizabeth-street, Redfern.	Messrs. A. Hordern & Sons.	Stables	Brick, and iron roof.	Unknown .....	.....	South British, £2,300.	South British, two cutting machines, £60.	Centre building about 30 x 100 feet of two floors; contents of first floor, consisting of 47 bales of mown hay, severely damaged by fire and water; about 1 ton of shaft also damaged by water, and roof slightly damaged by fire. Previous fire 22nd December, 1887.	Waterloo Vol. Co. with stand-pipe and M.F.B. with steamer.
Thursday, 4 October.	2-50 a.m.	3-8 a.m.	Mount-street, St. Leonards.	J. Hornell	Bootmaker	Brick and weatherboard, with iron roof.	"	.....	Aust. Mutual, £500.	None	A weatherboard shop of five rooms, with contents, consisting of a quantity of boots and shoes, burned out and fallen down.	St. Leonards Vol. Co. with manual engine and hydrant.
"	7-10 p.m.	7-16 p.m.	Sinmons-street, Newtown.	Morris Morris	Private dwelling.	Brick and iron roof.	Candle .....	.....	"	"	Bed, bed curtains, a small portion of wearing apparel, together with the floor, slightly damaged by fire in front room on first floor. Mr. and Mrs. Morris slightly burned about the arms and hands.	Inmates and Newtown Vol. Co. with buckets of water.
"	9-5 p.m.	9-12 p.m.	104, Wyndham-street, Alexandria.	S. Hilliard .....	"	"	"	.....	Aust. Mutual, £200.	"	Bed, bedding, and a quantity of wearing apparel, together with wooden partition in back room on first floor, damaged by fire and water, ceiling under also damaged by water.	Inmates and neighbours, assisted by Alexandria Vol. Co. with buckets of water.
Friday, 6 October.	7-7 p.m.	7-7 p.m.	11, Ferry Road, Glebe.	F. Morris	"	Brick, and slate roof.	Matches, carelessness with.	.....	.....	"	A small portion of fringe round the mantelpiece damaged by fire in front room on ground floor.	Inmates.
Friday, 12 October.	10-20 p.m.	No call.	27, Kensington-street ..	Mrs. Hyde	"	Brick, and iron roof.	Candle .....	.....	.....	"	Bed and bedding slightly damaged by fire in back room on 1st floor. Family type, aged 10 years, severely burned about the body, taken to Sydney Hospital. Since died on the 13th October, 1888.	Neighbours with buckets of water.
Monday, 15 October.	2-55 a.m.	3-0 a.m.	Foster-st., Leichhardt.	Mrs. Mary Nolan	"	Weatherboard, and iron roof.	Careless use of fire.	.....	Mercantile Mutual, £100.	"	A weatherboard cottage of four rooms. Two back rooms and contents burnt out and roof off. Two front rooms severely damaged by fire and part of roof off. Furniture in front rooms damaged by removal.	Leichhardt Vol. Co. with stand-pipe, assisted by M.F.B.
"	8-50 p.m.	9-1 p.m.	Ferry-street, Balmain.	Messrs. Elliott Bros. ..	Wholesale druggists. Chemical works.	Wood and iron, and iron roof.	Unknown .....	.....	South British	South British	Shed building of one floor, about 20 x 60 ft. (used as cork-cutting room and boiler house) severely damaged by fire; also a building of one floor about 25 x 60 feet used as seed mill, and containing about 15 tons of seed, damaged by fire, heat, and smoke. Previous fire 2nd September, 1884.	Hafnain Vol. Co. with stand-pipe.
Tuesday, 16 October.	6-30 a.m.	6-40 a.m.	268, Kent-street	The Sydney & Suburban Delivery Company; J. E. Hand, manager.	Store	Brick, and iron roof.	Chemicals, explosion of.	.....	.....	None	A small quantity of contents in front room on ground-floor slightly damaged by fire.	Inmates, with buckets of water.
Wednesday, 17 October.	9-0 p.m.	9-6 p.m.	Erskinvilla Road, Newtown.	The Salvation Army; Miss Robinson, matron.	Sisters' Refuge ..	Weatherboard, and iron roof.	Matches, rats at ..	.....	Imperial	"	A small shed building at side of house, together with contents, consisting of provisions, &c., slightly damaged by fire, smoke, and water. Furniture of front room of house slightly damaged by removal.	Neighbours, with buckets of water.
Friday, 19 October.	5-50 p.m.	6-10 p.m.	George-street North, ...	Gan Kee	Boarding-house ..	Brick, and slate roof.	Light thrown down.	"	"	About 8 x 3 feet of wooden partition damaged by fire on second floor.	Inmates and citizens, with buckets of water.

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List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	Time of discovery.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurance.		Extent of Damage, &c.	Extinguished by.
								Building.	Contents.		
1893. Friday, 19 October.	7.45 p.m.	9.13 p.m.	229, Riley-street	Mark Allen	General dealer	Brick and slate, with iron and slating roof.	Kerosene lamp, upsetting of.	S. S. W. Ass. Corp., £100.	A quantity of bedding slightly damaged by fire and water in middle room on ground floor.	Jumpets and buckets of water.	
Saturday, 20 October.	9.5 p.m.	9.13 p.m.	104, Regent-street, North.	Messrs. Woodward & Co.	Grocers	"	Light thrown down.	Union of N. Zeal Furniture, £375; Fire, £25; South British.	A small case, containing snowdust, burned in back yard	Jumpets and buckets of water.	
Sunday, 21 October.	4.30 p.m.	4.40 p.m.	175, Liverpool-street	F. J. Weiss	Private dwelling	"	Unknown	None	A quantity of bedding slightly damaged by fire and water in store-room in basement, and a small portion of furniture damaged by brassage.	Neighbors and M.F.B. with buckets of water.	
Tuesday, 23 October.	6.5 p.m.	6.0 p.m.	381, George-street	Martin Atkins	Coffee Palace (No. 1).	"	Gas bracket	Colonial Mutual, City Mutual.	Roof curtains and building slightly damaged by fire and water in bedrooms on second floor, ceiling under also slightly damaged by water.	Messrs. with buckets of water.	
Wednesday, 24 October.	8.15 p.m.	8.20 p.m.	" " " " " " " "	J. B. Hodgson	Workshops and stables.	Weather-board and iron roof.	Matches, children playing with.	None	A weatherboard shed building of two floors, used as stables and workshops, and containing a quantity of builders' material, ladder, and harness, burned out and fallen down.	Waverley Vol. Co., with stand-pipe, assisted by the M.F.B.	
Thursday, 25 October.	2.27 p.m.	2.32 p.m.	211, Kent-street, City	Messrs. W. Akhurst & Co.	Printers, & Co.	Brick and slate roof.	Light thrown down.	Imperial and United Ins. Co.	About 6 square feet of flooring on second floor of front warehouse damaged by cutting away.	M.F.B.	
"	7.25 p.m.	7.32 p.m.	11, Telford-street, Clebb.	Mrs. M. Eantop	Private dwelling	Brick and iron roof.	Kerosene lamp, explosion of.	None	Expansion of kerosene lamp in kitchen on ground floor; no damage to premises.	Neighbors with buckets of water.	
Saturday, 27 October.	5.30 a.m.	6.32 a.m.	229, Clarence-street	R. Evans	Printer, Sunday Primer Office.	"	Light thrown down.	Lion	A small quantity of paper burned under stairs in office on ground floor.	Messrs. and Theatre Society of Company.	
Tuesday, 30 October.	9.10 p.m.	9.10 p.m.	35, Castlereagh-street	William Multer	Restaurant	Brick, stone, and iron roof.	Fat heating over of	None	Pot of fat boiled over in kitchen on ground floor; Mr. Muller slightly burned about the hands and face.	M.F.B. with stand-pipe assisted by Newtown Vol. Co.	
Wednesday, 31 October.	11.20 a.m.	11.20 a.m.	Hadley Cottage, Living stone Road, Murrumbidgee	Arthur Dolton	Private dwelling	Weatherboard with iron roof.	Pipe, wood falling from.	Aust. Mutual, £510	A weatherboard cottage of five rooms burned out and fallen down.	Neighbors with buckets of water.	
"	8.10 p.m.	8.10 p.m.	" " " " " " " "	J. Ireland	"	"	Candle	None	A small quantity of bedding and young apparel burned in front room on ground floor.	Neighbors with buckets of water.	
Thursday, 1 November.	4.30 p.m.	4.30 p.m.	George-street, Farmouth.	J. F. Cripps	Licensed victualler	"	Smoking tobacco.	None	A small weatherboard shed at rear of premises, with contents slightly damaged by fire.	Neighbors with buckets of water.	
Saturday, 3 November.	11.45 a.m.	12.8 a.m.	On the banks of the Cook's River.	Messrs. Demmison and Parley.	Tannery	*Iron	Unknown	Commercial Union, £1,000.	An iron shed building, about 100 x 150 feet, containing a large quantity of tanned leather, oils, and machinery, burned out and fallen down.	Messrs. of the M.F.B., assisted by the Ashfield, Burwood, and Leichhardt Vol. Cos.	
"	"	"	" " " " " " " "	" " " " " " " "	"	*Brick and iron roof.	"	"	Roof and flooring of workshops adjoining damaged by fire.	M.F.B. and Newtown Vol. Co., with stand-pipe.	
Monday, 5 November.	4.50 a.m.	5.4 a.m.	Cook's River Road and Edith-st., St. Peters.	Unoccupied	Private dwelling	Weatherboard and iron roof.	Unknown	"	Roof of machine room, also adjoining, severely damaged by fire.	M.F.B. with stand-pipe.	
Tuesday, 6 November.	1.29 p.m.	2.30 p.m.	98, Pitt-street	Messrs. Richardson and French.	Auction rooms	Brick, and slate roof.	Flue, defect in	Aust. Mutual, £1,000.	A weatherboard cottage of five rooms burned out and fallen down.	Neighbors with buckets of water.	
"	"	"	Mansfield-street, Balmain.	Mr. Thomas King	Private dwelling	Stone, brick, and weatherboard with iron roof.	Sparks from flue.	Aust. Mutual	A weatherboard cottage of six rooms, with contents, burned out and fallen down.	Messrs. with buckets of water.	
"	"	"	101, Engine-street, City.	Messrs. Dorman & Co.	Leather and grundy stone.	Brick, and iron roof.	Light thrown down.	Imperial, £750; New Zealand, £600.	A building of two floors. Front shop and contents, consisting of a quantity of leather, leather gratings, &c., severely damaged by fire and water; remainder of roof and ceiling of first floor severely damaged by fire; contents in same also damaged by water.	M.F.B., with hydrant assisted by several Vol. Cos.	
"	8.48 p.m.	8.48 p.m.	101, " " " "	G. R. Neale	Auctioneer	"	"	None	Front room under the above first floor; contents, consisting of a small quantity of provisions, slightly damaged by water.	"	

* All adjoining and communicating outside M.F.B. area.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	Time of Day.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was fire extinguished by force?	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1899, Wednesday, 7 Nov.	1-0 a.m.	4-10 p.m.	21 & 23 Harbour-street, Darling Harbour.	Messrs. Parson Bros. & Co.	Coffee and spec- mills.	Brick and iron roof.	Furnace, over- heat of.	United, £500	United	No	Kiln on ground floor, and drying-rooms on first floor together with contents of same, consisting of a quantity of oak, severely damaged by fire, and part of roof off.	M.F.B. with stand- pipe, assisted by Paddington brewery and Standard brewery Vol. Co's Inmates.
"	7-0 a.m.	No call.	165 Goulburn-street.	Besala Abrahams	"	"	Matches, children playing with.	"	"	"	Bessie Abrahams, aged 20 months, burned about the back, legs, and arms. Taken to Sydney Hospital, and removed to her parents' residence, and died on the 24th November, 1888.	"
Thursday, 8 Nov.	0-50 p.m.	6-50 p.m.	Mary-street, Surry Hills	Trustees of the late V. Guolla.	Subtle and business speakers	Stone and brick, with iron roof.	Unknown	Northern Assur- ance Co.	Scottish Union and National, £300. The City of New Zealand, £300. City of London, £500. Royal, £500. North, £500. Standard of New Zealand, £300.	"	A building of three floors, about 60 x 20 feet. First floor and contents, consisting of saddlery, harness, &c., severely damaged by fire which started in top floor and contents of similar nature, slightly damaged by fire, heat, and smoke. Unburned floor under and contents damaged by water. Previous fire, 15 November, 1886.	M.F.B. with steamer assisted by Standard brewery Vol. Co., with stand-pipe.
"	8-0 p.m.	8-3 p.m.	9 Bridge-street	W. Cook	Private dwelling.	Brick and iron shingle roof.	Stove, overheated	Liverpool and Lon- don and Globe, £500.	None	"	About 2 x 2 feet of shingle, roof burned, and ceiling under slightly damaged by water.	North-City Vol. Co., with buckets of water.
Sunday, 11 Nov.	3-54 p.m.	8-56 p.m.	180 Elizabeth-street.	Sydney United Friendly Society.	Dispensary	Brick with iron and shingle roof.	Explosion of chemicals.	Metropolitan Mutual	Australian Mutual	"	A cupboard in frontshop, containing a quantity of colloidion, ether, chloroform, and other chemicals damaged by fire, rest of contents in shop damaged by heat, smoke, and water. Wall and ceiling of back room on first floor damaged by water.	M.F.B. with hydrant.
Sunday, 11 Nov.	11-0 p.m.	11-10 p.m.	183A, Oxford-street	Thomas Deahle	Confectioner	Brick, and iron roof.	Light thrown down.	None	None	"	Contents in back part of shop slightly damaged by fire and water, and a door damaged by breaking.	Paddington Brewery Volunteer Co., with buckets of water.
Tuesday, 13 Nov.	12-3 p.m.	12-13 p.m.	104, William-street, Woolloomooloo.	F. F. Wilson	Tobacconist	Brick and iron and shingle roof.	Spark from chim- ney of house adjoining.	Norwich Union	"	"	Roof and ceiling of second floor severely damaged by fire, and water; ceiling and contents of room under damaged by water. Previous fire, 13th August, 1886.	M.F.B. with hydrant.
Wednesday, 14 Nov.	5-50 p.m.	5-55 p.m.	Castlereagh and Market Streets.	C. Farrell	Grocer	Brick, and slate roof.	Gas stove, over- heat of.	Australian Mutual	United, £750	"	Back room on first floor, containing a number of empty cases, slightly damaged by heat and water; contents in front shop slightly damaged by water.	Inmates and neigh- bours, with buckets of water.
"	10-45 p.m.	10-51 p.m.	Phillip-street	N.S.W. Government	Museum, Mines Department.	Stone and iron, with iron roof.	Pipe, defect in	Colonial Mutual, £21,000.	None	"	12 x 12 feet of wooden frame of building, together with lining, and a case containing specimens of wood, damaged by fire in Museum, on first floor.	M.F.B., with hand- pump.
Thursday, 16 Nov.	9-0 a.m.	9-14 a.m.	43, Kent-street	W. Garney	Private dwelling.	Brick, and iron roof.	Foal chimney	Sydney Mutual, £187; Commer- cial Union, £506.	"	"	Roof of dwelling severely damaged by fire; ceilings under damaged by water.	North City Vol. Co., with hydrant.
"	7-0 p.m.	7-17 p.m.	77 and 79, Regent-street, Eastern.	C. P. Larcombe	Drapier	"	Gas bracket	Norwich Union, £1,500; United, £1,150; Phoenix, £1,000.	Liverpool & Lon- don & Globe, £1,150; United, £1,000; London and Lancashire, £1,000; Phoenix, £3,000.	"	Front part of shop, together with stock, consisting of a quantity of drapery, severely damaged by fire and water. Rest of shop and contents also damaged by heat, smoke, and water. A man named Joseph Brown, aged 61 years, severely burned about the face and hands. Taken to the Sydney Hospital.	Eastern Vol. Co., with hydrant, assisted by M.F.B. and several Vol. Co's.
Saturday, 17 Nov.	11-25 p.m.	11-30 p.m.	Corner of George and Market Streets.	C. W. Roberts	Licensed Victualer.	"	Defective gas pipes.	None	None	"	Part of basement and staircase leading thereto together with a number of empty packing cases damaged by fire in basement.	M.F.B. with hydrant, assisted by Vol. Co.
Monday, 19 Nov.	8-50 p.m.	9-2 p.m.	83, Liverpool-street	S. Schlossman	Butcher	"	Matches, unruined use of.	Victoria, £500	Aust. Mutual, £1,300.	"	Bed, bedding, and window curtains damaged by fire in back room on first floor; wood ceiling and partition, together with rest of contents of same room damaged by heat, smoke, and water.	Inmates and neigh- bours, with buckets of water.
Thursday, 20 Nov.	12-46 a.m.	12-53 a.m.	Prospect Road, Ashfield.	Phillip Sheridan	Private dwelling.	Open ground	Light thrown down.	None	None	"	About 36 feet of fence adjoining outhouse, and some wood paling damaged by fire.	M.F.B., with hand- pump, assisted by Ashfield Vol. Co. Inmates, with buckets of water.
"	2-65 p.m.	2-55 p.m.	115, Elizabeth-street	Mrs. Elizabeth Maxton.	Boarding house.	Brick, and shingle roof.	"	"	"	"	A small portion of shingle roof damaged by fire over balcony.	"



List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered	Time of call.	Locality.	Name of Tenant.	How premises occupied.	Construction of premises.	Origin or supposed cause of fire.	Insurance.		Was an Inquest recommended?	Extent of Damage, &c.	Extinguished by.
								Building.	Contents.			
1888. Friday, 27 Nov.	8-30 p.m.	8-48 p.m.	42, Bedmore-street	Abner Lovely	Private dwelling.	Brick, and slate roof.	Candle	.....	None	No	Window curtains burned; window sashes and a small quantity of wall papers slightly damaged by fire in front room on first floor.	Ironmoss and Stand-ard Brewery Vol. Co., with buckets of water.
"	9-30 p.m.	No call	127, York-street	James Dixon, Jun.	Printer	"	"	.....	New Zealand—renting, £250; stock, £1,000.	"	Bed and bedding severely damaged by fire in front room on second floor. James Dixon, Jun., aged 32 years, slightly burned about the hands and arms.	Ironmoss and Stand-ard Brewery Vol. Co., with buckets of water.
Saturday, 51 Nov.	12-5 a.m.	12-10 a.m.	52, Clarence-street	James Grooms	Warehouse, N.R. W. Rope Works	Brick, and iron roof.	Fire, careless use of	.....	None	"	A box containing rubbish and about 2 square feet of floor-die damaged by fire in warehouse on ground floor.	M.P.F., with buckets of water.
Saturday, 24 Nov.	0-56 p.m.	10-0 p.m.	51, Market-street	Messrs. Bennett & Co.	Printing & Newspaper Publishing Office	Brick, and iron roof.	Unknown	.....	Insurance on building and contents, Aust. Mutual Ins. Co., £25,000, of which £15 is retained in other offices.	"	A rear building of two floors, about 90 x 75 feet, together with contents, used as printing room, comprising publishing office, burned out and roof off.	M.P.F., with steam fire engine and by means, assisted by several Vol. Co's.
"	"	"	"	J. J. Harrocks Hyson Haine Thomas Buckland	"	"	"	.....	.....	"	Print building of 4 floors, about 90 x 45 feet, used as counting house, composing room, and literary department, &c., together with private office; two top floors burned out and roof off; two lower floors and contents under severely damaged by fire and water.	"
"	"	"	"	Messrs. Traill & Co.	General Importers	"	"	.....	Insurance on building and contents, Aust. Mutual £7,000, of two of which is retained in other offices.	"	Back warehouse used as paper store; four top windows burned out, and part of stock slightly damaged by water.	"
"	"	"	63, Market-street	Frederick Dawson D. Jones W. Nathan	Chemist Tailor	"	"	.....	Guarantee, £2,000; Aust. Mutual, £1,000; Imperial	"	Doors of side fits slightly damaged by fire.	"
"	"	"	"	E. Why	Drapery & milliner	Brick, and slating's roof.	"	.....	Northwick Union	"	About 6 x 10 feet of slating's roof burned; ceiling under and contents slightly damaged by water; plate glass window broken.	"
Sunday, 25 Nov.	7-30 a.m.	7-35 a.m.	Thomas-street, Balaclava	Mr. T. Dymock	"	"	"	.....	None	"	—Dynamite, aged, severely burned; since dead.	"
Monday, 26 Nov.	8-35 p.m.	8-42 p.m.	Corner of Judge-street and Judge-lane, Wood-loom-road	Mrs. Middle	Private dwelling	Brick, and slate roof	Foul chimney	.....	None	"	A shed building in rear of premises, used as carpenter's shop, slightly damaged by fire.	Ironmoss and Balaclava Vol. Co., with buckets of water.
"	1-35 p.m.	1-40 p.m.	Milson's Park, St. Leonards	Alfred Milson	Private dwelling	Wood	Unknown	.....	None	"	A small portion of rafters damaged by fire and cutting away.	M.P.F., with hand-pump and buckets of water.
Thursday, 29 Nov.	7-0 a.m.	No call	100, William-street, Woodloom-road	Messrs. Chapman Bros.	Grocer	Brick, and iron roof.	Fire	.....	North British and Mercantile, £1,000	"	Roof and back portion of shed used as wood-house and front house, together with portion of fencing, damaged by fire. Previous fire, 2nd August, 1888.	Burned itself out.
"	8-28 p.m.	8-32 p.m.	Corner of Crystal and Fisher Streets, Tever-sham	Thomas Kennedy	Private dwelling	Brick, and slating's roof	"	.....	Aust. Alliance, £500	"	A small quantity of wearing apparel, a few books, and wardrobe slightly damaged by fire in back room on ground floor.	Ironmoss, with buckets of water.
Friday, 30 Nov.	2-30 a.m.	2-38 a.m.	Corner of Campbell and Westford Streets	—Cooper	Coffee-stall keeper	Wood, and iron roof.	Unknown	.....	None	"	A shed building, about 24 x 15 feet, used as coffee-stall, burned out and fallen down.	M.P.F., with stand-pipe.
Saturday, 1 Dec.	8-44 p.m.	8-45 p.m.	114, Globe Road	W. B. Pearson	Private dwelling	Brick, and iron roof.	Gas bracket	.....	None	"	Window curtains burned in front room on ground floor.	Globe Vol. Co.
Trinity, 4 Dec.	2-14 a.m.	2-20 a.m.	Harrington Road and Berkeley-street, Leichhardt	D. Collinson	Bootmaker	"	Hot ashes	.....	None	"	About 1 foot of fence and a rubbish-box slightly damaged by fire.	North-horn, with buckets of water.

* All adjoining and communicating. 1 Not in newspaper report.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an Inquest recommended?	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1888. Tuesday, 4 Dec.	10-30 a.m.	No call.	39, Portman-street, Waterloo.	W. L. Matthews	Grocer	.....	.....	.....	None	..	Emily Rachel Matthews, aged 21 years, while lighting the fire, had a fit, and fell into the fire, causing her to be burned severely about the hands and face; taken to the Prince Alfred Hospital.	
"	12-16 p.m.	"	22, Dangar-place, off Abercrombie-street.	J. Martin	Private dwelling.	Brick, and slating roof.	Fire, careless use of.	.....	"	No	Small portion of strut of wall burned at back of building	Workman, with buckets of water.
"	9-30 p.m.	"	123, Oxford-street	E. Walton	Provision dealer.	Brick, and iron roof.	Smoking meat	Phoenix	"	"	Empty cask and a few hams damaged by fire in yard at rear of premises.	Paddington Brewery Vol. Co., with buckets of water.
Wednesday, 5 Dec.	2-45 a.m.	2-49 a.m.	53, William-street, Woolloomooloo.	T. Hart	Licensed victual- ler, "Centennial Hotel."	Brick, wood, and iron, with iron roof.	Light thrown down.	United, £3,500	"	"	Back parlour, dining-room, and bedroom on ground floor burned out, and roof off; bar underneath same, also front bar and rest of house of six rooms and contents severely damaged by fire, heat, smoke, and water.	M.F.B., with steamer and hydrant.
"	"	"	60, William-street	H. Rohu	Taxidermist	Wood and iron, with iron roof.	.....	Australian Mutual	Australian Mutual, £250.	"	Roof and contents of workshop in rear of premises slightly damaged by fire and water.	
Friday, 7 Dec.	"	No call.	Amy-street, off Blyth- street, Macdonaldtown.	Louisa Stewart	.....	.....	.....	.....	.....	"	Louisa Stewart, aged 44 years, burned about the body, caused by her night clothes catching fire; taken to Prince Alfred Hospital.	
"	9-0 p.m.	"	Rear of 177, Elizabeth- street.	A. Robins	Private dwelling.	Brick, and iron roof.	Matches, children playing with.	.....	City Mutual	"	Bed and bedding slightly damaged by fire in front room on first floor.	Inmates and Darling- ton Vol. Co., with buckets of water.
"	10 p.m.	No call.	3, Walker-st., Redfern	C. H. Elmes	Butcher	.....	Gas bracket	.....	None	"	Two window-curtains burned, and a small quantity of wearing apparel slightly damaged by fire and water in front room on first floor.	Inmates and neigh- bours, with buckets of water.
Sunday, 8 Dec.	1-10 a.m.	1-19 a.m.	2, Pyramont Bridge Road S.	D. Bennett	Tobacconist and hairstresser.	.....	Unknown	.....	Australian Mutual, £130.	"	Front shop, used as tobacconist's and hairdresser's saloon, with contents, damaged by fire and water.	M.F.B., with stand- pipe.
"	1-20 a.m.	1-30 a.m.	107, Pitt-street	George Beumann	Restaurant	Brick & wood, with slate roof.	Hot ashes	.....	Colonial Mutual	No	A small portion of wooden and glass partition burned, be- tween back yard and bakery, on ground floor.	Inmates, assisted by M.F.B., with buckets of water.
"	9-14 a.m.	9-16 a.m.	Corner of York and Erskine Streets	John Hickham	Licensed victualer "Occidental Hotel."	Brick, and slate roof.	Light thrown down.	.....	South British	"	Bed and bedding damaged by fire in back room on first floor.	Inmates, with buckets of water.
Tuesday, 11 Dec.	10-40 p.m.	10-43 p.m.	The "Corso," Manly	Maigan Lates	Dressmaker and milliner.	Brick, and iron roof.	Gas bracket	N.S.W. Corp., £1,050; plate- glass in the N.S.W. Plate- glass Ins. Co.	None	"	Stock in front shop window, consisting of millinery, &c., damaged by fire and water; plate-glass windows broken and paintwork slightly scorched.	Inmates and neigh- bours, with buckets of water.
Wednesday, 12 Dec.	6-45 p.m.	6-57 p.m.	58, Harbour-street, Dar- ling Harbour.	A. Lackertlein	Jam manufacturer	.....	Light thrown down.	Scott, Union and National, £1,000; Aust. Traders, £1,000.	.....	"	A small quantity of stock, consisting of jam, &c., slightly damaged by fire and water on first floor; back door broken open by police.	Police and neigh- bours, with buckets of water.
Monday, 17 Dec.	5-36 p.m.	5-30 p.m.	62, Margaret-street	Messrs. Alex. Gray & Co.	Ship brokers and mining agents.	.....	Matches, careles- ness with.	Liverpool and London & Globe, United, Imperial.	Tucillo, £250	"	Office drawers, pigeon holes, and wooden partition, together with office materials, damaged by fire and water; rest of contents, consisting of office effects, damaged by heat, smoke, and water; front door of office broken open by strangers.	Neighbours, assisted by M.F.B., with buckets of water and hand-pump.
Wednesday, 19 Dec.	5-30 p.m.	No call.	1, Mitchell Road, Alex- andria.	Richard Hayward	Private dwelling	Brick, and slate roof.	Lightning	.....	.....	"	About 18 inches of flooring, together with door leading to balcony in front room on first floor, slightly damaged by fire; chimney severely damaged by lightning, and part fallen down; roof damaged by breakage.	Inmates, with buckets of water.
"	5-50 p.m.	7-25 p.m.	Corner of Parramatta and Globe Point Roads.	Unoccupied	Building in course of erection.	.....	Lime, slaked by rain.	None	.....	"	A small quantity of old building materials, together with about twelve sacks of lime, slightly damaged by fire and water in front shop on ground floor.	Police and citizens, with buckets of water.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an Inquest recommended?	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
Wednesday, 19 Dec.	11-30 p.m.	No call.	Albion-street	Mrs. Brown	Licensed victu- ler, "Comet Hotel."	Brick, and iron roof.	Gas, seeking for an escape, with light.		Com. Union	No.	A small quantity of paper around the gas chandelier burned in front bar on ground floor.	Inmates.
Thursday, 20 Dec.	9-45 p.m.	9-47 p.m.	Miller-street, Fyrmont	Messrs. Wallace & Sons	Saw-mills and timber mer- chants.	Wood and iron, and iron roof.	Furnace, over- heat of.	North British, £1,000; Col. Mutual, £600; Royal, £600.		..	Boiler house, about 20 x 30 feet, severely damaged by fire..	M.F.B., with stand- pipe.
Friday, 21 Dec.	9-0 p.m.	9-45 p.m.	70, Botany-street	W. Wood	Private dwelling	Brick, and slate roof.	Gas bracket		None	..	Mosquito curtains burned; bed and bedding slightly damaged by fire and water in back room on first floor.	Inmates, assisted by Paddington Brew- ery Vol. Co., with buckets of water.
	11-50 p.m.	No call.	Avoca-street, Randwick	G. F. Dawson	Hairdresser and tobacconist.	Brick, and iron roof.	Light thrown down.	City Mutual	Mercantile Mu- tual, £300.	..	Small portion of stock, consisting of tobacco, cigars, matches, &c., together with shelving, burned in front shop on ground floor; rest of contents of shop damaged by heat and smoke; window and door of front room on first floor broken open by neighbours.	Neighbours and in- mates, with buckets of water.
Saturday, 22 Dec.	8-0 a.m.	8-12 a.m.	282, George-street, (city)	Messrs. J. Scott & Co.	Stationers and printers.	Brick, and iron roof.	Spontaneous ignition.		Phoenix, £2,000; Hong Kong, £2,000; United Australian Mut- ual, £1,000; New South Wales Assurance Com- pany, £2,000; Imperial, £1,000; Lion, £1,000; South British, £1,000; Fire, Marine and Acci- dent, £2,000.	..	A box, containing rubbish and oily waste, burned on third floor; portion of contents, consisting of prints, paper and machinery, slightly damaged by water; small portion of contents in floors under also slightly damaged by water.	Employees, with buckets of water.
Sunday, 23 Dec.	11-25 a.m.	11-50 a.m.	Buckland-street, off King-street, Newtown.	G. Fletcher	Butcher	Brick, and iron roof.	Light thrown down.			..	A small quantity of wearing apparel, together with a por- tion of the carpet, burned in back room on first floor.	Inmates, with buckets of water.
Tuesday, 25 Dec.	About 4-55 a.m.	5-11 a.m.	13, Church Hill (city)	Mrs. Mary Hayes	Licensed vict- ualler, "Went- worth House Hotel."	Brick, and slate roof.	Unknown	Phoenix, £2,000; Victoria, £1,000.	Victoria, £2,000.	Yes.	A building of three floors and basement, containing 18 rooms, together with contents, nearly burned out and roof off; bar on ground floor and basement, together with contents, used as bed rooms, severely damaged by water. Mr. Edgar Caulfield, aged 27 years, and Mr. G. T. C. Armstrong, aged 29 years, killed by falling from the roof.	M.F.B., North City, and Standard Brew- ery Vol. Co's., with steam fire engines and stand-pipes.
Tuesday, 25 Dec.	11-13 p.m.	11-19 p.m.	60, Wexford-street	James Carroll Mrs. Agnes Inghs	Office, estate agent. Private dwelling.	Brick, and iron roof.	Smoking tobacco		None	No.	Contents of a room in basement, damaged by water. A small quantity of wearing apparel, &c., slightly damaged by fire in front room on first floor.	Police and inmates, with buckets of water.
Wednesday, 26 Dec.	4-20 p.m.	4-20 p.m.	143, Regent-street (city)	J. Carty	Ironmonger (retail).	Brick, and slate roof.	Light thrown down.	Aust. Mutual, £1,200.	City Mutual— Stock, £400; Furniture, £350.	..	Cupboard and contents under staircase burned out; stair- case to first floor damaged by fire; back room and front shop on ground floor, slightly damaged by smoke and water; front and back doors and back window broken open by strangers.	M.F.B., with hydrant
Wednesday, 26 Dec.	5-30 p.m.	No call.	Bruce-street, off Bourke-street.	Unoccupied	Private dwelling.	Weatherboard, and iron roof.	Incuriarism	Aust. Mutual, £100.		..	A weatherboard cottage of 2 rooms. Portion of wooden lining and ceiling of back room damaged by fire.	Neighbours, with buckets of water.
Thursday, 27 Dec.	10-10 p.m.	10-16 p.m.	5, London-street, Newtown.	Martin Flaherty	Cab proprietor	Wood, and iron roof.	Light thrown down.		None	No.	About 2 x 2 feet of shed building and 8 bales of straw damaged by fire in rear of premises.	Inmates, with buckets of water.
Friday, 28 Dec.	1-20 a.m.	1-28 a.m.	49, Cleveland-street, Darlington.	Reuben J. Jacobs	Butcher	Wood and iron, and iron roof.	Unknown	Aust. Mutual, £500.	Aust. Mutual, £200.	..	A shed building of 2 floors, about 50 x 30 feet, lower por- tions used as stables, with lofts, containing a quantity of fodder, nearly burned out and roof off.	Darlington Vol. Co., and M.F.B., with stand-pipes.
Friday, 28 Dec.	10-10 p.m.	10-14 p.m.	119, Harbour-street	S. Buerley	Private dwelling.	Brick, and iron roof.	Kerosene lamp, explosion of		None	No.	No damage to premises; lamp broken by explosion in back room on ground floor.	Inmates, with buckets of water.
Saturday, Dec.	7-30 a.m.	7-40 a.m.	1, Clarence-cane, off Charlotte-place	Mr. Lee	Private dwelling.	Brick, and slate roof.	Matches, child- ren playing with		None	No.	Bed, bedding, and a small quantity of wearing apparel, damaged by fire in front room on first floor; ceiling under slightly damaged by water.	Police, inmates, and North City Vol. Co., with buckets of water.
Monday, 1 Dec.	4-54 p.m.	4-56 p.m.	Rear of 334, Kent-street.	Messrs. Lyon & McWell.	Photo., publisher &c.	Brick, with iron roof.	Spirit lamp, defect in.		Mercantile Mutual, £150.	No.	A small quantity of methylated spirit destroyed in back room on top floor.	Employees, with buckets of water.

SUMMARY of Localities for 1888.

City and Suburbs of Sydney.	Class of Fires.									Total Fires.	False Alarms.	Chimney Alarms.		Grand Total.
	Slight.			Serious.			Total.					Attended with engines, and reported as house fires.	Attended with hand-pump only.	
	In-sured.	Not in-sured.	Un-known.	In-sured.	Not in-sured.	Un-known.	In-sured.	Not in-sured.	Un-known.					
CITY—														
Bourke Ward	12	1	...	...	...	...	...	...	...	13	6	...	1	20
Brisbane „	10	...	4	4	...	...	...	...	...	18	2	...	4	24
Cook „	12	...	8	1	...	...	...	1	...	22	1	...	1	24
Denison „	13	4	6	1	...	...	1	...	...	25	1	...	6	32
Fitzroy „	6	...	2	2	...	...	...	...	...	10	1	1	3	16
Gipps „	12	1	5	...	...	...	1	...	...	19	1	1	3	24
Macquarie „	12	...	3	4	...	...	...	...	...	21	2	...	8	31
Phillip „	5	...	4	1	...	...	...	...	...	10	1	4	8	23
SUBURBS—														
Alexandria	2	1	3	...	...	...	...	...	1	7	3	...	1	11
Ashfield .....	...	1	...	...	...	...	...	...	...	1	...	...	...	1
Balmain	4	2	...	1	...	...	1	1	...	9	...	...	3	12
Botany .....	...	...	...	...	...	...	...	...	...	...	1	...	...	1
Burwood	1	2	...	...	...	...	...	...	...	3	3	...	1	7
Camperdown	1	...	...	...	...	...	...	1	1	3	...	...	...	3
*Canterbury .....	...	...	...	...	...	...	1	...	...	1	1	...	...	2
Darlington	2	...	...	...	...	...	...	...	...	2	...	1	...	3
*Fairfield .....	...	...	...	...	...	...	...	...	...	...	1	...	...	1
Globe	1	2	7	...	...	...	...	...	...	10	2	...	2	14
Leichhardt	4	...	...	1	...	...	2	...	...	7	2	1	...	10
Macdonaldtown	1	...	...	...	...	...	...	1	...	2	...	...	...	2
Manly	3	...	...	...	...	...	...	...	...	3	...	...	...	3
Marrickville .....	...	...	1	...	...	...	3	...	...	4	...	...	...	4
Newtown	5	1	3	...	...	...	...	1	...	10	1	1	...	12
Paddington	5	2	3	...	...	...	...	...	...	10	...	...	5	15
Parramatta	2	3	1	...	1	...	...	...	...	7	1	...	4	12
Petersham	1	1	2	...	...	...	1	...	1	6	1	...	...	7
Redfern	7	1	7	1	...	...	...	...	...	16	...	1	1	18
Randwick	1	...	...	...	...	...	2	...	...	3	2	...	...	5
St. Leonards	2	...	1	...	...	...	2	...	...	5	...	...	...	5
St. Leonards East	3	...	...	1	...	...	...	...	...	4	...	...	...	4
St. Peter's .....	...	...	...	...	...	...	1	...	...	1	...	...	...	1
Waterloo	2	2	2	1	...	...	1	...	...	8	...	...	...	8
Woolahra	1	1	1	...	...	...	...	...	...	3	2	...	...	5
Waverley .....	...	...	1	...	...	...	1	...	...	2	...	...	...	2
The Harbour	1	...	...	...	...	...	...	...	...	1	...	...	...	1
	131	25	66	18	1	...	17	5	3	266	35	10	51	362
Casualties .....	...	...	...	...	...	...	...	...	...	...	...	...	...	22
Total.....	131	25	66	18	1	...	17	5	3	266	35	10	51	384

NOTE.—Marked thus (*) are not in the M.F.B. area.

SUMMARY of Trades for 1888.

Trades, &c	Class of Fire.									Grand Total.
	Slight.			Serious.			Total.			
	Insured.	Not insured.	Insurance unknown.	Insured.	Not insured.	Insurance unknown.	Insured.	Not insured.	Insurance unknown.	
Auctioneer	1									1
Agent, commission, or otherwise	1			1						2
Bedding manufacturers								1		1
Boarding-houses	1		2							3
Bootmakers	1	1					1			3
Builders	3									3
Buildings in course of erection		1	1							2
Butchers	4		5							9
Bedstead-makers	1									1
Cab, omnibus, and van proprietors		1								1
Coach-builders	2									2
Coffee palaces	1									1
Coffee houses								1		1
Confectioners	1		1							2
Chemists	1									1
Cabinet-makers	2									2
Churches	1	1								2
Dispensaries	1									1
Druggists, wholesale	1									1
Drapers and milliners	4	1								5
Dressmakers	1									1
Dairy-keeper								1		1
Delivery agents			1							1
Engineers		2	1							3
Fruiters and greengrocers	3		1				1			5
Furniture-dealers	1			1						2
Furniture warehousemen					1					1
General dealers	4		2				1			7
Grocers	13		1	4						18
General importers	3									3
Government railway and tramway sheds.		1								1
Hatters	1									1
Hay and corn dealers	1						1			2
Hairdressers	5									5
Herbalists	1									1
Halls, public, &c.	1									1
Ice-chest makers			1							1
Ironmongers	2	2	1							5
Jam manufacturers	1									1
Licensed victuallers	13	1	5	2			1			22
Leather and grindery stores				1						1
Museums	1									1
Offices	1			1						2
Outhouses	1									1
Potteries		1								1
Produce merchants							2			2
Photographers	1									1
Private dwellings	25	10	38	1			5	2	2	83
Private dwellings (unoccupied)	1	1	3	2			2		1	10
Printers	2			3						5
Provision dealers	2									2
Poulterers	1									1
Perambulator-manufacturers	1									1
Refreshment saloon	1									1
Restaurant	2	1								3
Rope-makers			1							1
Saddlers and harness-makers				1						1
Schools	1									1
Ships, tugs, boats, &c.	2									2
Stables, livery or otherwise	2	1					2			5
Stationers and booksellers	2									2
Spice manufacturers	1									1
Shipbrokers, &c.	1									1
Sheds (unoccupied)	1		1							2
Skating rinks	1									1
Timber merchants	2		1							3
Tobaccoists	1									1
Tanners and curriers							1			1
Wine and spirit merchants	1									1
Wool works				1						1
Zoological Society	1									1
Totals	131	25	66	18	1		17	5	3	266

Hourly and Daily Summary of Calls for 1888.

Hour.	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Total.
A.M., 1st.....	2	1	1	1	1	2	1	9
" 2nd.....	5	...	2	1	2	3	1	14
" 3rd.....	1	1	2	2	3	1	...	10
" 4th.....	...	4	...	2	2	5	5	18
" 5th.....	1	2	2	1	1	...	4	11
" 6th.....	1	1	4	...	...	...	...	6
" 7th.....	1	...	2	...	1	2	...	6
" 8th.....	1	3	...	...	...	2	2	8
" 9th.....	...	...	1	2	...	...	1	4
" 10th.....	2	1	2	2	1	1	...	9
" 11th.....	2	...	2	...	2	...	1	7
" 12th.....	3	2	...	4	1	2	...	12
P.M., 1st.....	2	4	6	3	1	3	1	20
" 2nd.....	5	...	2	2	1	2	1	13
" 3rd.....	...	4	1	1	7	3	...	16
" 4th.....	2	2	3	...	...	2	1	10
" 5th.....	3	3	...	2	3	6	1	18
" 6th.....	5	6	1	5	3	3	3	28
" 7th.....	3	2	4	2	5	3	1	20
" 8th.....	1	4	2	5	5	6	7	30
" 9th.....	3	2	7	4	5	6	3	30
" 10th.....	1	4	3	...	6	6	2	22
" 11th.....	1	3	10	3	3	5	1	26
" 12th.....	1	1	3	3	1	3	3	15
Casualties.....	46	52	60	45	54	66	39	362
Totals.....	46	52	60	45	54	66	39	384

Weekly Summary of Calls for 1888.

Week.	Casualties.	False Alarms.	Chimney Alarms.	Fires.	Total.	Week.	Casualties.	False Alarms.	Chimney Alarms.	Fires.	Total.
1st ending Jan. 7th	...	1	1	4	6	25th ending July 14th	...	2	7	5	14
2nd " " 14th	...	...	...	2	2	29th " " 21st	...	1	3	7	11
3rd " " 21st	...	1	...	8	9	30th " " 28th	...	1	5	7	13
4th " " 28th	...	...	...	10	10	31st " Aug. 4th	...	1	3	9	13
5th " Feb. 4th	...	...	...	2	2	11th " " 11th	...	...	1	1	2
6th " " 11th	...	...	...	6	6	33rd " " 18th	...	3	2	1	6
7th " " 18th	3	1	...	3	7	34th " " 25th	...	1	1	3	5
8th " " 25th	2	...	...	3	5	35th " Sept. 1st	...	1	1	5	7
9th " March 3rd	...	...	...	4	4	36th " " 8th	...	...	3	3	6
10th " " 10th	...	2	1	1	4	37th " " 15th	...	...	1	3	4
11th " " 17th	...	...	1	8	9	38th " " 22nd	...	...	...	6	6
12th " " 24th	...	1	1	8	10	39th " " 29th	...	...	...	2	2
13th " " 31st	...	...	...	2	2	40th " Oct. 6th	1	...	1	5	7
14th " April 7th	2	1	1	3	7	41st " " 13th	...	...	...	1	1
15th " " 14th	2	...	1	4	7	42nd " " 20th	...	...	2	7	9
16th " " 21st	1	1	2	9	13	43rd " " 27th	...	...	1	6	7
17th " " 28th	...	...	1	8	11	44th " Nov. 3rd	...	1	...	5	6
18th " May 5th	...	...	2	3	5	45th " " 10th	1	2	...	7	10
19th " " 12th	1	...	...	5	6	46th " " 17th	...	1	...	8	9
20th " " 19th	...	...	1	7	8	47th " " 24th	...	1	2	7	10
21st " " 26th	1	...	...	4	5	48th " Dec. 1st	1	1	1	7	10
22nd " June 2nd	2	2	2	4	10	49th " " 8th	2	2	1	6	11
23rd " " 9th	...	...	...	1	1	50th " " 15th	...	...	...	5	5
24th " " 16th	...	...	4	10	14	51st " " 22nd	...	...	1	8	9
25th " " 23rd	1	...	4	7	12	52nd to end of the year	...	3	...	10	13
26th " " 30th	2	2	3	4	11						
27th " July 7th	...	...	...	2	2	Total.....	22	35	61	266	384

Monthly Summary of Calls for 1888.

Months.	Casualties.	False Alarms.	Chimney Alarms.		Class of Fire.									Grand Total.
			Attended with engines, and reported as house fire.	Attended with hand-pumps only.	Slight.			Serious.			Total destruction.			
					Insured.	Not insured.	Insurance unknown.	Insured.	Not insured.	Insurance unknown.	Insured.	Not insured.	Insurance unknown.	
January.....	2	...	1	13	4	4	...	1	...	1	...	1	27	
February.....	1	...	...	7	2	0	...	2	...	...	...	...	18
March.....	5	3	3	10	1	8	...	...	...	1	...	1	32
April.....	5	4	5	8	2	11	2	...	...	1	...	...	38
May.....	4	2	1	2	12	3	1	3	...	2	1	...	31	
June.....	2	2	3	10	10	2	5	1	...	1	3	...	39	
July.....	1	5	3	12	12	2	7	3	...	2	...	1	48	
August.....	5	2	6	6	1	2	2	...	...	1	...	...	25
September.....	...	1	3	10	2	2	...	...	...	1	...	...	19
October.....	1	...	4	11	2	5	1	...	...	3	...	...	27
November.....	2	5	3	15	3	5	3	...	...	3	1	...	40
December.....	2	6	2	17	1	10	1	...	...	1	...	...	40
Totals.....	22	35	10	51	131	25	66	18	1	...	17	5	3	384

COMPARISON of Calls for the years 1879 to 1888.

	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	1888.	Total.
False alarms	33	36	35	39	60	50	42	32	14	35	376
Chimney alarms	174	192	117	60	45	46	64	40	60	61	839
Fires, slight.....	54	57	54	75	80	91	160	150	174	223	1,117
„ serious	5	4	12	12	10	15	13	21	18	19	129
„ total destruction.....	10	18	25	26	14	23	23	34	15	25	213
	276	307	343	212	209	225	302	277	281	362	2,694

SUMMARY of Causes of Fires for 1888.

Boiling over—fat, oil, tar, &c.....	1	Lamp, kerosene, upsetting of	5
Burning rubbish	1	„ spirit, explosion of	1
„ grass	1	Light, thrown down	41
Candle	27	Lime, slaked by rain	2
Chemicals, explosion of	3	Light, coming in contact with curtain	4
Children playing with matches	15	Lightning	1
„ fire.....	1	Matches, carelessness with	6
Doubtful and unknown	58	„ rats at	6
Fire, careless use of	8	Oven, overheat of	1
Fireplace, wood falling from.....	4	Smoking, fish	1
Fireworks	1	„ meat	4
Flue, defect in.....	3	„ tobacco	11
Friction of machinery.....	1	Spark from bush fire	1
Furnace, overheat of	5	„ forge	1
Flue, foul	4	„ fireplace	2
Gas brackets or gas burners	8	„ furnace	1
Gas, explosion of	2	„ chimney of house	3
„ seeking for an escape of, with light	3	Spontaneous ignition	3
„ pipe, defect in	1	Stove, overheat of	1
„ fittings, defect in	1	„ gas, overheat of	1
Hot ashes	4	„ „ cloth coming in contact with	1
Incendiarism	6		
Intoxication	2		
Lamp, kerosene, explosion of	6		
		Total	205

SUMMARY of how Calls were reported to the Brigade for 1888.

Call given by	Casualties.	Fires.	False Alarms.	Chimney Alarms.		Total Calls.
				Reported as House Fires.	Attended by hand-pump only.	
Account of fires in newspapers	22	12				34
Alexandria Volunteer Fire Company.....		4	3	1		8
Balmain Volunteer Fire Company.....		4				6
Barwood Volunteer Fire Company.....			2			2
Cabmen		8				8
Central Police Station (per telephone)		46	3		7	56
Citizen		48	5	1	32	86
Council Chambers (per telephone)		1	1			2
Darlington Volunteer Fire Company.....		2		2	1	5
Fire alarm telephone.....		6	1			7
General Post Office (Telephone Exchange)		50	4			54
Glebe Volunteer Fire Company		7	3			10
Insurance Companies (information from)		4				4
Leichhardt Volunteer Fire Company.....		4	3	1		8
Mainly Volunteer Fire Company.....		2				2
Members of Brigades.....				1	4	5
Newtown Volunteer Fire Company		12	2			14
Night Watchman		3			1	4
North City Volunteer Fire Company.....		1		1		2
No. 1 Volunteer Fire Company		1	1	1	1	4
Paddington Volunteer Fire Company		5				5
Paddington Brewery Volunteer Fire Company		11	1	1		13
Parramatta Volunteer Fire Company, No. 1		2	1			3
Parramatta Volunteer Fire Company, No. 2		2				2
Police constables (direct from fires)		9			1	10
Pymont Police Station (per telephone)		5				5
Redfern Volunteer Fire Company		5				5
Reflections and seen from Brigade Station		1			3	4
St. Leonards Volunteer Fire Company		7				7
Standard Brewery Volunteer Fire Company		10		1		11
Theatre Royal Volunteer Fire Company		1			1	2
Waterloo Volunteer Fire Company		5				5
Waverley Volunteer Fire Company		2	2			4
Woollahra Volunteer Fire Company		4	1			5
Total.....	22	206	35	10	51	384

Note.—Second calls were also given for several of the above by the Fire Alarm Telephones.

A Bill to amend the "Fire Brigades Act, 1884."

WHEREAS it is expedient that the Fire Brigades Act of 1884 should be amended and that better provision should be made for the prevention and extinguishment of fires and for other purposes hereinafter mentioned. Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. It shall be lawful for the Metropolitan Fire Brigades Board with the consent of the Governor in Council from time to time to borrow such moneys as the Board shall deem necessary in order to enable the Board to carry out and perform the powers authorities and duties vested in or conferred or imposed upon the Board by this or the principal Act and shall have power with the like consent to issue debentures under the seal of the Board for the amounts so borrowed together with agreed interest thereon and shall have power to purchase hold alienate and deal with real and personal property of every description.

2. The Board shall have power to frame regulations providing for—

- (i) Insuring discipline and good conduct and obedience to the order of the Superintendent amongst members of Volunteer Fire Companies registered by the Board and such regulations may be enforced by penalties as hereinafter provided in section 31. Regulations.
For Volunteer
Fire Companies.
- (ii) Insuring discipline and good conduct and obedience to the orders of the Superintendent amongst members of the Metropolitan Fire Brigade and to enforce the same by penalties not exceeding in any case thirteen pounds (£13) recoverable in the usual way or at the discretion of the Board by reduction in pay or by fines in accordance with such scale as may from time to time be determined. Metropolitan
Fire Brigade.
- (iii) Framing regulations on all matters in connection with the prevention of fire in any place over which the Board's jurisdiction extends or may be extended. All such regulations when approved by the Governor in Council and published in the *Government Gazette* shall have the full force of law. For prevention
of fire.
- (iv) Framing regulations under sub-section 5 of section 10 of Principal Act with a scale of penalties and when approved by the Governor in Council and published in the *Government Gazette* they shall have the full force of law. Governing sub-
section 5 of
section 10 of
Principal Act.

3. The Board shall have power to institute proceedings against any person or persons who by his or their carelessness or wilful intent may cause any dangerous or inflammable material or substance to be stored stacked or placed in or upon or adjacent to any building wharf or bond contrary to the provisions or spirit of any Act whereby any property whatsoever might be endangered or risked by either explosion spontaneous ignition or by the careless or wilful deed of any person or persons. It shall be lawful for the Board from time to time to frame a schedule or schedules of dangerous substances and also regulations governing the storage warehousing and accumulation of the same and likewise a scale of penalties for any infringement of such regulation such schedule penalties and regulations which when approved by His Excellency the Governor and published in the *Government Gazette* shall have the force of law.

4. With regard to the following businesses that is to say the manufacture of gunpowder or of detonating powder or of matches ignitable by friction or otherwise or other substances liable to sudden explosion inflammation or ignition or of vitriol or of turpentine or of naphtha or of varnish or of fireworks or of painted covers or of oilcloth and other manufactures dangerous on account of the liability of the materials or substances employed therein to cause sudden fire or explosion so far as relates to the carrying on of any such business in the neighbourhood of public ways or buildings it shall not be lawful for any person to establish or newly carry on such businesses or any of them either in any building or vault or in the open air at a less distance than forty feet from any public way or than fifty feet from any other building or any vacant ground belonging to any other person than his landlord and if any such businesses or any of them be now carried on in any situation within such distances then from the expiration of a period of five years next after the first day of January it shall not be lawful to continue to carry on such businesses or any of them in such situation and if any person establish anew any such businesses or any of them or carry on any such businesses or any of them contrary to this Act then on conviction thereof before two Justices or a Stipendiary Magistrate such person shall be liable to forfeit for every day during which such businesses shall be so carried on a sum not less than five pounds and not exceeding fifty pounds as the said Justices or Stipendiary Magistrate shall determine and it shall be lawful for the Justices or Stipendiary Magistrate also to award to the prosecutor such costs as shall be deemed reasonable and if the offender either fail or refuse to pay such penalty and costs immediately after such conviction then they may be levied by distress of the goods and chattels of the person convicted or if there be no such distress then such person shall be committed to the common goal for any time not exceeding six months at the discretion of such Justices or Stipendiary Magistrate by warrant under the hands and seals of two or more such Justices of the Peace or Stipendiary Magistrate. Businesses
dangerous to
fire.

Penalty.

5. It shall be lawful for the Superintendent or any police constable having reasonable grounds to suspect any person of having explosives or explosive substances as defined in Section 4 of the Gunpowder and Explosive Consolidation Act of 1876 on any premises within the City of Sydney or any Borough as defined by the Municipalities Act 1867 contrary to the provisions of the Gunpowder Explosive Consolidation Act of 1876 or any amendments thereof under the written direction of the Chairman of the Board or of the Mayor or Chairman of any Municipal District or Borough not included in the jurisdiction of the said Metropolitan Board for any district to enter in and upon and search such premises and to seize and detain any such explosive or explosive substances as aforesaid found on such premises for the purpose of being produced on the hearing of any information or complaint against any person under the aforesaid Gunpowder and Explosive Consolidation Act of 1876 and if admittance to the Superintendent or such police constable is in any case refused or wilfully delayed the person so offending shall forfeit and pay a penalty of not less than five pounds nor more than fifty pounds. Superintendent
or police con-
stable to enter
premises in
search of
explosives.

6. The Superintendent or the Board by its authorized officers servants or agents may without being deemed wrongdoers break into any place where the property of the Board is detained contrary to the order of the Superintendent or Board and may remove the same. Any person obstructing the Superintendent or the Board's officers servants or agents shall be liable to a penalty not exceeding twenty pounds. Penalty.
Detention of
Board's property
Obstruction to
Board or the
Superintendent.
Suspicious
circumstances of
a fire.

7. When in the opinion of the Board or Superintendent the circumstances connected with a fire are sufficiently suspicious as to warrant an inquiry being held into them it shall be lawful for any Insurance Corporation or Company Association or Underwriters to withhold payment of the sums claimed under their policies affected thereby at the request of the Board or Superintendent notwithstanding anything to the contrary contained in such policies or conditions thereof until such time as the inquiry shall have terminated or in event of there being no inquiry until the Board or Superintendent signifies in writing that this restriction is removed. Insurance Com-
pany can with-
hold amount of
policy until
restriction is
removed by
Board.

8. It shall be lawful for the Board to charge to the officers and members of the Brigade and all other persons who may by the authority of the Board use or occupy any lands houses or property belonging to or vested in the Board such rent as may be agreed upon between the said Board and the said officers and members or other persons and may recover any arrears of the said rent in the same manner and by the same remedies and with the same rights as landlords are by law entitled to recover rents in arrears. And it shall also be lawful for the said Board to deduct from any salary wages or moneys payable by the said Board to any officer or member of the said Brigade or other person employed by or in the service of the Board all such arrears of rent. Recovery of
rents and fines.

9. Where any officer fireman or other person who has been employed by the Board in any capacity under this or the principal Act and has been discharged therefrom continues to occupy any house building room or quarters or premises that may have been provided for his use or any part thereof after notice in writing from the Board to deliver up possession thereof it shall be lawful for any Magistrate on the oath of one witness stating such notice to have been given by warrant under his hand to order any constable to enter into the said house building room quarters or premises occupied by such discharged officer or other person aforesaid and to remove him and his family and servants therefrom and afterwards to deliver the possession thereof to the Board as effectually and to all intents and purposes as the Sheriff having jurisdiction within the place where such house or building room quarters or premises is situate might lawfully do by virtue of a writ of possession or a judgement at law. Failure to
deliver up any
premises in
occupation by
fireman.

10. It shall be lawful for the Superintendent when requested by the owner or occupier of any property on fire or by the duly authorized agent of such occupier to permit any part of the Fire Brigade Members or plant with their engines horses carts escapes and other implements to proceed beyond the limits of the Metropolitan District for the purpose of extinguishing any fire or fires or saving jeopardized property. In such case the owner and occupier of the property as the case may be where the fire has occurred shall be liable to defray all the expenses that may be incurred by the Fire Brigade in so attending and shall pay to the Board such amount as the Board may determine. In default of payment any expenses under this section may be recovered in a summary manner. Brigade may
proceed beyond
limits of Metro-
politan District.

11. The Board may also permit any part of the Fire Brigade Members or plant to be employed on special services upon such terms of remuneration as the Board may think fit.

12. The Board shall have power to hold an inquiry into any matter connected with the administration of this or the principal Act or of the regulations under either and shall have power to call for and examine any witnesses on oath and to call for any books papers documents and articles bearing on the subject of any such inquiry.

13. The evidence of all inquiries made by the Board shall be taken down in writing. Should the evidence tend in the opinion of the Board to criminate any person or persons the Board may forward all evidence to the Colonial Secretary with a request that the necessary steps be taken to criminally prosecute such person or persons should he deem so fit.

14. It shall be lawful for the Board to establish and maintain a Salvage and Patrol Corps consisting of an efficient force of firemen or others and to furnish such Corps with all necessary quarters and with all such appliances horses carts hose accoutrements tools telephones and implements as may be necessary for the complete equipment of the force or conducive to the efficient performance of their duties and the cost and expense thereof shall be defrayed by the Fire Insurance Companies *pro rata* in addition to their contribution as provided under the principal Act.

15. The Superintendent shall by virtue of his office do and have and exercise all the powers of an Inspector under the Act 35 Vic. No. 1 (Storage and Sale of Kerosene Restriction Act) and the Act 40 Vic. No. 1 (The Gunpowder and Explosives Consolidation Act of 1876) or any amendments thereof.

16. The Superintendent shall have free access to any and every part of any building yard or premises or any ship or vessel moored at or near any wharf jetty bridge vessel or building whereon or on board whereof he suspects or believes that any trade or process is carried on which may be dangerous to life or property or that any explosive or explosive substance or inflammable material is there stored kept or placed (excepting in accordance with the Acts 35 Vic. No. 1 and 40 Vic. No. 1) or that empty crates cases or other packages sawdust cuttings or shavings of woods or paper hay straw matting fibre brushwood firewood coal coke wood worked or unworked timber manure rags ashes charcoal rubbish lime or other substances which may in the opinion of the Superintendent cause danger to life and property by fire is stored kept or placed and may deliver or cause to be delivered or posted to the person in occupation of any such ship or vessel house yard or premises or if there shall be no person in occupation then to the owner or lessee thereof or to the master owner or agent of any such ship or vessel a notice in writing requiring such occupier owner lessee master owner or agent to remove from such house yard or premises ship or vessel all such explosive or dangerous materials within the time named in such notice and if default shall be made in complying with such notice the person so making default shall be liable to a penalty not exceeding fifty pounds nor less than five pounds and every person who shall obstruct or hinder the Superintendent in inspecting any such building yard place ship or vessel as aforesaid shall on conviction forfeit and pay a penalty for such offence not exceeding fifty pounds nor less than five pounds.

17. That for the purpose of more effectually regulating the procedure in respect of inquests on fires the sub-section 7 of section 6 of the Fire Brigades Act 47 Vic. No. 3 shall read as follows "after the word purpose in the third line" any case of fire which in the opinion of the Superintendent shall be deemed to have arisen from circumstances of a suspicious character the Coroner for the district shall proceed to hold an inquiry forthwith notwithstanding any provisions of any Act to the contrary.

18. At any judicial inquiry or trial into the causes or circumstances of a fire if it can be proved exhaustively that the fire can have been caused in no other way than by the wilful act of certain person or persons it shall be lawful to commit such person or persons for arson or incendiarism as the case may be (Reg. r. Gardner 1 F. and F. 669).

Evidence may be given of experiments made subsequently to a fire to prove its origin (Reg. r. Hestline 12 Cox C. C. 404).

In any indictment for arson the books of any Insurance Company or Companies interested in the case may be produced to prove the insurance without notice being given to produce the policy.

19. The Board may at any inquest held on any fire be represented by counsel or attorney who may tender evidence and may examine any witnesses. And any Insurance Company interested shall also be entitled by its authorized representative to tender evidence and examine witnesses.

20. On the happening of any loss or damage by fire to any property the Superintendent or the Board by its authorized officers servants or agents may without being deemed wrongdoers enter into the building or place in which such loss or damage has happened and for a reasonable time remain in possession thereof and of any property which is contained therein and in the event of circumstances which in the opinion of the Superintendent or police are of a suspicious nature may continue in possession until due inquiry has been made into the cause or origin of such loss or damage.

21. In order to deter and hinder ill-minded persons from wilfully setting their house or houses or other buildings on fire with a view of gaining the insurance money whereby the lives and fortunes of many families may be lost or endangered be it enacted that it shall and may be lawful to and for any fire insurance company or companies to cause the insurance money to be laid out and expended as far as the same will go towards rebuilding reinstating or repairing such house or houses or other buildings so burned down demolished or damaged by fire.

22. The Superintendent may if he deem it expedient cause search to be made amongst the *débris* for and may have removed any materials which in his opinion may aid in determining the cause or origin of any fire and may produce in evidence the materials so removed or may require the jury empanelled for any fire inquisition to view such materials *in situ* which from its nature or surrounding circumstances may not be removable. At any inquisition into the origin or cause of fire it shall be lawful to examine into circumstances which though not directly bearing on the actual physical cause of the fire may be of such a character as in the opinion of the Superintendent might throw light on the origin of and may have led to it.

23. It shall be lawful for the Superintendent at any fire to take possession for safe custody until duly authorized by the Board to return to the persons legally entitled thereto all books of accounts papers and other documents safes or other property found in the premises on fire or which may have been removed therefrom.

24. It shall not be lawful for any person or persons except under Municipal authority or by-law to make or cause to be made any fire in the open air within the City of Sydney or any Borough as defined by the Municipalities Act of 1867 at a less distance from any building or enclosure or party wall or party fence or public way than twenty feet under a penalty not exceeding twenty pounds for every such offence.

25. It shall not be lawful for any person or persons to stack or pile any loose hay or straw in the open air within the City of Sydney or Borough as defined by the Municipalities Act of 1867 at a less distance than seventy feet from any building or enclosure or party wall or party fence or public way under a penalty of not less than twenty pounds for every such offence.

26. Every gas or other artificial light supplying Company or person shall forthwith on receipt of notice of any fire occurring within the Municipality or District where their supply is laid on send some competent person to shut off and disconnect the gas or other artificial light supply from the building on fire and those immediately adjoining.

27. Any person wilfully interfering or tampering with damaging or destroying any lock fire-plug hydrant pipe or other apparatus connected with the water supply in any street lane place or premises or wilfully tampering or interfering with any fire alarm or other signalling apparatus for the purpose of either damaging or destroying the same or of giving a false alarm to any station shall be liable to a fine for the first offence of a sum not less than two pounds and not exceeding twenty pounds or seven days' imprisonment for any subsequent offence imprisonment without option of a fine.

28. Any builder contractor or other person who shall cover up or so enclose any lock fire-plug hydrant or other apparatus in connection with any water service so that its situation may be obliterated or it may be difficult or dangerous to gain access to such lock fire-plug hydrant or other apparatus by reason of such obliteration or enclosure shall on conviction forfeit a sum not less than five pounds and not exceeding fifty pounds.

29. Every turncock or inspector employed on any water service shall forthwith on any fire occurring within the District allotted to him proceed with all possible speed to the place where the fire is and assist by all means in his power the supply and service of water through the fire-plugs hydrants or other apparatus to the Fire Brigade.

30. It shall be lawful for the Superintendent at all times to enter upon and examine all buildings in course of erection or of being repaired and also all theatres and buildings for purposes of public entertainment or meeting or for any purposes by which the residents of any city town or place may be brought together and also all manufactories mills and workshops or other buildings in order to ascertain whether all reasonable precautions are being taken to guard against fire and every person who shall obstruct or hinder the Superintendent in inspecting any such theatre manufactory mill warehouse or other buildings

Board to have power to hold inquiries.

Evidence to be in writing.

Salvage Corps.

Superintendent to exercise other powers.

Superintendent to have free access to premises, &c.

Penalty.

Inquests to be held by Coroner. Amendment of sub-section 7 of section 6 of Principal Act. Judicial inquiry—procedure at.

Evidence of experiments respecting origin or cause of fire.

Board may be represented by counsel at inquest.

Remaining in charge of buildings where fire has occurred.

Searching buildings for indication as to cause or origin of fire.

Possession of goods found in premises on fire.

Lighting fires in open air.

To build or to stack fuel and straw. Penalty.

Discontinuance of gas or other artificial light.

Tampering with apparatus &c. connected with water supply. Penalty.

Enclosing or obliterating apparatus in connection with water service. Penalty. Duty of turncock.

Superintendent to enter and examine all buildings in course of erection.

buildings shall be guilty of an offence against this Act and on conviction shall forfeit and pay a sum not less than ten pounds nor more than fifty pounds. And if in the opinion of such Superintendent such reasonable precautions as aforesaid shall not have been or are not being taken he shall forthwith report the same in writing to the Board and shall in such report state what in his opinion is reasonably necessary to be done in order more effectually to guard against injury to the said theatre manufactory mill warehouse or other building by fire or to loss of life or property thereby and shall also forthwith cause a copy of the said report to be delivered or posted to the owner owners or representatives (if known) of the said theatre manufactory mill warehouse or other building and upon receipt of such notice it shall be lawful for the Board to require in writing such owner owners or representatives within a time to be named by the Board to adopt such measures for the preventing damage by fire or to loss of life or property thereby to be named by the Board to adopt such measures for the preventing damage by fire or to loss of life or property thereby to such theatre manufactory mill warehouse or other building as in such writing shall be stated and any such owner owners or representatives who shall fail to comply with such requirements of the Board shall forfeit and pay a penalty not exceeding fifty pounds nor less than two pounds.

31. The Superintendent shall have power, by writing or verbally, or by any means which he may deem most advisable to order any subsidized Volunteer Fire Company or any member or members thereof to attend or abstain from attending any fire and should any such Company or member or members thereof not attend with all reasonable speed or shall not abstain from attending as the case may be at any fire in obedience to such order, it shall be lawful for the Board to deduct from any subsidy payable to such Company such sums as may be deemed by the Board to be adequate to the offence.

32. The Superintendent shall have power to remove or order any fireman or police constable to remove any person who by his or her presence at or near a fire shall interfere with the operations of the Brigade or of any Volunteer Fire Company and if any person shall not remove when ordered by the Superintendent or any fireman or police constable as aforesaid or if any fireman or other person shall disobey the order of the Superintendent while attending at any fire or if any person shall wilfully destroy or damage any apparatus engine hose water-main plug standpipe or hydrant in use at a fire or shall continue after being requested by the Superintendent to desist to use any such apparatus engine hose water-main plug standpipe or hydrant such offender shall be given in charge of the police and shall be liable to a penalty not exceeding five pounds nor less than one pound for each and every offence under this section.

33. Every person who shall wilfully obstruct or interfere with the Superintendent or any member of the Metropolitan Fire Brigade or with any officer thereof when in discharge of their duties or who shall injure or destroy any building engine reel hose pipe ladders or other things belonging to the Board or shall remain in any building belonging to the Board after being ordered by the Superintendent to quit the same or shall retain possession of any property belonging to the Board after being ordered by the Superintendent to give it up shall be liable to a penalty on conviction of not less than two pounds or more than twenty pounds in addition to the estimated damage done.

34. The Superintendent shall have the control and direction of all Fire Companies and engines and the apprentices thereof and shall also be authorized at all times to call out such Fire Companies to any fire which may occur or for the purpose of exercise and all Volunteer Fire Companies and persons aiding in the extinguishment of any fire shall be under the direction of the Superintendent or other officer then present in charge of the Metropolitan Fire Brigade.

35. It shall not be lawful for any persons to constitute themselves into a corps for the purpose of fire extinction outside of their own premises without the consent of the Board. Should such corps fail to obtain registration according to the Board's regulations made in that behalf or should any corps or company previously registered fail to maintain its efficiency to the satisfaction of the Superintendent or to comply with the Board's regulations it shall *ipso facto* cease to have any legal standing so far as regards the principal Act or this amended Act.

36. Any person wearing the registered uniform of a fireman or any part thereof who does not belong to the Fire Company which has so registered the said uniform or who though originally a member of the Fire Company shall continue to wear it after the said Fire Company has ceased to exist as provided in the last preceding section shall be given in charge of the police and shall be liable to a penalty not exceeding five pounds nor less than one pound.

37. If any treasurer secretary officer or other person appointed by such of the members as may be present at any meeting of any Volunteer Fire Company shall be entrusted with or become possessed of any of the moneys books papers documents or property of the Company for or on behalf of the Company and shall not deliver and hand over the same within twenty-four hours after demand thereof made either verbally or in writing by such person or persons as may by the majority of the members present at any meeting of the said Company be appointed to receive the same such treasurer secretary officer or other person shall on conviction thereof forfeit and pay a penalty not exceeding ten pounds nor less than five pounds and shall in addition thereto suffer imprisonment until such demand shall have been complied with.

38. If the chimney of any building or premises within the jurisdiction of the Board shall take fire by reason of the owner or occupant of such building or premises having neglected to cause such chimney to be sufficiently swept or cleaned or from any other neglect of such owner or occupant shall be liable to a penalty of a sum not exceeding five pounds and not less than one pound. And in every case the proof that such chimney fire did not take place through the neglect of any such owner or occupant shall rest entirely with such owner or occupant.

39. In all cases where the owner of any premises whereof a chimney fire has occurred is absent the agent or persons acting for and on behalf of such owner shall be liable for payment of all fines imposed or inflicted upon any such owner. Any person who wilfully sets or causes to be set on fire any chimney shall be liable to a penalty not exceeding five pounds. Provided always that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney from liability to be indicted for felony.

40. The Town Clerk of the City of Sydney or Council Clerk of every Borough or Municipal District within the Metropolitan District shall not later than on the first day of October in each and every year cause to be delivered at the office of the Board a full complete and correct return which by the 17th sec. of the Fire Brigades Act 1884 is required to be furnished to the Board, and any such Town Clerk or Council Clerk who shall fail to cause such return to be delivered as aforesaid shall on conviction thereof forfeit and pay a penalty not exceeding fifty pounds.

41. For the purpose of ascertaining the amount of the contribution by any fire insurance company insuring property within the metropolitan district but which company may not have a representative qualified or authorised to make the declaration required by clause 15 in "Fire Brigades Act 1884" any person firm or company separately or conjointly whose property is insured by such insurance company shall annually in the month of January or at such other time as the Board may from time to time direct transmit to the Board a return showing the amount held at risk by such company on the preceding 31st December and shall verify the same by statutory declaration that such return is a true account and statement of the amount insured by such company on the risk indicated. If such person firm or company shall make default in transmitting such returns and declaration he or they shall be liable to a penalty of not less than five pounds for every day during which such default is made or continued the contribution payable by such insurance company shall be made as provided for in such Act and shall be payable by the insured named in the policy. In default of payment of any contribution within thirty days after it shall become due the insured shall be liable to a penalty of not less than five pounds for every day &c.

42. All penalties contributions or charges under this Amended Act are recoverable in the same manner as provided in the principal Act.

43. A Fire insurance Company shall include any Company which carries on Fire or Marine business separately or conjointly or any individual Underwriter or body of Underwriters which insures against Fire Lightning or Explosion under Fire or Marine Policies or otherwise property of every description including every description of vessel used in navigation whether propelled by oars or otherwise or goods on board goods in transit or contained or deposited in any building or place within the Metropolitan District Companies or Underwriters carrying on Fire and Marine business conjointly shall furnish returns as required under sec. 15 specifying separately the amounts at risk under their Fire or Marine business.

1889.

NEW SOUTH WALES.

FIRE BRIGADES ACT, 1884.

(REPORT OF GOULBURN FIRE BRIGADES BOARD FOR THE YEAR 1888.)

Presented to Parliament, pursuant to Act 47 Vic. No. 3, sec. 7.

The Goulburn Fire Brigades Board to The Colonial Secretary.

Sir,

Goulburn, 17 January, 1889.

We have the honor to present you with the fourth annual report of the Goulburn Fire Brigades Board, and in doing so are pleased to be able to once more inform you that so far as the internal affairs of the Board are concerned they are in a highly satisfactory condition.

The Board have also pleasure in testifying to the thorough efficiency of the Brigade, and to the great interest taken by the superintendent and the members in their work. The Brigade at the close of the year numbered twenty-two.

Seven fires have occurred during the year, viz. —

Locality.	Estimated damage.
A. Bryant's stable	£30; uninsured.
W. G. Cox's flour-mill	£1,000; insured.
Royal Hotel	Slight; do
Do	do do
F. Deacon's cottages	do do
B. T. Ball's residence	do do
Starr's residence	do uninsured.

The Board have held twelve meetings during the year, which have been attended as follows:—Mr. Betts, 9; Mr. Tait (Mayor), 3; Mr. Gannon (Mayor), 4; Mr. Riley, 8.

The Board have pleasure in noting that a Bill to amend the present state of the law affecting country Fire Brigade Boards has been introduced into Parliament, and which it is hoped will shortly become law, so that the status of the country Boards may be without question.

We beg to enclose herewith a statement showing the Board's receipts and payments for the past year.

We have, &c.,

A. M. BETTS,
Chairman.
W. R. RILEY.
H. S. GANNON.

[Enclosure.]

STATEMENT of Receipts and Payments for twelve months ending 31st December, 1888.

Receipts.				Payments.			
		£ s. d.	£ s. d.			£ s. d.	£ s. d.
1888.	To balance in hand		01 7 6	1888.	By printing, advertising, &c. ...	5 12 6	
Jan. 1	Goulburn Municipal Council	134 0 3		Dec. 31 ...	Rent of Office	1 2 6	
Dec. 31	Colonial Treasurer	167 6 2			Board fees	23 2 0	
	Fire Insurance Companies	109 16 5			Secretary's salary	19 10 0	
	Interest on deposits		411 1 10		Auditor's fee	1 1 0	
	Transfer from fixed deposit		26 2 0		Payment to Beuliquin Board	3 3 0	
			315 0 0		Rent of North Goulburn Station	2 0 0	
					Brigade subsidy	131 5 0	56 11 0
					Superintendent's salary	37 10 0	
					Transfer to fixed deposit account		108 15 0
					Balance carried forward		475 0 0
			£813 11 10				114 5 10
							£813 11 10
1889.	To balance brought forward		114 5 10				
Jan. 1							

A. M. BETTS,
Chairman.

Examined and compared with the books and vouchers and found correct,—

C. E. MACKENZIE,

9th January, 1889.

Auditor.

1889.

NEW SOUTH WALES.

FIRE BRIGADES ACT, 1884.

(WOLLONGONG FIRE BRIGADES BOARD—REGULATIONS.)

Presented to Parliament pursuant to Act 47 Vic. No. 3, sec. 21.

Colonial Secretary's Office,
Sydney, 19th August, 1889.

WOLLONGONG FIRE BRIGADES BOARD.—REGULATIONS.

THE following Regulations, made by the Fire Brigades Board of the Borough of Wollongong, under the "Fire Brigades Act, 1884," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BOROUGH OF WOLLONGONG.—WOLLONGONG FIRE BRIGADES

WHEREAS by Proclamation in the Government Gazette of the 2nd of June, 1885, the "Fire Brigades Act, 1884," was extended by the Governor to the Borough of Wollongong; and whereas by letter of appointment, Francis Woodward was made a member of the Wollongong Fire Brigades Board; and whereas a meeting of the Insurance Companies, held in the Council Chamber, at Wollongong, on the 25th September, 1888, was convened by a notice published in the Government Gazette of the 14th September, 1888, but no Insurance Company was represented at such meeting; and whereas by a Proclamation in the Government Gazette of the 6th November, 1888, Archibald Campbell was appointed a member of the Fire Brigades Board, in accordance with the provisions of section 1 of the said Act; and whereas William Wiley, who was, on the 13th day of February, 1889, elected Mayor of Wollongong, in accordance with the "Municipalities Act of 1867," became by virtue of his office, and of clause 20 of the "Fire Brigades Act, 1884," a member of the said Fire Brigades Board. The Board thus legally constituted have framed the following regulations for meeting and conduct of business by the Wollongong Fire Brigades Board, as constituted under the "Fire Brigades Act, 1884."

1. The Board may meet for the despatch of business, adjourn, and otherwise regulate its meetings as it thinks fit. Two members shall form a quorum.

2. The Board shall elect one of its members annually, to be chairman, who shall preside at all meetings at which he may be present. In his absence any other member may preside.

3. The Board may from time to time appoint a Secretary (who shall also act as Treasurer) and such other officers and servants as it may deem necessary, and shall determine their duties, salaries, and wages; and may at any time, with or without notice, suspend or dismiss any such secretary, officers, or servants. The secretary and such other officers as the Board may deem expedient shall give security for the faithful discharge of their duties.

4. The Secretary shall send notices of all meetings to each member of the Board, in which shall be stated the business to be transacted at those meetings; such notices to be delivered not later than twenty-four hours previous to each meeting.

5. The Chairman or Secretary may call meetings as may be deemed necessary, provided notice be given as here provided.

6. The Secretary or other officer acting (with the consent of the Board) in his stead shall attend all meetings of the Board, and shall enter the minutes of resolutions and proceedings in a minute-book to be kept for that purpose. He shall lay all correspondence before the Board, and shall also discharge all such other duties as the Board may from time to time direct.

7. The Board shall open an account at such bank as they may from time to time determine. All moneys exceeding £1 shall be banked by the Secretary on the day after the receipt of the same, or in the event of the bank being closed, on the next banking day.

8. Proper books of receipts and expenditure shall be kept, and receipts for all moneys shall be given on printed and consecutively numbered receipt forms, with corresponding butts, which alone shall be evidence to the Board of the payment thereof.

9. All payments of one pound or upwards shall be made by cheques upon the bank, signed by the Chairman or by two other members, and countersigned by the Secretary or other officer authorized by the Board.

10. The accounts of the Board shall be made up by the Secretary in the months of April and October in each year for the half-year expiring the 31st March and 30th September respectively, and shall be examined and verified by at least one auditor, appointed by the Board, to whom shall be produced by the Secretary all vouchers, books, and documents, necessary to verify the balance sheets, which shall be published in local newspapers by the Secretary. The bank pass-book made up to date shall be laid before the Board at each meeting by the Secretary.

11. The Secretary of the Board shall be the person to lay all informations necessary under all regulations made by the Board in terms of the "Fire Brigades Act, 1884."

12. The common seal of the Board shall be in the custody of the Secretary, to be affixed by him only by resolution of the Board, and when so affixed to be signed by all the members of the Board present at the passing of such resolution.

13. All acts done by any meeting of the Board or of a committee thereof, at which a quorum as provided by the Board is present, shall be deemed to be the act of the Board or Committee, as the case may be, and notwithstanding it be afterwards discovered that there was some defect in the appointment of any such members or persons aforesaid, or that they or any of them were disqualified, shall be as valid as if every such person had been appointed, and was duly qualified.

14. The sum of £1 is. shall be paid to each member of the Board who attends any duly convened meeting, whether there be a quorum present or not. Should a quorum not be present a quarter of an hour after the time appointed, the meeting shall lapse, and the Secretary shall call another meeting in his discretion.

15. The Board shall, as they deem necessary, purchase or lease any land, houses, or other buildings, for the purpose of providing engine-houses, brigade-offices, or alarm-stations, and may purchase or hire any engine, machinery, or other appliances for the purpose of extinguishing fires or saving life or property, and may place such appliances at the disposal of any Fire Brigade that may be from time to time established under the Board; and the Board may by resolution permit any part of these appliances to be used for any purpose, providing the expenses and charges are paid by the party or parties using the same, and that the said party shall have entered into a guarantee with the Board against all loss or damage to such appliances.

16. Members of the Board shall not vote upon any matter in which they may be personally interested in any way whatever; and during the discussion of any such matter members so interested shall withdraw from the Board-room.

17. The Board shall appoint a Captain and Foreman, who shall be paid such salaries as the Board may determine. The Captain shall be the officer in charge of all Fire Brigades under the Board, and shall have control of such Brigades when on duty or parade. During his absence the officer next in seniority shall fulfil all such duties and have charge of such Brigades. The Captain shall instruct the Brigades in their practices, drills, and parades, and direct them when on active duty at fires.

18. The Captain shall keep a roll of all members of Brigades, with a record of their attendance at drills, practices, parades, and fires. He shall report to the Board as soon as possible all breaches of rules or disobedience of orders, and pending inquiry shall suspend any member, and report such suspension to the Board, who shall inquire into the cause of the complaint; and if sustained, such member shall at once be dismissed from his Brigade, and his name removed from the roll, or shall pay such fine as the Board may impose, and failing so to pay, may be sued for same before any two Justices of the Peace. In no case shall a fine be imposed exceeding £5, in addition to any damage done to any plant, uniform, or any property of the Board.

19. The Captain shall, once in every three months, report on the efficiency of each Brigade, such report to be in writing under his hand.

20. The Captain shall preside at all meetings of the firemen, and furnish the Secretary with a list of all subordinate officers appointed by the Brigade, with their titles, such titles being first approved of by the Board.

21. The Captain shall receive all fines imposed, and all enrolment fees, and pay same to the Secretary in due course, giving all necessary particulars required by the Board.

22. The Captain shall have possession of, and be responsible for, all engines, machinery, or other appliances for the purpose of extinguishing fires, and saving life or property, belonging to the Board.

23. The Board shall pay all firemen enrolled, on the certificate of the Captain, the sum of five shillings for each attendance at drill, practice, or parade, and ten shillings when on duty at fires, if not detained more than four hours. After that time at the rate of two shillings per hour.

24. The Board shall supply each fireman with such uniform as they may decide, and such uniform shall remain in the custody of the fireman as long as he continues to be enrolled, and shall be delivered up to the Captain upon his ceasing to be a member of the Brigade.

25. On the day after any fire a report in writing shall be made to the Board by the Captain, in which report information, so far as can be ascertained, shall be given under the notice of the following heads:—Hour and date of alarm of such fire; by whom and how reported; name of occupier and owner of premises, and purposes for which occupied; origin or supposed cause of fire; particulars as to insurance of premises and contents; construction of buildings; general remarks, extent of damage, etc. The form of report to be determined by the Board from time to time.

26. On receipt of a report of a fire from the Captain a meeting of the Board shall be convened to decide whether the Coroner shall be directed to hold an inquest concerning such fire; and the Secretary shall convey at once to the Coroner the resolution directing the inquest to be held, if so decided upon.

27. The Board shall appoint a caretaker of its property, and pay such remuneration as they may from time to time determine upon, and shall define the duties of such caretaker, and may dismiss him at any time for any cause.

28. Subject to the approval of the Board, the Secretary may furnish abstracts of the proceedings to the Press, but in no case shall the presence of strangers be permitted unless with the unanimous consent of the members present, such consent to be obtained before admission to the Board-room.

29. Any member of the Board wishing to rescind, alter, or add to these regulations must give to the Secretary seven days' notice in writing to that effect, such notice to contain copies in full of his proposal.

Passed at a meeting of the Board, held on the 18th day of March, 1889.

WM. WILEY,
Chairman.

FRAS. WOODWARD,
Government Representative.

ARCHIBALD CAMPBELL,
Representative of Fire Insurance Offices.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

FIRE BRIGADES ACT AMENDMENT BILL.

(MESSAGE No. 32.)

Ordered by the Legislative Assembly to be printed, 20 June, 1889.

CARRINGTON,

Governor.

Message No. 32.

In accordance with the provisions contained in the 54th section of the Constitution Act, the Governor recommends, for the consideration of the Legislative Assembly, the expediency of making provision to meet the requisite expenses in connection with a Bill to amend the "Fire Brigades Act, 1884," to declare valid the constitution of certain Fire Brigade Boards, and to make other provision in connection with such Boards.

Government House,

Sydney, 20th June, 1889.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

FIRE BRIGADES ACT AMENDMENT BILL.

(PETITION FROM MAYOR AND ALDERMEN OF GRAFTON.)

Received by the Legislative Assembly, 16 April, 1889.

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

The Petition of the undersigned Mayor and Aldermen of the Borough Council of Grafton,—

HUMBLY SHOWETH:—

That your Petitioners understand that a Bill is now before your Honorable House relative to Fire Brigades in country towns in the Colony.

Your Petitioners would pray that in passing of the said Bill provision should be made by the insertion of a clause enabling any country towns mentioned in the said Bill to withdraw from the operation thereof upon petition to His Excellency the Governor by the Mayor and Aldermen of the Council of any such town, or that provision should be made whereby the operations of the said Act may be suspended for any period upon like petition.

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

[Here follow 12 signatures.]

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(LETTER OF SIR F. M. DARLEY, CHIEF JUSTICE, RESPECTING WITNESSES SENT TO GAOL FOR DRUNKENNESS IN COURT AT TAMWORTH.)

Ordered by the Legislative Assembly to be printed, 3 September, 1889.

The Chief Justice to The Minister of Justice.

Chief Justice's Chambers, Supreme Court,

Sydney, 5 August, 1889.

My dear Sir,

The above appeared in the *Herald* of this morning, and I desire to draw your attention to it.

I submit that some inquiry should be made as to who it is that furnishes such misleading and erroneous information to be placed before the public.

These men, as you are aware, were not imprisoned merely "for appearing in the witness-box in a state of intoxication," but were imprisoned for deliberately getting drunk, or feigning drunkenness, and thus enabling a possibly guilty man to escape just punishment.

Such a crime is as serious and as dangerous to the well-being of the community as can well be conceived.

If I may be allowed to offer an opinion on the matter, and as to the length of the sentences, it is this, that Mr. Justice Windeyer is to be highly commended for what he did in the vindication of justice, that the sentences are not one day too long, and that to let these men out one day sooner than the term of their sentence will be striking a blow at the proper and efficient administration of justice, from which it will not easily recover.

This is my deliberate opinion, formed after mature consideration.

Believe me, &c.,

FRED. M. DARLEY.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. JUSTICE WINDEYER.

PETITION FROM CERTAIN JURORS AND RESIDENTS OF DENILIQVIN PROTESTING AGAINST THE CONDUCT OF.

Received by the Legislative Assembly, 2 May, 1889.

Unto the Honorable the Speaker and Members of the Legislative Assembly, in Parliament assembled.

WE, the undersigned Jurors and Residents of the Town and District of Deniliquin, respectfully beg to draw your attention to the following resolutions passed at a Public Meeting, held in the Town Hall, Deniliquin, on the evening of Thursday, 28th February ultimo, and to request that you will cause searching inquiry to be made into the matter. The resolutions unanimously passed were as follows:—

- “(1.) That this meeting is of opinion that the remarks of His Honor Mr. Justice Windeyer at the
“ Circuit Court, at Wagga Wagga, in October last, referring to the jurors of Deniliquin generally,
“ and more particularly to those empannelled in the case of the Queen v. Wood, were unjust,
“ unwarrantable, and totally at variance with the facts of the case as given in evidence.
- “(2.) That this meeting deplors the hurried manner and undue haste displayed by His Honor Mr.
“ Justice Windeyer at the last sittings of the Circuit Court, at Deniliquin, and is of opinion that
“ such conduct on the part of a Judge is calculated to bring the Supreme Court of the Colony into
“ contempt.
- “(3.) That the resolutions already carried by this meeting be embodied in a Petition to the Minister
“ of Justice, with a request that he will be pleased to cause an inquiry to be made into the whole
“ subject.”

It is with great reluctance that we bring this matter directly before you, but feel we should be wanting in respect to ourselves if we allowed the remarks made and the recent discourteous behaviour of Mr. Justice Windeyer to pass unnoticed. We also feel that we are bound to furnish you with a reason for our apparent delay in so doing, and trust that the following statement will exonerate us in this respect:—Immediately subsequent to the remarks complained of being made at Wagga Wagga several of the Jurymen brought the matter under the notice of our senior member, Mr. J. M. Chanter, who in his place in the House called the attention of the then Minister of Justice to the facts of the case, but finding after about four months that no steps were taken to remove the imputation conveyed by the remarks referred to, a public meeting was called, with the result as above stated.

Your Petitioners therefore humbly pray that your Honorable House will cause your Minister of Justice to make such inquiries and to take such steps as your Honorable House shall deem to be necessary in the circumstances.

And your Petitioners, as in duty bound, shall ever pray, &c.

[Here follow 157 signatures.]

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN SOLICITOR.

(LETTER FROM, AND STATEMENT SHOWING ACTIONS IN WHICH COSTS HAVE BEEN RECOVERED,
THE AMOUNT OF SUCH COSTS, AND HOW ACCOUNTED FOR.)

Ordered by the Legislative Assembly to be printed, 3 September, 1889.

The Crown Solicitor to The Minister of Justice.

Sir,

Crown Solicitor's Office, Sydney, 30 August, 1889.

I have the honor to state that I notice, in the report of Parliamentary proceedings in this day's *Sydney Morning Herald*, that when the question as to the vote for the salaries of this Department came before the Assembly, Mr. Lakeman stated that if what he believed was true in respect to the costs in Crown cases the Crown Solicitor must be getting £5,000 or £6,000 a year, and that it would be interesting to know how many thousands the Crown Solicitor received in the great case against the Bank of New South Wales.

I regret to say that the Honorable Member has been misinformed. I do not receive the costs recovered in Crown cases, such costs are paid into the Treasury.

Mr. Tonkin stated "this matter had been mentioned on a previous occasion; he knew for a fact that the Crown Solicitor received these fees."

The occasion on which this matter was previously mentioned was shortly after the settlement of the Pymont resumption cases, and I then prepared a Return, showing the amount of costs received in Crown cases, and the manner in which the amounts so received had been disposed of. The Return was not called for, and was retained by me. I now forward a copy thereof herewith, from which it will be seen that these costs were either paid into the Treasury or credited to the Government in settlement with the claimants. The sums paid into the Treasury amount to £1,393 9s. 6d., and the amounts credited to the Government, on settlement, £1,984 8s. 11d., making a total of £3,417 14s. 5d. received by the Government.

With respect to the case of the Bank of New South Wales against the Government, the information Mr. Lakeman requires is easily given. I have not received one shilling for costs in that case, and shall not do so; whatever costs may be recovered will, on settlement, in due course be credited to the Government.

With respect to the Pymont resumption cases, considering the exceedingly large amount of the several claims, the great labour and anxiety attending the defence, and the exceptionally successful result so far as the Crown was concerned, I think I might have fairly claimed to be allowed to retain the costs awarded against the claimants, which, however, I did not do.

I cannot understand upon what grounds Mr. Tonkin asserted that "he knew as a fact that I received these fees."

With reference to the large amount supposed to be received by me, I may perhaps be allowed to mention that the salaries of Attorney-General and myself were largely supplemented by the fees we received from patent applications, amounting lately to £1,200 or £1,300 a year; by the alteration in the mode of dealing with patents we were deprived of these fees, thus reducing our salaries by (so far as I am concerned) nearly one-half. It was understood that this reduction would be taken into consideration, but as yet nothing has been done in relation thereto.

I shall be greatly obliged if you will cause the information I now forward to be communicated to Mr. Lakeman and Mr. Tonkin.

I have, &c.,

JOHN WILLIAMS,
Crown Solicitor.

STATEMENT

STATEMENT showing the actions in which costs have been recovered, the amount of costs, and how accounted for.

Action.	Date when paid into the Treasury, or when received.	Amount paid direct into Treasury.	Amount deducted from verdict.	Total amount of costs recovered.	Remarks.
		£ s. d.	£ s. d.	£ s. d.	
West v. Lackey	17 Aug., 1882	.....	110 13 1	110 13 1	
Heaton v. Richards	16 Feb., 1883	102 0 0	.....	102 0 0	
Garrett v. Lackey	3 April, "	.....	328 0 5	328 0 5	
Goodlett v. Lackey.....	11 April, "	.....	407 3 3	407 3 3	
Douglas v. Robertson & another	11 July, "	9 5 7	.....	40 1 7	{ Paid Mr. Salamons... 28 9 0 " Mr. Stephen ... 13 7 0 " into Treasury... 9 5 7
Lucas v. Lackey	7 July, "	.....	851 16 1	851 16 1	
Maiden & Co. v. Lackey	13 July, "	267 2 2	.....	267 2 2	
Nipper v. Watson and another...	31 Dec., "	54 9 11	.....	54 9 11	Total £49 1 7
Nipper and See v. Hixson.....	31 Dec., "	592 18 3	.....	592 18 3	
Street v. Lackey and another ...	28 July, 1884	.....	196 16 1	196 16 1	
Forsyth v. Wright	7 Nov., "	288 4 0	.....	288 4 0	
Samuels v. Kirkbride.....	13 Jan., 1886	79 9 7	.....	79 9 7	Paid into the Treasury by the Sheriff.
Total paid into Treasury.....		£ 1,393 9 6			
Total deducted from verdicts		£ 1,884 8 11			
Total amount of costs recovered.....				£ 3,417 14 5	

J.W., 30 August, 1889.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(RETURN SHOWING TRAVELLING EXPENSES OF JUDGES OF THE SUPREME AND DISTRICT COURTS.)

Ordered by the Legislative Assembly to be printed, 29 August, 1889.

[Laid upon the Table in accordance with promise made in answer to Questions Nos. 2 and 3, Votes 82, 28 August, 1889.]

Questions.

2. MR. WALKER asked THE MINISTER OF JUSTICE,—

- (1.) How much money was provided for in each of the Appropriation Acts for the years 1885, 1886, 1887, and 1888, as travelling expenses for the Judges of the District Courts for each of those years?
- (2.) What is the daily allowance for each Judge whilst going to, attending at, and returning from, his Circuit?
- (3.) How many Courts of Quarter Sessions has each of the present Judges attended in each of the years mentioned, and which of such Courts?
- (4.) How many days was each Judge absent at the Courts of Quarter Sessions attended by him?
- (5.) What sum was paid to each Judge for each Court attended?
- (6.) Do the Judges of the District Court furnish vouchers for their expenses when on Circuit?
- (7.) Are the Judges of the District Court on Circuit furnished with free railway passes to and from their Circuits?

Answers.

- (1.) 1885, £2,000 ; 1886, £2,000 ; 1887, £2,000 ; 1888, £2,100.
- (2.) In the Metropolitan and Hunter District, 30s. per diem ; in the other districts, 40s. per diem.
- (3.) See Return herewith.
- (4.) As the District Court Judges are Chairmen of Quarter Sessions, and the Circuits for Quarter Sessions are amalgamated with those of District Courts, it is not practicable to give specific details as to the number of days occupied exclusively in travelling to and from and attending Quarter Sessions, and allowances paid therefor ; but the information is approximately supplied in the Return furnished in reply to the previous question.
- (5.) Practically answered by No. 4.
- (6.) Yes.
- (7.) Yes.

(3.)—RETURN showing how many Courts of Quarter Sessions each of the present District Court Judges have attended during the years 1885 to 1888 inclusive, which of such Courts, and allowances for attending the same.

Judge.	Town.	No. of Courts.				No. of Days.				Allowance.	
		1885.	1886.	1887.	1888.	1885.	1886.	1887.	1888.		
Wilkinson	Campbelltown	2	3	2	1	3	3	3	2	30s. per diem.	
	Maitland	2	2	2	3	6	6	7	14	"	
	Muswellbrook	1	2	1	...	2	3	...	...	"
	Parramatta	2	1	2	1	3	5	5	5	"	
	Singleton	1	2	2	2	1	2	2	6	"	
	Windsor	2	2	2	2	2	3	2	2	"	
	Tenterfield	...	...	...	1	...	...	...	2	40s. per diem.
McFarland	Bega	3	3	3	3	3	3	4	3	"	
	Braidwood	3	3	2	3	4	5	3	3	"	
	Cooma	3	3	2	3	6	10	5	5	"	
	Goulburn	4	4	3	4	10	9	5	11	"	
	Queanbeyan	3	3	2	3	3	6	3	3	"	
	Wollongong	2	3	3	4	4	9	5	6	"	
	Yass	2	3	2	2	2	5	2	3	"	
	Bombala	3	...	2	...	3	...	2	...	"	
	Parramatta	...	...	...	1	...	...	...	1	30s. per diem.
	Windsor	...	...	...	1	...	...	...	1	"
Forbes	Albury	3	3	3	3	3	3	4	3	40s. per diem.	
	Deniliquin	3	3	3	3	3	4	3	3	"	
	Griffith	3	3	3	3	3	3	3	3	"	
	Gundagai	3	3	3	3	3	3	3	3	"	
	Hay	4	3	3	3	7	4	4	4	"	
	Wagga	4	3	3	3	11	3	7	6	"	
	Young	3	3	3	3	3	4	3	4	"	
	Coonambundra	3	...	3	3	4	...	3	3	"	
	Docker	Bathurst	3	2	2	2	3	6	4	5	"
		Cowra	2	2	3	3	3	2	3	4	"
Dubbo		2	2	2	2	5	4	5	6	"	
Forbes		3	3	3	3	4	3	3	4	"	
Madge		3	3	2	2	2	2	2	2	"	
Orange		4	3	3	3	5	5	4	3	"	
Tamworth		1	...	...	...	3	...	...	...	"
Wellington		1	3	2	2	3	3	2	4	"	
Wagga Wagga		1	...	...	...	1	...	...	...	"
Cobar		...	...	2	2	...	...	2	2	"
Murray	Armidale	2	2	2	2	3	3	3	3	"	
	Biagara	2	2	2	2	2	2	2	2	"	
	Casino	2	1	2	...	4	1	4	2	"	
	Glen Innes	2	2	1	2	4	3	2	2	"	
	Grafton	2	2	2	2	4	3	2	2	"	
	Inverell	2	2	2	2	3	4	2	2	"	
	Kempsey	2	2	2	2	2	2	2	4	"	
	Moree	2	2	2	2	2	2	2	3	"	
	Port Macquarie	2	2	2	2	2	2	2	2	"	
	Tamworth	1	2	1	2	1	4	1	4	"	
	Tree	2	2	2	2	2	2	2	2	"	
	Tenterfield	2	2	3	1	4	2	4	1	"	
	Warialda	2	2	...	...	2	3	...	...	"
Lismore	2	3	1	4	3	3	1	0	"		
Backhouse	Bourke	3	3	3	3	6	5	6	9	"	
	Coonabarabran	2	2	2	2	2	2	2	2	"	
	Coonamble	2	2	2	2	4	4	3	2	"	
	Gunnedah	2	2	2	2	4	4	4	2	"	
	Hillston	2	2	2	2	4	2	2	2	"	
	Narrabri	2	2	2	2	3	4	3	3	"	
	Walgett	2	2	2	2	4	4	4	3	"	
	Wentworth	2	2	2	2	3	2	2	2	"	
	Wilcannia	2	2	2	2	5	7	6	7	"	
	Balranald	...	...	1	2	...	...	2	2	"
Silverton	...	...	1	2	...	...	2	6	"	

Questions.

3. MR. WALKER asked THE MINISTER OF JUSTICE,—

- (1.) How much money was provided for in each of the Appropriation Acts for the years 1885, 1886, 1887, and 1888, as travelling expenses for the Judges of the Supreme Court for each of those years?
- (2.) What is the daily allowance for each Judge whilst going to, attending at, and returning from, his Circuit?
- (3.) How many Circuit Courts have each of the present Judges attended in each of the years mentioned, and which of such Courts?
- (4.) How many days was each Judge absent at the Circuit Courts attended by him?
- (5.) What sum was paid to each Judge for each Court attended?
- (6.) Do the Judges of the Supreme Court furnish vouchers for their expenses when on Circuit?
- (7.) Are the Judges of the Supreme Court, when on Circuit, furnished with free railway passes to and from their Circuits?

Answers.

Answers.

- (1.) 1885, £2,330; 1886, £2,330; 1887, £2,330; 1888, £2,330.
 (2.) No daily allowance is made.
 (3.) See Return herewith.
 (4.) No record.
 (5.) A bulk sum is, by arrangement, allowed each Judge for the expenses of himself and staff. (See accompanying Return.)
 (6.) No.
 (7.) Yes.

(3 and 5).—RETURN showing how many Circuit Courts each of the present Supreme Court Judges have visited during the years 1885, 1886, 1887, and 1888, and which of such Courts; also, what sums were paid to each Judge for such Courts attended.

Judge.	Number of Courts visited in				Court, and when visited.	Allowance to Judge and Staff		
	1885	1886	1887	1888		£	s.	d.
His Honor the Chief Justice ...	...	...	7	4	April, 1887—Hay, Young, Yass, and Goulburn	300	0	0
					October, 1887—Hay, Young, and Goulburn	250	0	0
					April, 1888—Wagga Wagga, Deniliquin, and Albury	320	0	0
					October, 1888—Silverton	160	0	0
His Honor Mr. Justice Windeyer	7	6	...	6	April, 1885—Tamworth, Armidale, and Maitland	225	0	0
					October, 1885—Hay, Young, Yass, and Goulburn	300	0	0
					April, 1886—Tamworth, Armidale, and Maitland	225	0	0
					October, 1886—Wagga Wagga, Albury, and Deniliquin ...	320	0	0
His Honor Mr. Justice Innes ...	6	6	6	8	April, 1888—Dubbo, Mudgee, and Bathurst	240	0	0
					October, 1888—Wagga Wagga, Albury, and Deniliquin ...	320	0	0
					April, 1885—Wagga Wagga, Albury, and Deniliquin ...	320	0	0
					October, 1885—Dubbo, Mudgee, and Bathurst	240	0	0
His Honor Mr. Justice Stephen	...	...	3	...	April, 1886—Dubbo, Mudgee, and Bathurst	240	0	0
					October, 1886—Dubbo, Mudgee, and Bathurst	240	0	0
					April, 1887—Dubbo, Mudgee, and Bathurst	300	0	0
					October, 1887—Wagga Wagga, Albury, and Deniliquin ...	320	0	0
His Honor Mr. Justice Foster...	...	...	...	4	April, 1888—Hay, Young, Yass, and Goulburn	300	0	0
					October, 1888—Hay, Young, Yass, and Goulburn	300	0	0
					April, 1888—Tamworth, Armidale, and Maitland	225	0	0
					October, 1888—Tamworth and Maitland	145	0	0
His Honor Mr. Justice Foster...	...	...	...	4	April, 1888—Dubbo, Mudgee, and Bathurst	240	0	0
					October, 1888—Dubbo, Mudgee, and Bathurst	240	0	0
His Honor Mr. Justice Foster...	...	...	...	4	April, 1888—Armidale and Grafton	160	0	0
					October, 1888—Armidale and Grafton	145	0	0

1889.

NEW SOUTH WALES.

BANKRUPTCY ACT OF 1887.

(REPORT OF PROCEEDINGS UNDER.)

Presented to Parliament by Command

The Registrar in Bankruptcy to The Under Secretary of Justice.

Sir,

Chancery Square, Sydney, 26 March, 1889.

In accordance with your letter of 25th September last, I have the honor to submit a Report of Proceedings under the "Bankruptcy Act, 1887."

This Act came into force on the 1st January, 1888, and, being framed upon the lines of the English Act of 1883, has brought about an assimilation between the law of this Colony and that of England which cannot be otherwise than beneficial.

In reviewing the operation of the Act during the past year the most notable fact, perhaps, to be observed is the sudden drop in the number of sequestrations; the number for 1888 being only 823, whereas the number in 1887 was 1,351, and in 1886, 1,221. It cannot be alleged that there has been any corresponding improvement in the state of trade to cause this difference. Several reasons may be adduced to account for it. First, perhaps, a dread of the supposed stringency of the new law; secondly, the fact that money has been obtainable on easier terms than have prevailed for some years; thirdly, that there has been an increased willingness on the part of creditors to allow time to their debtors; and lastly, that, in anticipation of a change in the law, a great number of debtors presented petitions against themselves in 1886-7 earlier than they would otherwise have done. Reduction in number of sequestration.

The total number of petitions presented in 1888, as shown by table A, was 851; of these 728 were presented by debtors against themselves, 5 by administrators or executors, 2 by the trustees of assigned estates, 1 by the Master in Lunacy on behalf of an insane debtor, and 115 by creditors. Of these 87 were granted, 12 withdrawn by leave of the Judge, 6 dismissed, 6 were struck out in consequence of no appearance, and 4 were still pending on the 31st December. Petitions in bankruptcy.

The following are the acts of bankruptcy relied on in the several petitions, on which sequestration orders were made, under section 4 (1):— Acts of bankruptcy.

(b) Making assignment of property with intent to delay creditors	...	...	...	...	2
(c) Making fraudulent transfer of property	...	...	...	...	1
(d) Debtor absenting himself with intent to delay his creditors	...	...	...	...	10
(e) Not satisfying debt within five days after execution	...	...	...	...	2
(f) Filing a declaration of inability to pay debts	...	...	...	...	1
(g) Failing to comply with a bankruptcy notice	...	...	...	...	50
(h) Giving notice of suspension of payment	...	...	...	...	9
(j) Not presenting petition when duly required, after having admitted inability to pay at meeting of creditors	...	...	...	...	2

The amount of liabilities and assets shown in the debtors' "statements of affairs" is about the average of former years, the loss to creditors being estimated by the debtors at £190,620 16s. 7d. (See Table B.) How false this estimate was, is shown by the fact that out of the assets valued by debtors at £459,677 9s. 4d. only £58,001 13s. 2d. had been realized at the close of the year. Liabilities, assets, and deficiency.

The chief portion of the estimated assets usually consists of equities of redemption, the value of which is invariably grossly exaggerated by debtors, and which are generally found to be utterly valueless. In very many cases too, estimated assets are swelled by alleged good debts, which, in most cases, turn out to be worthless. Exaggerated value of assets.

The "bankruptcy notice," which is new to this Colony, has been made use of in 210 instances. (See Table A.) Out of these* 66 were followed by petition and sequestration; it is to be presumed therefore that in 144 cases they led to a satisfactory settlement. Bankruptcy notice.

The number of notices issued here has been, of course in fact, but also comparatively, much smaller than in England, where I find that in 1887 they nearly equal the number of receiving orders, the numbers being—bankruptcy notices, 4,861; receiving orders, 4,896; whereas the number of bankruptcy notices issued here was little more than one-fourth of the number of sequestration orders. No doubt the bankruptcy notice would be much more largely availed of if the limitation of the right of a creditor to present a bankruptcy petition were reduced. At present if a debtor has no creditor over £50 the bankruptcy notice is useless unless two or more combine. In the estates sequestered last year 4,576 debts were proved; of this number 3,328—that is, nearly 73 per cent.—were under £50. In some estates against which twenty or thirty debts were proved all were under £50. Creditors' right to petition limitation of £50.

* Only fifty of these were on creditors' petitions, the rest were by petition of the debtors

Opinion of
Inspector-General
in bank-
ruptcy in
England.

The Inspector-General in bankruptcy in England in his report to the Secretary to the Board of Trade argues very strongly against this limitation. His arguments appear so conclusive that I cannot refrain from quoting them. He says:—

The hardship which it entails upon small creditors has been considerably aggravated by the increasing disposition already noticed to stave off bankruptcy proceedings under the present Act. It appears that nearly 60 per cent. in number of the debts in bankruptcy are under £10, and the proportion of those under £50 probably exceeds 80 per cent. Thus four-fifths in number of the entire body of creditors have no individual power of making a debtor bankrupt, while he on his part has the power of making dispositions of his property which they have no effectual means of challenging. It is true that several creditors whose aggregate debts amount to £50 may combine in the petition, but this power is practically valueless; the creditors, as a rule, are unknown to each other, and, as a matter of fact, concerted action among independent creditors with a view to making a debtor bankrupt (unless on the initiative of the debtor himself) is, as a rule, impossible.

The arguments in favour of this limitation do not, so far as they can be ascertained, appear to rest on any solid foundation of justice or expediency. For example, it is said that its abolition would make bankruptcy proceedings too common; that a debtor may readily overlook his liability on a small debt, and that he should not on that account be exposed to the stigma of bankruptcy proceedings; and that if every petty trader might petition, it would throw the conduct of bankruptcy proceedings into the hands of an inferior professional class, and lead to an increase of professional costs. But these arguments entirely overlook the following considerations, viz. :—(1.) That a petition in bankruptcy cannot be presented by any creditor unless the debtor has committed an act of bankruptcy. (2.) That even after the commission of an act of bankruptcy no receiving order can be made against a debtor until a copy of the petition has been formally served upon him, and ample opportunity has been afforded him to contest his liability, or pay the debt, or satisfy the Court that he is able to pay his debts. (3.) That inability, when proved, to discharge a small debt is even a stronger proof of insolvency than inability to pay a large one. (4.) That the conduct of the bankruptcy proceedings in their initial stages does not now rest with the petitioning solicitor, but with the official receiver of the Court; and (5.) that the cost of a bankruptcy petition are fixed by scale, are within the supervision of the official receiver, and must be taxed by the taxing officer of the Court. The inconsistency of limiting the right of petition to creditors for £50 and upwards is made still more apparent, when it is considered that a creditor for any amount, however small, can serve his debtor with a bankruptcy notice, and thereby establish an act of bankruptcy on the debtor's failure to comply with it. It is only when he attempts to carry his action to its legitimate conclusion by securing the equal administration of the debtor's estate under a receiving order that he is met by statutory difficulties. The act of bankruptcy which he has established may be made the foundation of a petition in bankruptcy by any other creditor for £50, but it cannot be made use of by himself if his debt is under that amount. This is an anomaly and hardship which it is submitted should be removed, and the removal of which would probably aid very materially in securing an early control over the estate of an insolvent debtor in the interests of the general body of his creditors.

A Bill has, it seems, already been introduced in the House of Commons on behalf of the Associated Chambers of Commerce in England to reduce this limitation of £50 to £20.

Table C shows the number of accounts lodged during the year by the several official assignees in bankruptcy, with other particulars. It will be seen that out of 232 only 29 showed a dividend of 5s. and upwards.

There is no doubt that the vast majority of debtors only come into Court when no other course is left to them to avoid arrest or to remove the bailiff from the premises, and when they have disposed of every available asset except their furniture; and even this is in most cases found to be under bill of sale, or it is alleged to belong to the wife or some relative of the bankrupt.

This will no doubt continue to be the case so long as debtors can obtain a discharge without reference to the amount of assets available for creditors, and even when not a shilling can be realized. So long as the debtor has no interest in the amount of dividend paid to his creditors, so long will he continue to stave off bankruptcy by denuding himself of every available asset. The Associated Chambers of Commerce in England are endeavouring to remedy this state of things by the Bill before mentioned as having been introduced in the House of Commons, one of the provisions of which is that an "order of discharge" is not to be granted until one of two things is proved to the satisfaction of the Court. The first requisite is that the estate has yielded (inclusive of the expenses of realization), or with due care in realization ought to have yielded, or is likely to yield, at least 10s. in the pound of the liabilities. Failing this, it must be shown that, in the opinion of the Court, the bankruptcy is not attributable to reckless trading or other culpable conduct on the part of the bankrupt, but has arisen from circumstances for which he cannot justly be held responsible. This would tend to put a stop to the reckless dissipation of assets before bankruptcy.

Another remedy would be the passing here an Act somewhat similar to the Victorian Act (40 Vic. No. 557) "to amend the law relating to bills of sale," which Act is to be construed with and as part of Part VII of "The Instruments and Securities Statute 1864." By the 1st section of the first-named Act it is enacted that "No bill of sale shall be operative or have any validity at law or in equity until the same shall be filed in manner provided by section 56 of 'The Instruments and Securities Statute 1864.' And no such bill of sale shall be so filed unless notice of the intention to file the same be lodged at the office of the Registrar-General fourteen days before the filing thereof." Such notices would no doubt be published in the various "Trades circulars" and give warning to creditors.

The new method of proving debts, as established by the second schedule to the Act, is much appreciated by creditors, who have been relieved of the wearisome attendance in Court, which was necessitated under the old law. This new method is not only apparently a great benefit and relief to creditors, but it removes the inconvenience experienced by official assignees in only being able to glance at the proofs when presented in Court, as was the case under the old practice. Now every proof, about which there appears to be any possibility of doubt, is referred to the official assignee, to enable him to inquire into and obtain evidence of the circumstances, and, if necessary, is entered for hearing before the Registrar and for the examination of the claimant and other witnesses.

Under the old law it was a common practice in country insolvencies, where one meeting was held in Sydney, for an alleged creditor, whose claim had been ordered to stand over when presented in Sydney, for want of evidence or when opposed, to get a special meeting held in the country, and get his proof admitted by a district commissioner. This happily is no longer possible.

But simple as the present method is, and in spite of the clear directions given on the printed forms sent by the official assignee to each creditor appearing in the debtor's "statement of affairs," it is extraordinary how many persons forward imperfect proofs, and make mistakes which with ordinary intelligence, and a careful perusal of the printed directions endorsed on each affidavit form could be avoided.

And, notwithstanding the 1st clause of the second schedule to the Act, creditors are very dilatory in proving. Again and again the official assignees are compelled to withdraw plans of distribution, which have been advertised for confirmation, in consequence of a fresh proof being made, which could just as easily

Proposed legis-
lation in Eng-
land as to the
£50 limitation.
Accounts and
plans of distri-
bution

Reckless dissipa-
tion of assets by
debtors.

Proposed
remedy.

Victorian Bills
of Sale Act.

Proof of debts.

Want of care and
intelligence in
making affidavits
of debt.

Creditors
dilatatory in
proving.

easily have been made immediately after sequestration. In one estate this occurred three times, so that the rest of the creditors were kept out of their dividends for six weeks. It is difficult to see the use of the above-mentioned clause, which enacts that "every creditor shall prove his debt as soon as may be after the making of an order of sequestration," so long as there is no penalty for non-compliance, and section 71 gives creditors such wide latitude. If creditors, proving after an account and plan had been lodged, were not able to disturb the distribution, or were obliged to pay interest on the dividends delayed, unless they could show to the satisfaction of the Court that it was impossible for them to have proved earlier, they would be much more prompt in sending in their proofs, and dividends would be more promptly paid.

Under clause 22 of the second schedule, which provides for the admission or rejection of proofs by the Registrar, 4,576 debts were admitted in the estates sequestrated last year. In 748 cases, further evidence was required in support of claims, some of which were rejected and others admitted in part only. In thirty-six cases of opposed proofs, entered for hearing in Court before the Registrar, examinations of the claimants and other witnesses became necessary. There was no appeal from any decision of the Registrar in respect of proofs admitted or rejected by him during the year; but one proof was expunged and one reduced, under clause 23 of the second schedule, on evidence not forthcoming when the debts were admitted.

The Court business for the first year under the new Act was naturally much lighter than may be expected in the future, as many of the bankruptcies of the past year must occasion applications to be made to the Court for years to come; and also the scope and nature of the Act are hardly yet generally understood; thus it will be sometime before the normal limit of business in bankruptcy is reached. Table D shows the principal business in Court under the Bankruptcy Act during the year.

Creditors did not very frequently exercise their right, under section 21, of electing trustees, no doubt being unwilling to increase the cost of administration, and having full confidence in the present official assignees. In only ten cases were trustees elected, and out of these two only were in place of the official assignee. Confirmation of the election was refused in two cases; in one, on account of there not having been a quorum at the meeting, in the other case, on account of the trustee not having accepted the trust by writing. In neither of the two cases in which the services of the official assignee were dispensed with have any assets yet been realized, although in one case the sequestration occurred in June last.

Proposals for composition were accepted by creditors under section 19 in seven cases, two of which, being opposed by certain creditors, the Judge refused to approve; the first on the report of the official assignee, that a larger sum could be realized by sale of the assets, and also on account of the conduct of the bankrupt having been unsatisfactory; the result was that the creditors obtained a better dividend. In the second case also the official assignee reported that better results would follow from realization; the refusal in this case eventuated in the bankrupt so satisfying his creditors that he obtained the release of his estate under section 35. In the five cases in which a composition was approved by the Judge, the debts amounted in the aggregate to £7,378 15s. 5d., and the amount accepted was £3,867 8s. 3d.

This power for creditors to accept a composition is very beneficial where, by reason of there being foreign creditors, an assignment could not be made with promptitude. This was exemplified in bankruptcy No. 671. This estate was brought into Court solely on this account.

The 130th section is perhaps the most important of the whole Act, and the one which will involve decisions on the most weighty questions, and cause an incalculable saving of time and expense. Nine cases under this section were heard and determined by the Judge during the year, for in none of them did either of the parties desire a jury.

The applications for certificates of discharge have been very few; out of 617 bankrupts who might have applied, only 58 did so. The great majority are probably unaware of the provisions of section 41 that "no application by the bankrupt for a certificate shall be allowed after twelve months from the date of sequestration, unless notice of his intention to apply has been duly advertised before the expiration of that period, except by leave of the Judge on such terms as he may think proper."

Out of the 58 applications made 26 were granted, 6 refused, 4 suspended, 8 struck out, and 14 were still pending on the 31st December. The grounds on which certificates were refused were—omitting to keep proper books, giving undue preferences, and continuing to trade after knowledge of insolvency.

The percentage payable under section 137 out of every estate administered under the Act into the Colonial Treasury was fixed last year at the maximum rate of 4s. This, it seems, caused great dissatisfaction to creditors, and, it is asserted by the official assignees, caused a number of estates to be wound up by private arrangements instead of being brought into Court. The fixing of the maximum was merely tentative, and this cause of dissatisfaction has now been removed by a Regulation, dated 19th December, 1888, fixing the rate at 1s. per centum on the gross proceeds in every estate in which the gross proceeds do not exceed £5,000; and in cases where the gross proceeds of any estate shall exceed £5,000, then at the rate of 10s. per centum upon the amount in excess of such sum of £5,000.

Table E shows the revenue derived from the Bankruptcy Division of the Supreme Court and the salaries paid to the officers. It will be seen that the revenue exceeds by £215 12s. 1d. the total salaries paid, including that of the Judge in Bankruptcy of £2,600. But as the Judge in Bankruptcy is a Judge of the Supreme Court and can sit in any jurisdiction of the said Court, it would hardly be fair to charge the whole salary of the Judge to the expenses of the Bankruptcy Division.

Table F shows the realization of assets during the year, the cost thereof, the amount of dividends paid to creditors, the balance still in hand, and other particulars. The gross amount realized in bankrupt estates under the Act was £58,001 13s. 2d. The law costs paid amounted to £358 0s. 8d. In 1887, under the old law, the amount of £61,647 13s. was realized, and the law costs paid amounted to £3,553 14s. 9d. This of course is not an absolutely fair comparison, as many bills of costs incurred last year have yet to be taxed and paid, and the amount for 1887 included some costs incurred in previous years. But, allowing for these, the figures are still significant. There was no application for review of any bill of costs taxed by the Registrar during the year.

Table H shows the number of sequestrations in the different trades and occupations. This table was made up for the first time for 1887, at the instance of the Government Statistician. The numbers last year in the different trades are comparatively about the same as in 1887. Tailors, however, appear to have been more unfortunate.

Bankruptcy

Private Arrangements.

Bankruptcy Statistics are of comparatively little value in showing the financial state of the country unless information can be obtained as to the number of private arrangements between debtors and creditors. In England a useful piece of legislation has occurred in the passing of the "Deeds of Arrangement Act," which came into force on the 1st January, 1888, and which provides for the public registration of all such deeds. Until some such Act is passed here there will be no possibility of arriving at the total insolvency of the country. The argument that private assignments show better results than administrations in bankruptcy, is often made use of to show the inefficiency of the law. But it must always be borne in mind that where, upon a debtor calling a meeting of his creditors, the assets are shewn to be comparatively satisfactory, and there is no allegation of fraud or misconduct, in such cases the creditors nearly always, no matter how excellent the bankruptcy law may be, wind up such estates themselves; and the consequence is that private arrangements seem to realise better in comparison. It is easy for any honest debtor, who can offer his creditors a substantial dividend, to effect a private arrangement, and so avoid the publicity of the Bankruptcy Court. Debtors know that only the hope of a good dividend will induce creditors to listen to any proposals for private arrangement, and hence take care, when anxious to avoid the Court, to face their difficulties in time. It is generally only when they have utterly exhausted their assets that they have recourse to the Court. They know that there it matters not what, or whether any, dividend is paid to creditors. They can still be "whitewashed." If their certificate of discharge depended upon some certain dividend being paid to their creditors, or upon their shewing a certain proportion of available assets, debtors would pull up in time, and the records in bankruptcy would tell a very different tale.

From the sources of information open to me, I am led to believe that the assignments in 1888, were not very numerous, but that they are becoming much more common. This latter fact tends to show the good effect of the law, rather than the contrary, so far as it affects creditors, as it shows an increasing unwillingness on the part of debtors to undergo a public investigation, on account of the increased stringency of the law; and hence many arrange with their creditors while they still have it in their power to offer what creditors will accept. The more stringent the bankruptcy laws, the more numerous will be private arrangements, and consequently the loss to creditors will be less. Whether it effects any improvement in commercial morality is another question.

It is perhaps early yet to form a very clear opinion on the working of the "Bankruptcy Act, 1887," in entirety; but there is no doubt that it possesses many unquestionable advantages over the old law, among which may be mentioned—(1) the extended jurisdiction given to the Court by section 130; (2) the control of the Judge over official assignees and trustees given by section 93; (3) the power of creditors to appoint a committee of inspection under section 21 (3); (4) the manner of holding first meetings of creditors; (5) the power of creditors to accept a composition under section 19; (6) the power of the Judge to grant an injunction under section 4 (5) to prevent a debtor disposing of his property; (7) the improved and easy method of proving debts; (8) the creation of the "Bankruptcy Estate Account" under section 98; (9) the title of the official assignee relating back to the Act of Bankruptcy under section 10; (10) power of the Judge to commit bankrupts for trial under section 124; (11) the advertising meetings of creditors and applications for certificates in local newspapers; (12) the official assignees or trustees having to give seven days' notice in writing to each proved creditor of the intention of the bankrupt to apply for his certificate of discharge.

Section 14 provides that a bankrupt shall furnish to the official assignee a copy of his "statement of affairs." This, in the great majority of cases, is disregarded; and, although the Judge has power, on the application of the official assignee, to punish a bankrupt for failing to comply with the provisions of this section, for some reason or other official assignees do not move in the matter.

Table G shows the number of sequestrations in the several districts of the Colony. It appears that the mining centres show the larger numbers. As this table has never before been compiled, no comparison can be made between the year 1888 and the preceding years as to the state of the various districts.

The keeping the "Bankruptcy Estate Account," provided for by section 98, has been found to work exceedingly well, and, as it must naturally tend to strengthen the confidence of the public in the bankruptcy administration, must necessarily prove beneficial. This account has been audited every quarter by an officer of the Treasury, and has been found satisfactory.

In submitting this report I am well aware of its shortcomings, but must plead the excuse that it has been compiled with some difficulty in rare intervals snatched from very busy days, which have been found all too short for the discharge of the onerous duties of my office.

I have, &c.,

ARTHUR HENRY,

Registrar in Bankruptcy.

TABLE A.

Showing number of Petitions presented, by whom, and result of Creditors' Petitions; also number of Bankruptcy Notices and Results.

Petitions in Bankruptcy, by whom presented:—

By debtors	728
By administrators or executors	5
By trustees of assigned estates	2
By Master in Lunacy	1
By creditors	115

Result of Creditors' Petitions:—

Granted	87
Withdrawn by leave	12
Dismissed	6
Struck out in consequence of no appearance	6
Still pending on 31st December, 1888	4

Principal advantages of new law.

Bankrupts failing to supply copy of statement of affairs to official assignee.

Number of sequestrations in different districts.

Bankruptcy Estate Account.

Number of Petitions presented in each month of 1888:—

January	21	July	65
February	57	August	88
March	88	September	82
April	85	October	63
May	62	November	79
June	89	December	72
Bankruptcy Notices:—			
January	6	August	14
February	20	September	15
March	25	October	28
April	22	November	21
May	16	December	8
June	14		
July	21	Total	210
Number of Sequestration Orders made in consequence of non-compliance with Bankruptcy Notices 66			

TABLE B.

SHOWING amount of Liabilities and Assets as estimated by Debtors and other particulars:—

Amount of liabilities shown in debtors' statements of affairs	£659,307	5	11½
Amount of assets shown in debtors' statements of affairs	£459,677	9	4½
Amount of deficiency shown in debtor's statements of affairs	£199,629	16	7
Number of statements showing assets over £1,000			82
Number of statements showing assets from £500 to £1,000			45
Number of statements showing assets from £200 to £500			61
Number of statements showing assets from £100 to £200			70
Number of statements showing assets from £10 to £100			228
Number of statements showing assets under £10			291
Number of bankruptcies no statement filed			46

TABLE C.

SHOWING number of Accounts and Plans of Distribution filed by the several Official Assignees, and Dividends paid, &c. :—

	Official Assignees,			Total.
	Mr. Lloyd.	Mr. Stephen.	Mr. Morris.	
Number of estates in which plans of distribution and accounts filed by the several official assignees	118	85	29	232
Number of accounts showing payment of dividends	47	46	19	112
" " debt balances	71	37	9	117
" " nothing realized	59	23	5	87
Number of estates in which dividend paid over 5s.	11	12	6	29
" " " " 1s. and under				
5s.	21	17	9	47
Number of estates in which dividend paid under 1s.	7	11	3	21
" " " " on preferential claims only	5	5	1	11

TABLE D.

SHOWING the Court business for the year 1888.

Section 4 (5)—Injunction orders, granted under	4
Under section 14—Application for attachment for contempt of Court	2
Under section 17—Single meetings of creditors in Sydney	206
Under section 18—Public examinations in Sydney	300
Under section 18 (9)—Orders for further public examinations	3
Under section 19—Motions for approval of compositions:—	
Approved	5
Refused	2
Under section 22 (2)—Orders for leave to appoint trustees after expiration of four weeks from date of sequestration	3
Motions for orders confirming elections of trustees under section 23:—	
Granted	8
Refused	2
Total	10
Under section 30—Examinations on application of official assignees	10
Under section 34—Application for release of estate	1
Under section 37—Applications for certificates:—	
Granted	26
Refused	6
Suspended	4
Struck out—no appearance	8
Still pending on 31st December	14
Total	58

Under section 60—Orders for issue of warrants of search and seizure...	3
Under section 82—Applications by official assignees for increased remuneration	230
Under section 91 (3)—Applications by official assignees and judge for directions	1
Questions decided under section 130	9
Under clause 23 of second schedule—Applications to expunge or reduce proofs	2
Under rule 50—Applications to set aside bankruptcy notice	1
Under rule 59—Orders for substituted service	13

TABLE E.

SHOWING revenue derived from the Bankruptcy Division of the Supreme Court and the salaries paid:—	
	£ s. d.
Fees collected and paid direct into the Treasury under "Bankruptcy Act, 1887"	2,501 2 9
Fees collected and paid to Sheriff and Registrar-General, and by them into the Treasury	92 16 0
Fees collected and paid into Treasury under repealed Insolvency Act	1,246 4 3
Percentage under section 137 of "Bankruptcy Act, 1887," paid into Treasury by official assignees	1,319 9 1
Total received by Treasury	5,159 12 1
Salaries exclusive of Judge in Bankruptcy	2,344 0 0
Salary of Judge in Bankruptcy	2,600 0 0
Total salaries	4,944 0 0

N.B.—A sum of £365 2s. 6d. was also paid to the Government Printer for advertisements in the *Gazette*.

TABLE F.

SHOWING the Monetary Proceedings in Bankruptcy for the year ending 31st December, 1888:—

	£ s. d.
Gross amount realized during the year...	58,001 13 2
Amount paid to Registrar in Bankruptcy under section 98	43,435 16 2
Amount authorized to be retained under section 98 (4)	786 6 3
Amount received from Registrar	32,355 1 7
Amounts paid by Official Assignees—	
For auction charges	1,063 1 2
For Court fees	157 6 6
For percentage	1,319 9 1
For law costs	358 0 8
For commission	2,056 10 4
For rent and other expenses	11,008 1 8
Dividends	28,342 4 7
Balance in hands of Registrar in Bankruptcy	11,080 14 7

The official assignees had besides in hand the sum of £1,235 12s. 3d. in estates, in which they were authorized to open an account at a Bank.

TABLE G.

SHOWING the number of Sequestrations during the year 1888 in the several Districts of the Colony:—

Albury	4	Goulburn	8	Nowra	2
Armidale	8	Grafton	30	Orange	11
Balranald	2	Grenfell	1	Penrith	3
Bathurst	28	Gundagai	5	Port Macquarie	5
Ballina	4	Gunnedah	1	Queanbeyan	1
Bega	6	Gunning	1	Scone	1
Bingera	0	Hay	0	Singleton	1
Bombala	5	Hillston	2	Silverton	8
Bourke	4	Inverell	3	Sydney	410
Braidwood	2	Kempsey	8	Tamworth	2
Burrowa	1	Kiama	7	Taree	3
Campbelltown	1	Lismore	17	Temora	0
Carcoar	5	Lithgow	7	Tenterfield	2
Casino	7	Macleay	0	Tunnot	4
Cobar	8	Maitland	11	Wagga Wagga	6
Coon	7	Memorie	0	Walgott	0
Coonabarabran	0	Merriwa	0	Waratah	5
Coonamble	2	Milton	0	Warren	1
Cootamundra	3	Molong	3	Wellington	2
Corowa	2	Moree	3	Wilcannia	2
Cowra	4	Moruya	7	Windsor	3
Deniliquin	3	Moss Vale	9	Wollongong	33
Dubbo	9	Mudgee	4	Yass	3
Dungog	0	Murrumbidgee	0	Young	5
Eden	0	Muswellbrook	0		
Emmaville	3	Narrabri	3		
Forbes	9	Narrandera	0		
Glen Innes	9	Newcastle	44	Total	823

TABLE II.

SHOWING the number of Sequestrations in the undermentioned Trades and Occupations:—

Accountants	2	Ironfounder	1
Actors	2	Ironmonger	1
Advertising agent	1	Journalists	3
Aerated water manufacturer	1	Labourers	70
Agents	7	Land agents	3
Architects	4	Laundry men	3
Auctioneers	3	Law-writer	1
Bakers	16	Letter-carrier	1
Bank manager	1	Licensed victuallers	33
Barrister-at-law	1	Map publisher	1
Blacksmiths	8	Mariners	2
Boarding-house keepers	6	Masons	6
Booksellers	2	Men's mercers	2
Bootmakers	8	Merchants	8
Boiler-maker	1	Messenger	1
Brewers	4	Midwife	1
Bricklayers	4	Milkman	1
Brickmakers	7	Miller	1
Brokers	3	Milliner	1
Builders	35	Mill proprietors	5
Building speculator	1	Miners	40
Bullock drivers	3	Mining agent	1
Butchers	12	Mining speculator	1
Cabinet-makers	4	Music sellers	2
Cabmen	2	News agent	1
Carriage-builders	4	Painters	6
Carpenters	20	Photographers	5
Carriers	8	Picture-frame maker	1
Carters	5	Plasterer	4
Chemist	1	Plumbers	8
Clerks	8	Police constables	2
Clergyman	1	Poulterer	1
Clothier	10	Pound-keeper	1
Coal-trimmer	1	Printers	3
Collector	1	Produce merchants	9
Commercial travellers	4	Professor of music	1
Commission agents	5	Providore	1
Compositors	2	Quarrymen	2
Confectioners	5	Railway employees	7
Contractors	36	Saddler	1
Cordial manufacturer	1	Sail-maker	1
Custom House officer	1	Salesmen	7
Dairymen	5	Sawmill manager	1
Dealers	12	Sawyers	3
Dentists	2	Schoolmasters	7
Diver	1	Shipowner	1
Doctors	4	Shipwright	1
Draftsmen	2	Shoemakers	3
Drapers	3	Shopkeepers	4
Drivers	5	Signwriter	1
Drovers	2	Skating rink manager	1
Eating-house keepers	8	Smelters	2
Engineers	8	Solicitors	5
Excavator	1	Stock and station agents	3
Fancy goods dealers	4	Storekeepers	43
Farmers	51	Straw hat manufacturer	1
Forest ranger	1	Slater	1
Free selector	1	Surveyors	3
Fruitgatherers	3	Tailors	24
Fruitgrowers	2	Tea merchant	1
Fruit merchant	1	Timber getters	5
Furniture salesman	1	Timber merchants	3
Gal warders	2	Tinsmiths	6
Gardeners	4	Tobacconists	8
Gatekeeper	1	Tramcar cleaner	1
Glass manufacturer	1	Upholateror	1
Graziers	9	Valuator	1
Grocers	10	Vannou	3
Grooms	2	Veterinary surgeon	1
Hairdressers	5	Waiter	1
Hawkers	5	Watchmaker	1
Hide merchant	1	Wheelwrights	5
Horse-trainer	1	Wireworker	1
House and estate agents	3	Woolscourers	2
Importers	5	Widows	8
Insurance agent	1	Warehousemen	2
Iron-fitter	1		

1889.

NEW SOUTH WALES.

RULE OF THE SUPREME COURT.

(IN BANKRUPTCY.)

Presented to Parliament, pursuant to Act 51 Vic. No. 19, sec. 119.

In the Supreme Court of New South }
Wales—in Bankruptcy. }

Wednesday, the 19th day of December, A.D. 1888.

REGULATIONS.

WHEREAS by the 137th section of the Bankruptcy Act of 1887 it is enacted: "Every Official Assignee or Trustee shall, out of every estate being administered after the passing of this Act, pay into the Colonial Treasury, towards the expenses of administering this Act, such sum, not less than one-eighth of a pound, or not exceeding four (4) pounds per centum on the gross produce from time to time of any such estate, and a scale within the limits aforesaid, and the time of payment shall be fixed and varied from time to time by any Regulations by the Judge in Bankruptcy, with the approval of the Colonial Treasurer, and such Regulations with the approval thereof shall be submitted to Parliament": Now therefore, I, the undersigned, being the Judge in Bankruptcy under the said Act, do fix, with the approval of the Colonial Treasurer, as testified by his signature appended hereto, the scale of percentage for the year one thousand eight hundred and eighty-nine (1889) at the rate of one per centum on the gross proceeds in every estate in which the gross proceeds do not exceed five thousand pounds (£5,000), and in cases where the gross proceeds of any estate shall exceed £5,000, then at the rate of ten shillings per centum upon the amount in excess of such sum of £5,000, and that the times for payment of such percentage into the Treasury be fixed for the first (1st) days of April, July, and October, and the thirty-first (31st) day of December, 1889.

GEORGE HIBBERT DEFFELL,
The Judge in Bankruptcy.

Approved.—J. F. BURNS, Colonial Treasurer.

1889.

NEW SOUTH WALES.

RULES OF THE SUPREME COURT.

(IN EQUITY.)

Presented to Parliament, pursuant to Act 44 Vic. No. 18, sec. 81.

In the Supreme Court of New South Wales.

IN EQUITY.

REGULÉ GENERALES.

The 6th day of September, 1889.

IN pursuance of the several powers vested in us in that behalf, we do hereby order and direct that the following Consolidated Standing Rules of 29th June, 1883, be hereby repealed, viz.:—Rules 4, 6, 11, 13, 26, 27, 28, 38, 58, 63, 64, 66, 68, 69, 73, 74, 75, 77, 78, 79, 81, 89, 96, 97, 98, 99, 100, 101, 102, 103, 108, 109, 110, 120, 121, 123, 124, 128, 139, 142, 143, 144, 145, 146, 147, 148, 149, 150, 155, 188, 191, 192, 193, 195, 196, 197, 198, 202, and 271. And in further pursuance of the said several powers we do hereby further order and direct in manner following:—

Proceedings generally.

1. All statements of claim, statements of defence and subsequent pleadings, interrogatories, answers, and exceptions, and copies thereof respectively, and all petitions, reports, decrees, and decretal, and other orders shall be on foolscap paper written briefwise on one side only, with a quarter margin, and having not less than six folios nor more than eight folios of seventy-two words on each page, and divided into convenient paragraphs with the numbers of the paragraphs severally written on the inner edge of the margin.

2. All orders, except Chamber orders, and all decrees shall be signed and passed by the Master, and then sealed with the seal of the Court and entered in the entry-book.

3. All statements of defence, sworn pleas, and answers to interrogatories shall be taken before the Master or Chief Clerk and filed forthwith: Provided that statements of defence, sworn pleas, and answers of any party residing more than five miles from the Equity Office may be taken before a Commissioner of Affidavits or a Justice of the Peace, and the same shall be immediately sealed up and indorsed by such Commissioner or Justice of the Peace as aforesaid, as the case may be, with his signature, and transmitted to the Equity Office with the least possible delay, and filed on receipt thereof; and the signature of the party swearing the same shall be affixed or acknowledged by such party in the presence of the person before whom the same are sworn.

4. On the filing of any statement of defence, or any subsequent pleading, plea demurrer, interrogatory, or answer, an attested copy thereof shall be forthwith served on the opposite party.

Interlocutory applications.

5. Interlocutory applications in a suit may be made by motion or petition and supported by affidavit or otherwise, according to the present practice of the Court, save only that applications for orders of course may be by summons in Chambers, and that a petition shall be used in applications for special orders where so provided by Act of Parliament, or where, from the circumstances of the case or the position of the parties sought to be affected by the order applied for, the notice of motion would not sufficiently convey information of the facts and circumstances upon which the application is based.

6. Any party to a suit may at any stage thereof apply by motion on notice to the Court for such order as he may, upon any admission of fact in the pleading, or under the 36th of these rules, be entitled to, without waiting for the determination of any other question between the parties (provided that where the execution of a document is admitted, such document may be put in evidence), and the Court may, on such application, give such relief, subject to such terms, if any, as the Court may think fit.

7. Every petition shall, upon being presented and before any copy thereof is served upon any person intended to be served therewith, be filed in the Equity Office, and every person intended to be served with a copy of such petition shall be served with a written copy thereof according to the practice in reference to the service of statements of claim, together with an indorsement thereon, in the form or to the effect set out in Schedule A to these rules, with such variations as circumstances may require, stamped with the proper stamp by one of the clerks of the Equity Office.

Service.

8. Where any party shall proceed or appear in person, he shall except in the case of statements of claim and appearance thereto, hereinafter provided for, leave a memorandum in writing in the Equity Office, at the time of his taking the first step in the matter, setting forth his full name and address; and also if his address shall be at some place more than one mile from the Equity Office another proper place to be called his address for service which shall not be more than one mile from the said Equity Office; and service at the address for service set forth in the said memorandum shall be good service on him.

Pleadings generally.

9. Statements of claim, statements of defence, and all subsequent pleadings, demurrers, and pleas shall, except by leave of the Court, be signed by counsel.

Statements of claim.

10. Any person or persons trading under the name of a firm may be sued in the name of the firm, and any party to a suit may in such case apply by summons to the Court for a statement of the person or persons who are trading under the name of such firm, to be furnished in such manner and verified on oath or otherwise as the Court may direct.

Statements of defence.

11. When a defendant does not know, and is not in a position either to admit or deny a fact alleged in the plaintiff's statement of claim, he may state that he does not know, and that he is not able to admit that fact.

12. It shall not be sufficient for a defendant in his defence to deny generally the facts alleged by the statement of claim, or for a plaintiff in his reply to deny generally the facts alleged in a defence by way of counter claim; but each party must deal specifically with each allegation of fact of which he does not admit the truth.

13. Where any defendant sets off or sets up any right or claim by way of counter claim, he shall in his statement of defence state specifically that he does so by way of set-off or counter claim, and shall pray specifically for the relief that he may consider himself entitled to.

14. Subject to the last preceding rule, the plaintiff by his reply may join issue upon the defence, and each party in his pleading, if any, subsequent to reply, may join issue upon the previous pleading. Such joinder of issue shall operate as a denial of every material allegation of fact in the pleading upon which issue is joined; but it may except any facts which the party may be willing to admit, and shall then operate as a denial of the facts not so admitted.

15. Where a defendant disputes the validity of a patent, he shall deliver to the plaintiff at the time of delivering his statement of defence, or within such further time as the Court may direct, particulars stating on what grounds he disputes it, and where one of the grounds is want of novelty, must, unless the Court shall otherwise direct, state the time and place of the previous publication or user alleged by him; and at the hearing no evidence shall, except by leave of the Court, be admitted in proof of any alleged infringement or objection of which particulars are not so delivered.

Indorsement on statement of claim.

16. The indorsement on a statement of claim shall be varied from the form set out in the Schedule of the Equity Act of 1880, and shall be as follows:—

VICTORIA R.

To the within-named defendant A.B. [or where there is more than one defendant, defendants A.B. and C.D.] greeting: We command you ["and every of you" where there is more than one defendant] that within _____ days after the service hereof on you, exclusive of the day of such service, you cause an appearance to be entered for you in the Equity Office of our Supreme Court to the within statement of claim. And that you do, at the same time of entering your appearance, file in the Equity Office a memorandum stating in effect that you dispute or admit in whole or in part the plaintiff's claim, or submit to such decree or order as the Court may think fit to make, or disclaim all right, title, or interest in the subject matter of the within statement of claim. And if you admit the plaintiff's claim, you may, on the Tuesday following the eighth day after such appearance, or so soon after as you can be heard, attend either personally or by counsel or solicitor before the Judge sitting in Chambers at Chancery-square, in the City of Sydney, at ten of the clock in the forenoon, and submit to such decree as is within prayed or shall be just.

Witness the Honourable A.B., the Primary Judge in Equity, at Sydney, the _____ day of _____, in the year of our Lord one thousand eight hundred and eighty-_____, and in the _____ year of our Reign.

NOTE.—Appearances are to be entered in the Equity Office of the Supreme Court, at Chancery-square aforesaid, and if you neglect to enter your appearance, or to file a memorandum as above mentioned, or personally or by counsel or solicitor to attend at the place and time above mentioned, you will be subject to such order as the Court may think fit to make in your absence.

17. The solicitor of a plaintiff suing by a solicitor shall indorse upon every statement of claim the address of the plaintiff, and also his own name or firm and place of business, and also, if his place of business shall be more than one mile from the Equity Office, another proper place to be called his address for service, which shall not be more than one mile from the Equity Office, where writs, notices, petitions, orders, summonses, warrants, and other documents, proceedings, and written communications may be left for him. And when any such solicitor is only agent of another solicitor, he shall add to his own name or firm and place of business, the name or firm and place of business of the principal solicitor.

18. A plaintiff suing in person shall indorse upon every statement of claim, his place of residence and occupation, and also, if his place of business shall be more than one mile from the Equity Office, another proper place to be called his

address for service, which shall not be more than one mile from the Equity Office, where writs, notices, petitions, orders, summonses, warrants, and other documents, proceedings, and written communications may be left for him.

Appearance.

19. The solicitor of a defendant appearing by a solicitor shall state in such memorandum his place of business, and a place to be called his address for service, which shall not be more than one mile from the Equity Office.

20. A defendant appearing in person shall state in such memorandum his address, and a place to be called his address for service, which shall not be more than one mile from the Equity Office.

21. If the memorandum does not contain such address, it shall not be received; and if any such address shall be illusory or fictitious, the appearance may be set aside by the Court, on the application of the plaintiff.

Default of appearance.

22. Where any defendant, not being an infant or a person of weak or unsound mind, unable of himself to defend the suit, is duly served with the statement of claim, and does not enter an appearance thereto within the time limited by the indorsement, the plaintiff may, after seven days from the time so limited for appearing thereto, apply to the Court on affidavit of service of the claim for a decree or order against such defendant in his absence, and thereupon the Court may, if satisfied of the due service of the claim, make such decree or order, or give such directions as to the taking of evidence and otherwise, for the further prosecution of the suit, as may seem just.

23. A defendant, notwithstanding his default of appearance, may at any time apply to the Court for leave to appear and defend upon such terms as to costs and otherwise as the Court may direct.

Security for costs.

24. If it appears upon the statement of claim or otherwise, at any time during the prosecution of the suit, that the sole plaintiff, if only one, is, or if more than one, all the plaintiffs are, residing out of the jurisdiction of the Court, the defendant shall be entitled as of course to an order for the plaintiff or plaintiffs to give security to the Master for costs. And the Court may order such security, if it shall think fit, in respect of any one or more of several plaintiffs who shall be out of the jurisdiction; and no further proceedings shall be taken in the suit except by leave of the Court until after such security shall have been given.

Demurrer.

25. Any party may demur to any pleading of the opposite party, or to any part of a pleading setting up a distinct cause of action, ground of defence, set off, counter claim, reply or as the case may be, on the ground that the facts alleged therein do not show any cause of action, or ground of defence to a claim or any part thereof, or set off, or counter claim, or reply, or, as the case may be, to which effect can be given by the Court as against the party demurring.

26. A demurrer shall state specifically whether it is to the whole or to a part, and if so, to what part of the pleading of the opposite party. It shall state some ground in law for the demurrer, but the party demurring shall not, on the argument of the demurrer, be limited to the ground so stated.

27. A defendant desiring to demur to part of a statement of claim, and to put in a defence to the other part, shall combine such demurrer and defence in one pleading. And so, in every case where a party entitled to put in a further pleading desires to demur to part of the last pleading of the opposite party, he shall combine such demurrer and other pleading.

28. If the party demurring desires to be at liberty to plead as well as demur to the matter demurred to, he may, before demurring, apply to the Court for an order giving him leave to do so; and the Court, if satisfied that there is reasonable ground for the demurrer, may make an order accordingly, or may reserve leave for him to plead after the demurrer is overruled, or may make such other order and upon such terms as may be just.

29. While a demurrer to the whole or any part of a pleading is pending, such pleading shall not be amended, unless by order of the Court; and no such order shall be made except on payment of the costs of the demurrer.

30. When a demurrer is overruled, the Court may make such order, and upon such terms as to the Court shall seem right, for allowing the demurring party to raise by pleading any case he may be desirous to set up in opposition to the matter demurred to.

Plea.

31. A defendant may file a plea to a statement of claim within fourteen days after his appearance thereto, but not afterwards except by leave of the Court. And either party may set down the plea for argument immediately.

Statement of defence.

32. A defendant who has not filed a demurrer or plea shall file a statement of defence within three weeks after the time limited for the appearance of such defendant, or within such extended time as may be consented to by the plaintiff, or as the Court may, on application for that purpose, allow. And a statement of defence shall, except in the cases of corporations aggregate, be on oath. And corporations aggregate may put in a statement of defence under their common seal: Provided that in such case the Court may nevertheless order that a statement of defence be put in on oath by such member or officer of the corporation as it shall think fit.

Reply and subsequent pleadings.

33. A plaintiff shall deliver his reply, if any, within two weeks after the defence or the last of the defences shall have been delivered, unless the time shall be extended by the Court.

34. No pleading subsequent to reply, other than a joinder of issue, shall be pleaded without leave of the Court, and then upon such terms as the Court shall think fit.

35. Subject to the last preceding rule, every pleading subsequent to reply shall be delivered within one week after the delivery of the previous pleading, unless the time shall be extended by the Court.

Admissions.

36. Any party to a suit may give notice, by his own statement or otherwise, that he admits the truth of the whole or any part of the case stated or referred to in the statement of claim, defence, or reply of any other party.

Close of pleading.

37. As soon as either party has joined issue upon any pleading of the opposite party simply without adding any further or other pleading thereto, the pleadings as between such parties shall be deemed to be closed.

Amendment of pleadings.

38. The Court may at any stage of the proceedings allow either party to alter his statement of claim, or defence, or reply, or may order to be struck out or amended any matter in such pleadings respectively as may be scandalous, or which may tend to prejudice, embarrass, or delay the fair trial of the cause; and all such amendments shall be made as may be necessary for the purpose of determining the real questions or question in controversy between the parties.

39. The plaintiff may, without any leave, amend his statement of claim once at any time before the expiration of the time limited for reply and before replying, or, where no defence is filed at any time before the expiration of four weeks from the appearance of the defendant who shall have last appeared.

40. A defendant who has set up in his defence any set-off or counter claim may without any leave amend such set-off or counter claim at any time before the expiration of the time allowed him for pleading to the reply, and before pleading thereto, or in case there be no reply, then at any time before the expiration of twenty-one days from the filing of his defence.

41. When any party has amended his pleading under either of the last two preceding Rules, the opposite party may within eight days after the filing of the amended pleading apply to the Court to disallow the amendment, or any part thereof, and the Court may, if satisfied that the justice of the case requires it, disallow the same or allow it, subject to such terms as to costs or otherwise as may seem just.

42. Where any party has amended his pleading under rules 39 or 40, the opposite party shall plead to the amended pleading, or amend his pleading within the time he then has to plead, or within eight days from the delivery of the amendment which ever shall last expire, and in case the opposite party has pleaded before the delivery of the amendment, and does not plead again, or amend within the time above mentioned, he shall be deemed to rely on his original pleading in answer to such amendment.

43. In all cases not hereinbefore otherwise provided for, application for leave to amend any pleading may be made by either party to the Court, and either before or at the trial of the cause, and such amendment may be allowed upon such terms as to costs or otherwise as may seem just.

44. If a party who has obtained an order for leave to amend a pleading filed by him does not amend the same within the time limited for that purpose by the order, or if no time is thereby limited, then within fourteen days from the date of the order, such order to amend shall on the expiration of such limited time as aforesaid, or of such fourteen days as the case may become ipso facto void, unless the time be extended by the Court.

45. Whenever any pleading is amended, such pleading when amended shall be marked with the date of the order, if any, under which the same is so amended, and of the day on which such amendment is made, in manner following, viz.: "Amended day of

46. Whenever a party has obtained leave to amend any pleading, and the amendments are so inconsiderable that no re-engrossment is required, he shall thereupon give notice to the opposite party of such amendments, and the attested copy

of such pleading when so amended (or, if the amendment be of such a nature as to require a new engrossment, then an attested copy of such new engrossment) shall at the time such amendment is made or a new engrossment filed (if requiring no new appearance), be served on the solicitor of the opposite party. But if a new appearance be required, the amended attested copy or an attested copy of the new engrossment shall be served on the opposite party, together with the indorsements thereon.

Interrogatories.

47. A plaintiff may, by leave of the Court, at any time before the expiration of fourteen days after the suit is at issue, file interrogatories for the examination of a defendant; and the defendant shall, on oath, answer such interrogatories and file such answers within fourteen days after the service of the interrogatories on him: And the answer shall be deemed sufficient, unless exceptions are filed thereto within seven days after the filing of such answer.

48. A defendant may, by leave of the Court, and either at the time of filing his statement of defence or subsequently before the expiration of fourteen days after the suit is at issue, file interrogatories for the examination of the plaintiff, to which interrogatories shall be prefixed a concise statement of the subjects on which a discovery is sought. And the plaintiff shall, on oath, answer such interrogatories and file such answer within fourteen days after service on him of the said interrogatories: And the answer shall be deemed sufficient, unless exceptions are filed thereto within seven days after the filing of such answer. Provided always that it shall not be competent to any defendant to file interrogatories until he has answered any interrogatories previously filed by the plaintiff for his examination.

49. Under special circumstances the Court may allow either party to file interrogatories at a later period in the suit.

Exceptions for insufficiency.

50. Exceptions for insufficiency may be filed to any answer or further answer to interrogatories within seven days after the filing of such answer or further answer. And such exceptions shall describe the passages which are alleged to be insufficient.

51. Where exceptions are allowed the Court may direct that a further answer be filed, or that the party in default be examined *viva voce*.

Setting down suit for hearing.

52. Within seven days after a joinder of issue, the plaintiff shall set down the suit for hearing on some day, except by leave of the Court, not earlier than the fourteenth nor later than the twenty-eighth day after so setting down the suit; and the plaintiff shall forthwith serve notice of the suit being so set down for hearing upon all the defendants thereto.

53. If the plaintiff does not set down the suit for hearing within seven days after a joinder of issue, any defendant may set down the suit for hearing, within like periods as hereinbefore provided for setting down by the plaintiff, and shall forthwith serve on the plaintiff and the other defendants notice thereof.

Default of pleading.

54. If the plaintiff does not file a reply or demurrer, or any party does not file any subsequent pleading or a demurrer, within the period allowed for that purpose, the pleadings shall be deemed to be closed at the expiration of that period, and the statements of fact in the pleading last filed shall be deemed to be admitted.

55. Any decree or order by default may be set aside by the Court, upon such terms as to costs or otherwise as such Court may think fit.

Dismissal for want of prosecution.

56. Any party may move to dismiss a suit or counter claim for want of prosecution when the opposite party has not, within the time fixed by the rules in that behalf or by an order of the Court, taken such step as may be then necessary in the suit or counter claim.

57. Upon any application to dismiss a suit or counter claim for want of prosecution, the Court may make an order to that effect, or such other order, or may impose such terms, as may appear just and reasonable.

Decrees and orders.

58. The party who has the carriage of any decree or order shall, within ten clear days of the same being pronounced, or within such further time as the Court shall direct, lodge the minutes of the same in the Equity Office, and take out an appointment to proceed therein.

59. Where in any suit a set-off or counter claim is established as a defence against the plaintiff's claim, the Court may, if the balance is in favour of the defendant, make a decree for the defendant for such balance, or may otherwise adjudge to the defendant such relief as he may be entitled to upon the merits of the case.

Appeal.

60. Notices within rules 183 and 184 of the Consolidated Standing Rules of 29th June, 1893, may be signed by one counsel.

References.

61. Proceedings on reference to the Master shall be by summons or appointment signed by him. Such summons may be in the form set forth in Schedule 9 to the Consolidated Standing Rules of 29th June, 1883, and such appointment may be in the form set forth in Schedule B to these rules.

62. When a reference has been made by the Court to the Master or Chief Clerk to settle any decree or order, the Master or Chief Clerk shall direct what proceedings shall be taken thereunder, and the decree or order so settled shall be submitted to the Court for approval.

63. In directing what proceedings shall be taken under any decree or order the Master may direct what parties are entitled to attend future proceedings, the necessary advertisements, and which of the several proceedings may be properly going on pari passu, and the manner in which inquiries and accounts are to be prosecuted, and the evidence to be adduced in support thereof; and if the Master shall think it expedient so to do, a certain time or certain times shall be fixed within which the parties are to take any proceedings, and all such directions may afterwards be added to or varied from time to time.

64. Where the party entitled to prosecute a decree or order does not proceed therein within the time fixed or limited for that purpose by the Court or Master, or by any rule for the time being in force in that behalf, then the Court or Master may, upon the production by any other party interested either as a party to the suit or as one who has come in and established his claim under the decree or order of the certificate of the Clerk of the Records in the Equity Office, that the party entitled to prosecute such decree or order has not proceeded therein within such time as aforesaid, commit to each other party the further prosecution of the said decree or order, and from thenceforth the party making default shall not be at liberty to attend as prosecutor of the said decree or order, and the certificate shall be indorsed accordingly, and such indorsement shall be signed by the Master.

65. No more than one summons or appointment shall be taken out for the time during which the Master or Chief Clerk shall continue or adjourn the proceedings under such summons or appointment.

66. Every summons or appointment before the Master or Chief Clerk shall be considered peremptory, and in case the Master or Chief Clerk shall not be attended by the solicitor or a competent person on behalf of the solicitor of any party, the Master or Chief Clerk shall in such case disallow the usual fee for the solicitor's attendance, and he shall mark such determination in his book.

67. Where some or one, but not all the parties, shall attend the Master or Chief Clerk at an appointed time, whether the same be fixed by the Master or Chief Clerk personally or upon summons or appointment, then the Master or Chief Clerk shall be at liberty to proceed ex parte if he thinks proper considering the nature of the case, so to do.

68. When the Master or Chief Clerk has proceeded ex parte, such proceeding shall not be reviewed by him unless he shall, upon special application made to him for that purpose by the party who was absent, be satisfied that the party was not guilty of wilful delay or negligence.

69. Every summons or appointment to proceed upon any matter before the Master or Chief Clerk shall be issued and served two clear days before the time fixed, and, upon any proceeding whereon evidence is to be given, the Master shall be at liberty to direct from time to time that evidence shall be taken separately upon any selected point or points, and the evidence shall be taken accordingly.

Costs.

70. Where it is directed that costs shall be taxed in case the parties differ about the same, the party claiming the costs shall bring the bill of costs into the Equity Office, and give notice of his having so done to the other party; and at any time within

eight days of such notice, such other party shall have liberty to inspect the same, if he thinks fit. And at or before the expiration of the eight days, or such further time as the Master shall in his discretion allow, such other party shall either agree to pay the costs, or signify his dissent therefrom, and shall thereupon be at liberty to offer payment of a sum of money for the costs. But, when he makes no such offer, or when the party claiming the costs refuses to accept such offer, the Master shall proceed to tax the costs; and when the taxed costs shall not exceed the sum offered, the costs of the taxation shall be borne by the party claiming the costs.

Time of operation, &c.

71. These Rules are to be read with the Consolidated Standing Rules of June, 1883.

72. Such of these Rules as relate to pleadings shall not apply to any pending suit in which a statement of defence has been filed, except by leave of the Court.

73. These Rules shall come into operation on the 16th day of September, 1883, and shall apply to any proceedings commenced on or after that date.

74. These Rules may be cited as the "Consolidated Standing Rules of September, 1883."

FREDK. M. DARLEY, C.J.
W. C. WINDEYER, J.
M. H. STEPHEN, J.
WM. OWEN, J.
GEO. HIBBERT DEFFELL, J.
W. J. FOSTER, J.

SCHEDULE A.

In the Supreme Court of New South Wales.

IN EQUITY.

The day of , in the year of our Lord
one thousand eight hundred and

LET all parties concerned in the matter of the within Petition attend before the Honorable William Owen, Primary Judge in Equity, at this Court, on the day of , at o'clock in the forenoon, and herof let all parties have due notice.

Chief Clerk in Equity.

SCHEDULE B.

In the Supreme Court of New South Wales.

IN EQUITY.

(Short title of cause or matter.)

I APPOINT the day of , at my chambers, Equity Office, Chancery-square, to [settle minutes of order of, &c., or as the case may be].

Dated the day of 18 .

Master in Equity.

FREDK. M. DARLEY, C.J.
W. C. WINDEYER, J.
M. H. STEPHEN, J.
WM. OWEN, J.
GEO. HIBBERT DEFFELL, J.
W. J. FOSTER, J.

1889.

NEW SOUTH WALES.

RULES OF THE SUPREME COURT.

(IN EQUITY.)

Presented to Parliament, pursuant to Act 44 Vic. No. 18, sec. 81.

In the Supreme Court of New South Wales.
IN EQUITY.

REGULÉ GENERALES.

The 27th day of September, A.D. 1889.

In pursuance of the powers vested in us by the "Equity Act of 1880," and of all other powers in that behalf enabling us, we do order as follows:—

1. All Rules now in force for fixing the amount of fees and allowances to Solicitors for any proceeding in Equity are hereby repealed.

2. The amount of fees and allowances to Solicitors in reference to proceedings in Equity shall be those mentioned in the annexed scale.

3. These Rules shall come into operation on the 7th day of October, 1889, and shall apply to any proceedings commenced on or after that date.

SCALE REFERRED TO.					£	s.	d.	
<i>Instructions.</i>			£	s.	d.			
To sue or defend	{ From 7 6	Will, conveyance, or other deed, per folio... {						
	{ To 1 0 0	Briefs per sheet (including copy)						
For statement of claim, statement of defence, special case on petition	{ From 1 0 0	Or per folio						
	{ To 3 0 0	Bills of costs for taxation including copy for the taxing officer, per folio						
For replication or interrogatories	{ From 5 0	Indorsement on statement of claim under 13th section of Equity Act of 1880						
	{ To 10 0	Indorsement of fiat on petition						
For documents to be brought into Master's Office, such as charges, discharges, or statement of facts	{ From 7 6	Masking each exhibit to affidavit						
	{ To 1 0 0							
To amend any pleading	{ From 10 0	COPIES.						
	{ To 1 0 0	Of statement of claim and all other documents where no other provision is made						
For affidavit	{ From 5 0	Or per folio						
	{ To 1 0 0	If attested, per folio						
To appeal	{ From 10 0	Of briefs, per sheet of 6 folios						
	{ To 1 0 0	Engrossment on parchment of any will or deed, per folio						
For or in opposition to any motion to be made in Court	{ From 10 0	Of any documents for printer, per folio						
	{ To 1 0 0	For printing, the amount actually and properly paid to the printer						
For or in opposition to any application in Chambers	{ From 5 0	PERUSALES.						
	{ To 10 0	Of statement of claim, statement of defence, and other pleading by the Solicitors of the party to whom the same are delivered						
For brief on hearing of suit, such fee may be allowed as the taxing officer shall think fit, having regard to the number of witnesses whose proofs shall have been taken, the time occupied in making searches and in procuring evidence, and to all the circumstances of the case		Or per folio						
For brief on motion, or on further consideration, or on appeal, or on examination of witnesses de bene esse	{ From 10 0	Of special affidavits by the Solicitor of the party against whom the same can be read—each affidavit, per folio						
	{ To 2 0 0	Of printed proof and revise, per folio						
For brief on application in Chambers	{ From 7 6	WRITS AND SUMMONSES.						
	{ To 1 0 0	Writ of subpoena <i>ad testificandum</i> or <i>duces tecum</i> including precepts and attending to issue, but not including fees paid						
DRAWING PLEADINGS AND OTHER DOCUMENTS.		Writ of execution, including affidavit of demand, precepts, attending to issue and attending lodging with Sheriff, and fees paid on issuing and lodging with Sheriff						
Statement of claim or statement of defence	1 0 0	all other writs, drawing, and engrossing, at per folio						
Or per folio	1 6							
Replication, interrogatories, demurrer, plea, special case, statement of facts, charge, discharge, petition, minutes, affidavit, order, accounts, statements, advertisement, summons in Chambers, or pleading of any kind	5 0							
Or per folio	1 6							

SERVICES AND NOTICES.

	£	s.	d.
Service of statement of claim, petition, order, or other document on a party personally	7	6	
If served at a distance of more than two miles from the place of business of the Solicitor serving the same, for each mile beyond such two miles therefrom	1	0	
Where, in consequence of the distance of the party to be served, it is proper to effect such service through a bailiff or agent, for correspondence in addition	7	6	
Where more than one attendance is necessary to effect service such further allowance may be made as the taxing officer shall think fit			
Service of any statement of claim, statement of defence, replication, petition, or other similar document on the Solicitor of the opposite party	5	0	
For preparing and serving on Solicitor of opposite party, notice of appearance, of trial, or of hearing	5	0	
For preparing and serving notice to produce or notices to admit	7	6	
If special, or necessarily long, such allowance as the taxing officer shall think proper, not exceeding (including copy and service) per folio	2	0	
For preparing notice of motion	5	0	
Or per folio	1	6	
Copy for service	2	0	
Or per folio			
For service of notice of motion, summons in Chambers, or appointment on Solicitor of other party	2	6	
For preparing any necessary or proper notice not otherwise provided for, including copy and service on Solicitor of other party	5	0	
Or at per folio	2	0	

ATTENDANCES.

To file statement of claim and have summons indorsed stamped	5	0	
To file petition, including obtaining signature to list indorsed	5	0	
To swear and file statement of defence	7	6	
To enter appearance, file affidavit, notice of motion, copy chamber summons, Judge's order, or other similar document	2	0	
To obtain consent of next friend to sue in his name or of a guardian ad litem	10	0	
At Master's Office to obtain decree or order after being passed and entered	5	0	
To inspect or produce for inspection documents pursuant to a notice to admit	10	0	
For every hour after the first	10	0	
To obtain or give any necessary or proper consent	5	0	
To obtain an appointment to examine witnesses de bene esse	10	0	
On examination of witnesses before Master in Equity, Commissioner, or other person with counsel	1	0	0
For every hour after the first	10	0	
On examination of witnesses de bene esse without counsel	2	2	0
For every hour after the first	15	0	
If examination more than two miles from place of business of Solicitor, then such additional allowance as the taxing officer may deem reasonable			
On deponent to read over and with him to be sworn to affidavit	5	0	
By a Solicitor or his clerk to be sworn to an affidavit	5	0	
On a summons in Chambers with counsel	10	0	
If without counsel	1	0	0
To file Chief Clerk's and Taxing Master's certificates, or to get copy marked as an office copy	6	0	
On counsel, with brief or other papers—			
If counsel's fee one guinea	5	0	
If more and under five guineas	10	0	
If five guineas and under twenty guineas	15	0	
If twenty guineas	1	0	0
If more than twenty guineas	2	0	0

	£	s.	d.
On consultation or conference with counsel	7	6	
To enter or set down suit, special case, or appeal for hearing or trial	5	0	
In Court on hearing of motion, special case, petition, appeal, or any other hearing where no witnesses examined	1	0	0
To present petition for order of course and for order in Court on every suit or special motion when same in list and not heard	3	0	0
On hearing of any suit per day where witnesses examined	7	6	
To hear judgment	15	0	
Before Master or Chief Clerk on any appointment, settlement of minutes, or inquiry, or for any purpose whatsoever necessary in the progress of the suit or proceeding	5	0	0
On taxation of bill of costs	7	6	
Unless the same shall necessarily occupy so much time that the taxing officer shall consider such amount inadequate, in which case he may allow such further fee as he shall think proper	2	0	0
To obtain or give undertaking to appear	3	0	0
At Gazette Office or other newspaper with notice for insertion	10	0	
On counsel to procure certificate that cause proper to be heard as a short cause	5	0	
To procure signature of judge to any order in chambers	10	0	
To examine an abstract of title with deeds, per hour, in a cause or matter	7	6	
To produce deeds for such purpose, per hour	10	0	
To obtain appointment to tax or other appointment necessarily signed by the Chief Clerk or other clerk in the office of the Master in Equity, and including drawing, copy, and service of any such appointment (but not including fees paid)	5	0	
If served on more than one party, for every additional party	7	6	
On printer, and instructing him	5	0	
For examining the proof print at per folio	10	0	
Attending to return proof	2		
Examining revise	5	0	
Attending to search cause list during each Term	1	0	0

TERM FEES, LETTERS, &c.

Term fee, for every Term during which any proceeding shall be taken in the suit	15	0	
And further, in country agency suits for letters	6	0	
Where no proceeding in the cause or matter is taken which carries a Term fee, a charge for letters may be allowed if the circumstances require it			
For letter before suit, and every necessary letter during the course of a suit	3	6	
For circular letters, after the first letter, for each letter	7	6	
In addition to the above, an allowance is to be made for special letters, and for the necessary expense of postage, carriage, and transmission of documents	1	6	

ALLOWANCES TO TOWN WITNESSES.

Merchants, bankers, master mariners, and professional men, per diem	15	0	
Tradesmen, auctioneers, accountants, and clerks, per diem	1	0	0
Artizans, journeymen, sailors, labourers, and the like, per diem	7	6	

ALLOWANCE TO COUNTRY WITNESSES.

From four shillings to eight shillings per day, in addition to the above-mentioned allowances, and in addition to the sum reasonably paid for travelling expenses.

FREDK. M. DARLEY, C.J.
 W. C. WINDEYER, J.
 WM. OWEN, J.
 GEO. HIBBERT DEFFELL, J.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RULES OF SUPREME COURT.

(ADMISSION OF BARRISTERS UNDER 11 VIC. No. 57 AND 39 VIC. No. 32.)

Ordered by the Legislative Assembly to be printed, 9 July, 1889.

[Laid on the Table of this House in accordance with promise made in answer to Question No. 1 of the 5th July, 1889.]

RULES for the Admission of Barristers, under 11 Victoria No. 57 and 39 Victoria No. 32, New South Wales to wit, Friday, the 14th day of December, 1877.

WHEREAS by an Act of the Governor and Legislative Council of New South Wales, passed in the eleventh year of the reign of our Lady the Queen, intituled "An Act to regulate the admission in certain cases of Barristers of the Supreme Court of New South Wales," after reciting that it was expedient to make provision in certain cases for the admission of properly-qualified persons to practise as barristers of the Supreme Court of New South Wales, it is enacted that the Judges of the Supreme Court at Sydney, the Attorney-General for the time being, and two Barristers of the Supreme Court, to be annually elected in the month of December for the year then ensuing by the practising Barristers of the said Court, should form a Board for the approval of properly-qualified persons to be Barristers of the Supreme Court of New South Wales.

And that the said Board should from time to time, as might appear to them to be expedient, make and promulgate rules for the examination of candidates in the Ancient Classics, both Greek and Latin, in Mathematics, in Law, and in such other branches of knowledge as they should deem meet; and that the said Board might from time to time depute the examination of such candidates to such persons as they should consider competent to examine such candidates, subject to the payment of such reasonable fees to the examiners respectively as the said Board should order to be paid by such candidates: Provided that no candidate, however qualified in other respects, should be admitted to be a Barrister of the said Supreme Court, unless the said Board shall be satisfied that he is a person of good fame and character.

And whereas, by an Act passed in the thirty-ninth year of the reign of our said Lady the Queen to amend the said recited Act, it is enacted that after the passing of the said Act no candidate for admission to practise as a Barrister of the Supreme Court of New South Wales who shall have passed two annual examinations in the University of Sydney shall be required to pass an examination in the Greek and Latin Classics, or in Mathematics, and that it shall not be obligatory on any candidate whatsoever for such admission who shall pass an examination in the Latin Classics and in Logic, or in the Latin Classics and the French Language and Literature, to be examined in the Greek Classics; anything in the said recited Act to the contrary, notwithstanding. And that the Board constituted by the said recited Act shall, as soon as conveniently may be after the passing of the said Act, and from time to time as may appear to them expedient, make and promulgate rules for the examination of candidates for admission to the Bar in Logic and the French Language and Literature:

And whereas it is considered expedient to repeal all rules heretofore made for the purposes aforesaid, or any of them, and to make and promulgate the rules hereinafter contained for giving effect to the said recited Acts:

Now, therefore, we, the Honorable Sir James Martin, Chief Justice, and John Fletcher Hargrave, Esquire, Peter Faucett, Esquire, and Sir William Montagu Manning, being the present Judges of the said Supreme Court, with the Honorable William Bede Dalley, Esquire, Attorney-General, and the Honorable Frederick Matthew Darley, Esquire, and William John Foster, Esquire, the Barristers elected according to the first above-mentioned Act in the month of December last, do hereby repeal all rules now subsisting under the said Acts, or either of them, excepting in respect of acts and matters done or commenced to be done thereunder; and we do, in pursuance of the said Acts, make and promulgate the following rules for the examination and admission of candidates hereafter (see rule 28) applying to be admitted Barristers of the Supreme Court under the said Acts:—

1. Every candidate hereafter applying shall give written notice to the Board, through the Attorney-General, ten clear days at the least before the first day of some Term of his intention to apply to be admitted a Barrister; and shall at the same time transmit to him, to be submitted to the Board, written testimonials

testimonials from two or more persons resident in Sydney (of whom one shall be a Barrister or a Graduate of some University within the meaning of the Acts hereinafter mentioned), to the effect that they have been well acquainted with the candidate for twelve months and upwards, and that he is a person of good fame and character.

2. The Board shall meet at the Chief Justice's Chambers at 4 o'clock in the afternoon of the first Wednesday in that Term, or on some other day and hour named for that purpose by the Chief Justice, to consider the application of any such candidate: Provided that such meeting may be adjourned from time to time, as shall be found necessary.

3. No such candidate shall be admitted to any examination under the said Acts and these rules until the Board shall first have been satisfied by the written testimonials submitted to it, or by such further proofs as it may deem necessary, that he is a person of good fame and character; nor shall any such candidate after the required examinations be admitted to practise as a Barrister unless the Board shall then continue to be so satisfied.

4. In any case in which it shall be shown to the satisfaction of the Board that any such candidate is a Graduate of a University within the meaning of the Acts 20 Victoria No. 14 and 22 Victoria No. 23, or either of them, he shall be at once entitled to be admitted as a student-at-law under these rules; and if it be shown that he has passed two Annual Examinations in the University of Sydney, he shall, prior to being so admitted as a student-at-law, be examined in such branches of knowledge other than the Greek and Latin Classics, and Mathematics, French, or Logic, as the Board shall have required by any rule under the authority of the first above-recited Act.

5. Every other such candidate shall before being admitted as a student-at-law be examined in the following matters, that is to say, in the Greek and Latin Classics, and in Mathematics and History, or in the Latin Classics, Mathematics, and History, and either in Logic or in the French Language and Literature; and any candidate applying to be examined accordingly shall be admitted to examination in the subjects selected by him within the terms of this rule; for which purpose direction shall be given by the Board at any meeting held under the second above rule, or at some adjournment of the same.

6. The Board shall annually on the first Wednesday in the Third Term of the Court, or on some other day to be named as aforesaid, appoint such examiners for the several branches of examination as they may deem necessary: Provided that in default of such appointment at any time the examiners previously appointed shall continue in office unless and until others shall have been duly appointed in their place; and provided also that in any case of vacancy, or upon any special occasion, the Board may at any time appoint another examiner either generally or *pro hac vice*, as the case may require.

7. The said examiners shall respectively attend in Sydney for the examination of the candidate on such day (after signification to them, by the Prothonotary, that the candidate is to be admitted to such examination), and at such place and hour as they shall appoint; of which appointment they shall give not less than two clear days' notice to the candidate and to the Prothonotary: Provided that the said meeting shall be within fourteen days after such signification, and that the examiners respectively shall have power to adjourn from time to time, as may be thought necessary.

8. The subjects for examination, under Rule 5, shall be those specified in the Appendix hereto, marked A; and so soon as conveniently may be after the examination has been concluded the examiners shall respectively transmit to the Prothonotary a certificate, to be laid before the Board, that they have duly examined the candidate on those subjects, in the manner prescribed by these rules; and they shall report, as to each of the said subjects, whether his examination has or has not been satisfactory.

9. The standard of proficiency to be required at such examinations as last aforesaid shall be equal to that of the two annual examinations in the University of Sydney, mentioned in the second above-recited Act,—so far as such standard is capable of being applied to the subjects of examination under the said Appendix A.

10. If it be certified that the candidate's examination has, on any subject, not been satisfactory, or if, for any reason to be allowed by the Board, he shall not have prosecuted his examination, the candidate may, upon application to the Board for that purpose, be admitted to a second examination: Provided that the fees hereinafter mentioned shall be payable in respect of each examination.

11. On the first or third Wednesday in the Term next after the receipt of any such application as last mentioned, or of any certificate from the examiners, or on some other day named by the Chief Justice for that purpose, the Board shall meet at the Chief Justice's Chambers, at 4 o'clock in the afternoon, or at such other hour as may be named by the Chief Justice for the purpose, to consider the same; and shall then, or on some day and hour of adjournment therefrom, determine on the admission or rejection of the candidate as a student-at-law, or to a second examination as aforesaid, as the case may require.

12. Every such candidate as last mentioned shall be admitted as a student-at-law when he shall (subject to the next succeeding rule) have passed satisfactorily in all the subjects in Appendix A, in which he shall have elected or shall be required under the provisions of the second above-recited Act to be examined.

13. Provided that where one paper only has been answered unsatisfactorily, the Board may, in its discretion, approve of the candidate, if the examiners certify, as to any three of the other papers, that his examinations therein have been "very" satisfactory.

14. Provided also that nothing in these rules shall prevent any person who shall have failed in passing, notwithstanding two examinations, from applying *de novo* at any time after twelve months after the date of such failure.

15. The several examinations in law of any such candidate may be at any times within three years after he shall have been admitted as a student at law, upon signification by him to the Prothonotary of the Court that he is prepared for any such examination, and that he desires to proceed to the same: Provided that the Board may, if it so think fit, allow any such examination at a time later than the expiration of the said period of three years.

16. The final examination in law of any candidate shall not be permitted until he shall have been a student-at-law within the meaning of the preceding rules for at least one year; and during the period between the admission of a candidate as a student-at-law and his admission to the Bar such candidate shall pursue no business or occupation otherwise than in the way of study and preparation for the Bar or in the nature of a literary pursuit.

17. Such examinations in law shall be by two or more practising Barristers, to be annually appointed for that purpose by the Board, as provided by Rule 6: Provided that the Board may, in respect of any branch of such examinations, appoint also, as examiner, any Professor or Lecturer of the University of Sydney who may be conversant with the subjects thereof.

18. The examiners in law shall attend in Sydney, for the examination of any student-at-law, on such day after signification to them by the Prothonotary that such student desires to proceed to any such examination, and at such place and hour as they shall appoint; of which appointment two clear days' notice shall be given to the student by the examiners. Such attendance to be as soon after such signification as conveniently may be; but the examiners shall have power to adjourn from time to time, as may be by them thought necessary.

19. The subjects for examination in law shall be those specified in the appendix hereto, marked B; and so soon as any examination has been concluded in either of the branches therein prescribed the examiners shall transmit to the Prothonotary a certificate and report as to those subjects, to the effects mentioned in the 8th of these rules: Provided that the students shall be first examined in the subjects of the first branch, and shall not proceed to examination in the second branch until they shall be adjudged to have passed satisfactorily in the said first branch.

20. On the first or third Wednesday in the Term next after the receipt of any certificate from the examiners in law, or on some other day to be named by the Chief Justice for that purpose, the Board shall meet and consider the same; and shall then, or on some day of adjournment, determine as to the sufficiency or otherwise of the student's proficiency in the subjects of the examination to which the said certificate shall relate, or on admitting the candidate to a second examination, as provided in Rule 10 as to examinations under Appendix A.

21. No candidate shall be admitted to the Bar until he shall have passed in all the subjects of examination in law: Provided that any candidate who shall have failed to pass may apply *de novo* at any time after twelve months thereafter, as in cases within Rule 14.

22. The examinations, under either Appendix A or B, shall be by printed or written questions, given to the candidate at the time of examination, and answered by him in writing, in the presence of the examiners or one of them; and there shall be separate examination papers on the several subjects, containing each not less than twelve nor more than eighteen questions, or in respect of the classical papers, and the French language, three passages for translation, of not less than fifteen nor more than twenty-five lines each, from the books specified, with at least ten questions in addition, having reference to the said books or to the construction and grammar of the passages given for translation.

23. Not more than two hours shall, in general be allowed for answering one examination paper: Provided that the examiners may, at their discretion, allow an additional hour.

24. The answers to each paper shall be signed by the candidate, and be forwarded by the examiners to the Prothonotary as soon as conveniently may be, under seal, with the questions, and their certificate and report on such answers.

25. Whenever the report of the examiners under either appendix shall not be that the examination has been "satisfactory" as to at least four, or "very satisfactory" to at least three of the subjects for examination, the second examination, if allowed, shall extend to all the subjects of the examination; but whenever the report is "satisfactory" as to four, or "very satisfactory" as to three subjects, the second examination may be ordered to extend to the remaining subject, or subjects, only.

26. So soon as any candidate for the Bar shall have passed all the examinations required by these rules, the Board shall, subject to the provisions in Rule 1, give directions for his admission at the Bar; and he shall be admitted and sworn in open Court, on any day following, in or out of Term, by any two Judges sitting together.

27. Each examiner shall be paid by each candidate a fee of ten guineas for his examinations respectively, including the report thereon; such fees to be paid to the Prothonotary, and certified as so paid, before the candidate shall be admitted by the Board to such examination.

28. These rules shall come into operation on and from the 31st day of March now next.

APPENDIX A.

Classics, Mathematics, French Language and Literature, Logic, and History.

1. *Greek.* Translations from the Iliad, First 4 Books; The Antigone of Sophocles; Herodotus, 2nd Book; or *French Language and Literature.* Any two of the following books to be selected by the Candidate, viz.:—Moliere's (Plays); Racine's (Tragedies); Guizot's "Histoire de la Civilization d'Europe"; Pascal's "Lettres Provinciales"; Montesquieu's "Esprit des Loix"; and Fenelon's "Telemaque";
- or *Logic.* Whately's Logic, and Locke on the Human Understanding.
2. *Latin.* Translation from Cicero de Officiis, and 1st and 2nd Orations against Cataline; The Germania of Tacitus; Odes of Horace.
3. *Geometry.* First 4 Books of Euclid.
4. *Algebra.* To Quadratic Equations inclusive.
5. *History.* Hallam's Constitutional History, and Middle Ages, 5th, 6th, and 8th Chapters; Creasy on the Constitution; Stephen's Commentaries, Introduction and Concluding Chapter.

(N.B.—As to questions in addition to translations, see Rule 21.)

APPENDIX B.

Examinations in Law.

FIRST BRANCH.

1. *Roman Law*—
The Institutes of Justinian.
Maine's Ancient Law.
2. *Constitutional Law*—
Hearn's Government of England.
The Acts in force in New South Wales relating to the following subjects: Constitution, Electoral matters, Governor, Parliament, Crown Remedies and Liabilities, Municipal Corporation.
3. *International Law*—
1. The Laws of Allegiance, of Aliens, of Naturalization, of Extradition.
2. The Rights and Duties of Nations in times of Peace.
3. In times of War.
4. The Principles of Private, International, and Intercolonial Law.

Books.

Books.

Grotius : De Jure Belli et Pacis, Books 1, 2, and 3.
Manning's Commentaries, by Sheldon Amos.
Westlake on Private International Law.

SECOND BRANCH.

1. *Real Property.* Williams on Real Property ; Sugden's Real Property Statutes ; Stephen's Commentaries, Book 2, Part 1.
2. *Personal Property.* Williams on Personal Property ; Smith on Contracts.
3. *Common Law, Pleading, and Evidence.* Broom's Commentaries ; Stephen on Pleading ; Starkie on Evidence, Part I ; and Taylor on Evidence, Part I, Part II, Caps. 1 to 7, and Part III, Cap. 3.
4. *Equity.* Story's Equity Jurisprudence ; Spence's Equity, 2nd Volume, Chapters, 1, 6, 8, and 11.
5. *General Paper.* Stephen's Commentaries, Book 5 ; Broom's Maxims.

JAMES MARTIN, C.J.
P. FAUCETT.
W. M. MANNING.
WILLIAM B. DALLEY.
FREDK. M. DARLEY.
W. J. FOSTER.

In the Supreme Court }
of New South Wales. }

Regula Generalis.—Tuesday, the first day of May, in the year of our Lord one thousand eight hundred and eighty-three. Any person duly admitted to practise as a Barrister in the Supreme Court of Victoria or of Queensland shall be entitled to be admitted to practise as a Barrister of the Supreme Court of New South Wales, on the following terms and conditions:—1. The Barrister applying for admission under this rule shall produce a certificate under the hand of the Chief Justice of the Court in which he was admitted, setting forth the fact of his admission as a Barrister, and recommending him as a fit and proper person to be admitted a Barrister of this Court. 2. Before the application shall be granted the applicant shall pay into the hands of the Prothonotary the sum of £25, to be expended in aid of the Supreme Court library. 3. The motion for admission must be made in open Court during Term, and the applicant must be present in Court at the time.

JAMES MARTIN, C.J.
P. FAUCETT, J.
W. C. WINDEYER, J.
J. GEO. LONG INNES, J.

FURTHER RULES FOR THE ADMISSION OF BARRISTERS.

(Under 11 Victoria No. 57 and 39 Victoria No. 32.)

New South Wales to wit.

Wednesday, 2nd March, 1887.

WHEREAS by certain rules prepared on the fourteenth day of December, one thousand eight hundred and seventy-seven, by the then Chief Justice and the Judges of the Supreme Court and the Attorney-General for the time, and two Barristers elected in pursuance of the Act of the eleventh year of Her Majesty's reign, numbered fifty-seven, as members of a Board for the approval of properly-qualified persons to be Barristers of the Supreme Court of New South Wales, it was amongst other things ordered by the sixteenth rule as follows:—

"The final examination in law of any candidate shall not be permitted until he shall have been a student-at-law within the meaning of the preceding rules for at least one year, and during the period between the admission of a candidate as a student-at-law and his admission to the Bar such candidate shall pursue no business or occupation otherwise than in the way of study and preparation for the Bar, or in the nature of a literary pursuit."

And whereas it is deemed fitting for the purpose of securing better preparation for the Bar, in accordance with the practice for admission to the Bar in other parts of Her Majesty's Dominions, that such period of law studentship should be extended as herein provided in respect of all persons who shall hereafter be admitted as students-at-law:

Now, therefore, we, the Honorable Frederick Matthew Darley, Chief Justice, and Peter Faucett, William Montagu Manning, and Joseph George Long Innes, Judges of the Supreme Court, with the Honorable William John Foster, Attorney-General, and Henry Emanuel Cohen, one of the Barristers elected according to the said Act in the month of December last, do hereby make and promulgate the following rules:—

1. From and after the thirty-first day of December, one thousand eight hundred and eighty-seven, no candidate not admitted as a student-at-law before that date (save as hereinafter provided) shall be admitted to the Bar of the Supreme Court of the Colony unless he shall have been for three years an admitted law student, within the above recited rule, and shall have complied with the requirements of that rule during the whole of such extended period; and such rule shall, in all respects, be read as if the words "for at least three years" were inserted therein in lieu of the words "at least one year."

2. Any undergraduate of the University of Sydney, or of any other University recognized by it, who shall have passed two annual examinations at such University may be admitted as a law student; and if such student shall thereafter in due course become a graduate of such University he shall be entitled to apply for admission to the Bar at the expiration of two years from his admission as law student, and while continuing at such University for the last year of his course as an undergraduate he shall be deemed to be engaged in a literary pursuit within the meaning of the said recited rule.

3. Any graduate of any such University who shall be admitted as a law student shall be entitled to apply for admission to the Bar after the expiration of two years from his admission as law student.

FREDK. M. DARLEY, C.J.
P. FAUCETT, J.
W. M. MANNING, J.
J. GEO. LONG INNES, J.
W. J. FOSTER, A.G.
H. E. COHEN.

FURTHER

FURTHER RULE FOR THE ADMISSION OF BARRISTERS.

(Under 11 Vic. No. 57 and 39 Vic. No. 32.)

New South Wales to wit.

Wednesday, the ninth day of March, in the year of our Lord one thousand eight hundred and eighty-seven.

WHEREAS by certain rules prepared on the fourteenth day of December, in the year of our Lord one thousand eight hundred and seventy-seven, by the then Chief Justice and Judges of the Supreme Court, and the Attorney-General for the time, and two Barristers elected in pursuance of the Act of the eleventh year of Her Majesty's reign, numbered fifty-seven, as members of a Board for the approval of properly-qualified persons to be Barristers of the Supreme Court of New South Wales, it was amongst other things ordered by the eighteenth rule as follows:—

The examiners in law shall attend in Sydney for the examination of any student-at-law on such day after signification to them by the Prothonotary that such student desires to proceed to any such examination, and at such place and hour as they shall appoint, of which appointment two clear days' notice shall be given to the student by the examiners. Such attendance to be as soon after such signification as conveniently may be; but the examiners shall have power to adjourn, from time to time, as may be by them thought necessary.

And whereas it is deemed advisable to hold the examinations in law under Appendix B four times a year only, namely, once during each Term: Now, therefore, we, the Honorable Frederick Matthew Darley, Chief Justice, and Peter Faucett, William Montagu Manning, and Joseph George Long Innes, Judges of the Supreme Court, with the Honorable William John Foster, Attorney-General, and Henry Emanuel Cohen and John Taylor Lingon, the Barristers elected according to the said Act, in the month of December last, do hereby make and promulgate the following rule:—

From and after the date of this rule there shall be held, during each Term, one examination in law, in the first and second branches, under Appendix B, such examination to take place upon the second Wednesday in each Term; and any student-at-law desirous of proceeding to such examination shall give notice to the Prothonotary before the first day of the Term during which he desires to be examined, and shall at the same time pay the fees provided for under rule twenty-seven of the said recited rules, provided that the examiners in law shall have power to adjourn any examination from time to time, as may be by them thought necessary.

FREDK. M. DARLEY, C.J.
P. FAUCETT, J.
W. M. MANNING, J.
J. GEO. LONG INNES, J.
W. J. FOSTER, A.G.
H. E. COHEN.
J. T. LINGEN.

FURTHER RULE FOR ADMISSION OF BARRISTERS.

(Under 11 Victoria No. 57 and 39 Victoria No. 32.)

New South Wales to wit.

Wednesday, the twenty-seventh day of July, in the year one thousand eight hundred and eighty-seven.

NOTWITHSTANDING the terms of the sixteenth rule of 14th December, 1877, or of any other rule relating to the admission of Barristers, it is ordered that candidates for the Bar, who shall be admitted as students-at-law after the time of the passing of this rule, shall not, during the twelve months immediately preceding their final examination in law, and thereafter to the time of their admission to the Bar, be permitted to pursue any business or occupation otherwise than by way of study or preparation for the Bar.

FREDK. M. DARLEY, C.J.
W. M. MANNING, J.
J. GEO. LONG INNES, J.
M. H. STEPHEN, J.
B. R. WISE.
H. E. COHEN.

FURTHER RULE FOR ADMISSION OF BARRISTERS.

(Under 11 Victoria No. 57 and 39 Victoria No. 32.)

New South Wales to wit.

Wednesday, the twenty-ninth day of February, in the year one thousand eight hundred and eighty-eight.

ANY graduate of the University of Sydney who shall have been admitted a student-at-law at the end of his second year, and who shall produce a certificate that he has kept four Terms in one of the Inns of Court in London, shall be entitled to admission to the Bar of New South Wales, provided he shall have passed the examinations in law in the first and second branches, Appendix B, as required by the rules.

FREDK. M. DARLEY, C.J.
W. C. WINDEYER, J.
J. GEO. LONG INNES, J.
M. H. STEPHEN, J.
WM. OWEN, J.
GEORGE HIBBERT DEFFELL, J.
W. J. FOSTER, J.
F. B. ROGERS.
W. GREGORY WALKER.

FURTHER RULE FOR ADMISSION OF BARRISTERS.

(Under 11 Victoria No. 57 and 39 Victoria No. 32.)

New South Wales to wit.

Thursday, the twenty-ninth day of March, in the year one thousand eight hundred and eighty-eight.

ANY solicitor of this Honorable Court who shall have been in practice for not less than five years, and who shall have caused his name to be struck off the roll of solicitors before his admission as a student-at-law, and who shall have passed all the examinations required by the rules, shall be entitled to admission to the Bar after having been a student-at-law for twelve months. Provided always that such solicitor, if not exempt, shall be entitled to proceed to the literary examination in Appendix A without having previously caused his name to be struck off the said roll.

FREDK. M. DARLEY, C.J.
W. C. WINDEYER, J.
J. GEO. LONG INNES, J.
M. H. STEPHEN, J.
WM. OWEN, J.
GEORGE HIBBERT DEFFELL, J.
W. J. FOSTER, J.
F. E. ROGERS.
W. GREGORY WALKER.

1889.

NEW SOUTH WALES.

THE SETTLED ESTATES ACT OF 1886.

(ORDERS OF THE SUPREME COURT UNDER.)

Presented to Parliament, pursuant to Act 50 Vic, No. 20, sec. 38.

In the Supreme Court of New South Wales.

The 17th day of July, 1889.

In pursuance of the powers given by the "Settled Estates Act, 1886," and of all other powers and authorities enabling us in that behalf, we do order and direct in manner following:—

THE SETTLED ESTATES ACT.

ORDERS, 1889.

Definitions.

1. The words "settlements," "settled estates," and "the Court" in these orders shall have the same interpretation as in the Act. The words "the Act" in these orders shall mean the Settled Estates Act, 1886; "the petition" shall mean a petition under the Act, and "the Judge" shall mean the Primary Judge in Equity, or any other Judge of the Court acting under the Act, with the concurrence of the Primary Judge. "Infant tenant in tail" shall include infants, within sub-section G of section 2 of the Act.

Title of the petition, &c.

2. All petitions, notices, affidavits, and other proceedings under the Act shall be entitled "In the matter of the estates settled" [by the settlor or settlors, naming one of them and referring to the instrument by which the settlement shall have been created, and mentioning the parish or place and county in which the lands, messuages, or tenements proposed to be dealt with are situate], "and in the matter of the Settled Estates Act, 1886"; and every such petition shall be marked with the words "In the Supreme Court of New South Wales in Equity." (See Form No. 1 in the Appendix hereto.)

Petition.—Description of property.—Address to be given.

3. Every petition shall, in the body thereof, or in a Schedule thereto, or by a plan thereto annexed, contain a detailed description of the property proposed to be dealt with by such petition sufficient to identify the same. And shall set forth the name, address, and description of the petitioner, and also a place within 2 miles from the site of the Supreme Court-house, Sydney, where he may be served with any order of the Court or of the Judge in Chambers, or any notification or notice relating to the subject matter of such petition.

Infant petitioner.

4. If an infant is the petitioner, the petition may be presented by the infant by his next friend, and after the petition has been presented and answered, and a guardian appointed as directed by Order 10, the word "guardian" shall be substituted by the

Master in Equity or other proper officer in the petition for the words "next friend," and the name of the guardian (if the next friend and guardian shall not be the same person) for the name of the next friend.

Hearing.

5. Upon the presentation of the petition, a day shall be appointed for hearing, not less (unless the Judge gives special leave) than eight clear days after such presentation, and in the computation of such eight clear days, Sundays and other days on which the offices are closed shall not be reckoned.

Restoring petition to paper.

6. When a petition has been put into the paper for hearing, and for any cause the Judge allows it to stand over generally, it may be put into the paper for a subsequent day, without any application to the Judge, on the petitioner or his solicitor applying for that purpose to the Master in Equity. Notice of the appointment of such subsequent day shall be given by the petitioner or his solicitor, two clear days before the day appointed, to the other parties entitled to appear on such petition.

Notice.

7. The notice required to be given by the 22nd section of the Act, if given before the hearing (or if given after the hearing and the Judge shall not otherwise direct) may, without any other direction of the Judge, be given within the jurisdiction of the Court, except in the case of a person of unsound mind, not so declared by the Court, by delivering to the person to be served a notice (in the Form No. 3 in the Appendix hereto) with such variations as the circumstances require.

Time to be specified in.—In case of guardian of infant.—Married woman.—Committee of lunatic.—Other cases.

8. The time to be specified in such notice for the person served to deliver or leave a notification shall, in case the person to be served is a guardian of an infant, be such as shall be directed by the Judge in the order appointing the guardian; and in case the person to be served is a married woman, or a committee of a lunatic, not less than twenty-eight clear days after the service; and in other cases not hereby otherwise provided for, not less than fourteen clear days after the service.

Person of unsound mind not so found.—Out of jurisdiction.

9. In case the person to be served is a person of unsound mind, not so declared by the Court, or out of the jurisdiction of the Court, or it is desired to serve such notice on any person within the jurisdiction of the Court, in any other manner than above provided, an application shall be made to the Judge at

Chambers, *ex parte*, by the petitioner, for directions as to the manner in which such notice shall be given, and as to the time to be specified in such notice within which the notification is to be made by the person served.

Guardian of infant.—Appointment of.

10. When it is desired that any guardian of an infant shall make or consent to any application to the Court under the Act, or make any notification respecting any application to the Court, or that notice may be given to any such guardian on behalf of an infant, the Court may appoint a guardian to such infant for the purposes of the Act; and an application for such appointment may, after the petition is presented, be made to the Judge at Chambers by the petitioner by summons.

Special direction under section 42.

11. In the case of a lunatic or infant tenant in tail by his committee or guardian applying or consenting to an application or giving a notification respecting an application, an application may be made to the Judge at Chambers by the petitioner, after the petition is presented, that such committee or guardian may be directed to so apply, or consent, or give a notification; and in the case of an infant such application may be combined with the application to appoint a guardian.

Special directions under section 42.

12. In cases where the committees or guardians of lunatics or infant tenants in tail shall be served with a notice of the application, in pursuance of the 42nd section of the Act, an application may be made to the Judge at Chambers by the petitioner, before the expiration of the time specified in such notice, that such committees or guardians may notify that they either assent to or dissent from such application, or submit their rights or interests, so far as they may be affected by such application, to be dealt with by the Court.

Service on guardian under order 10.

13. Upon an application to appoint a guardian to an infant for any such purpose as aforesaid, the summons shall be served upon the parent, or testamentary or other legally constituted guardian of the infant, if there be any such parent or guardian, unless the Judge shall dispense therewith.

Service on committee or guardian under orders 11 and 12.

14. Upon any application that a committee or guardian of a lunatic or infant tenant in tail may be directed to make or consent to any application on behalf of such lunatic or infant, or to notify that the lunatic or infant assents to or dissents from such application, or submits his rights or interests, so far as they are affected by such application, to be dealt with by the Court, the summons shall be served on the committee of such lunatic, or the guardian, appointed or proposed to be appointed, of such infant for such purpose.

Evidence on application of a guardian.

15. Upon an application to appoint a guardian of an infant, the following facts shall be proved:—

- (1) The age of the infant.
- (2) Whether he has any parent or any such guardian as mentioned in order 13, and if so, whether such parent or guardian has any interest in the application, and if he has, the nature of such interest, and whether or not adverse to the interest of the infant.
- (3) Where and under whose care the infant is residing, and at whose expense he is maintained.
- (4) In what way the proposed guardian is connected with the infant, and why proposed and how qualified to be appointed.
- (5) That the proposed guardian has no interest in the application, or if he has, the nature of his interest, and that it is not adverse to the interest of the infant.
- (6) The consent of the proposed guardian to act.

Evidence in case of application for consent of committee or guardian.

16. Upon an application that a committee or guardian of a lunatic or infant tenant in tail may be directed to make or consent to any application or to give any notification respecting any application, evidence is to be produced to satisfy the Judge that it is, and the committee or guardian is to make an affidavit that he believes that it is, proper and consistent with a due regard for the interests of such lunatic or infant that such direction shall be given.

Examination of a married woman.

17. The examination of a married woman under sections 43 and 44 of the Act may be taken at any time after the petition is presented and answered.

18. When it is desired that a married woman, resident within the jurisdiction of the Court, shall be examined otherwise than by the Court, a solicitor, may be appointed for that purpose by the Judge at Chambers in the Form No. 10 in the Appendix hereto, without summons or order, upon the request of the petitioner, and a certificate of the solicitor for the petitioner in the Form No. 10 in the appendix hereto that the solicitor to be appointed is not a solicitor for the petitioner, or for any person whose concurrence or consent to the application is required; but where an examination by such solicitor will

cause unreasonable expense, delay, or inconvenience, or where the married woman is resident out of the jurisdiction of the Court, an application by summons may be made *ex parte* by the petitioner to the Judge at Chambers to appoint a solicitor, if such woman is resident within the jurisdiction of the Court, and if not so resident, a person, whether a solicitor or not, to take such examination.

Evidence of propriety of the application.

19. Upon every petition, the Court shall be satisfied by the evidence that it is proper and consistent with a due regard to the interests of all parties entitled under the settlement that the powers should be exercised; and it shall be stated in the affidavit why and upon what ground it is deemed to be so.

Evidence of service on trustees.

20. Upon every petition, when there are any trustees seized or possessed of any estate in trust for any of the persons whose consent or concurrence to or in the application is required, evidence is to be produced that notice of the application has been served on such trustees.

Notices and advertisements.

21. If upon the hearing of any petition the Court shall be of opinion that notice ought to be served on any person who shall not have been served, or that notice of the application ought to be inserted in any newspaper, the Court shall give directions accordingly, and the petition shall stand over generally or to such time as the Court shall direct.

Applying for leave to be heard.

22. When the Court shall, at the hearing, have directed notice of any application to be inserted in any newspapers, any person may, within the time specified in the notice, apply to the Court, by motion, either *ex parte* or upon notice to the petitioner, for leave to be heard in opposition to or in support of the application; but if such motion shall be made *ex parte*, and the Court shall think fit to give such leave, it shall be subject to such order as the Court shall think fit to make as to costs: Provided always that an extension of time may be granted by the Judge in cases where some reason or excuse satisfactory to the Judge is alleged why the application was not made within the specified time.

Inspecting and obtaining copies of petition.

23. Any such person, having obtained leave under the last preceding order, shall be at liberty, upon a reasonable notice, to inspect and peruse the petition at the office of the solicitor for the petitioner, upon payment of a fee of 13s. 4d. on each inspection, and shall be entitled (either without or after such inspection) to be furnished with a copy of such petition upon such application, terms, and conditions as are by the next three succeeding orders provided.

24. If the person having obtained such leave shall require a copy of the petition, such person shall make a written application to the petitioner's solicitor for such copy, with an undertaking to pay all proper charges for the same.

25. Within two clear days after such application, a copy of the petition shall be ready to be delivered, and shall be delivered on demand, upon payment for the same after the rate of 4d. per folio.

26. The name and address of the solicitor by whom any such copy is furnished is to be endorsed thereon in like manner as upon proceedings in Court; and such solicitor is to be answerable for the same being a true copy of the original, or of an office copy of the original of which it purports to be a copy, as the case may be.

Service of ex parte order for leave to be heard.

27. Any order made on an *ex parte* motion giving leave to such person to be heard on any application, shall be served on the solicitor for the petitioner.

Trustees to be entitled to inspect copy of petition.

28. Any person served with a notice, pursuant to the 22nd section of the Act, requiring him to notify whether he assents to or dissents from the application, or submits his rights or interests so far as they may be affected by such application, to be dealt with by the Court; and any trustee or other person served with notice, pursuant to the 26th section of the Act, shall be at liberty, upon reasonable notice to the petitioner's solicitor, to inspect and peruse the petition without payment of any fee; and he shall be entitled to be furnished with a copy thereof upon such application, terms, and conditions as are provided by orders 23, 24, 25, and 26.

Recording of notice of order.

29. In all cases in which the Court shall not think it practicable or expedient that notice under the 28th section should be recorded as therein mentioned, the order shall state that no record of the order need be made; and in all cases in which the Court shall direct notice to be recorded, pursuant to the said section, such notice may be given by directing a memorial of the order to be registered at the office of the Registrar General, or to be endorsed upon the settlement, or in such other way as the Court may direct.

Order.

30. Every order made on the petition shall state, in addition to the names of the petitioners, the names of the persons other than the petitioners who concur or consent, or to whom notice of the application has been given, or who under order 22 may have obtained leave to be heard in opposition to or in support of the application, and whether any notification was received from the persons to whom notice has been given, and if any has been received the purport thereof, and also the names of the persons, if any, notice to whom has been dispensed with, and whether the order is made subject to any and what rights, estates, or interests of any person whose concurrence or consent has been refused, or who shall or shall not be deemed to have submitted his rights or interests to be dealt with by the Court, or whose rights or interests ought, in the opinion of the Court, to be excepted.

31. In cases where the Court authorizes a lease, the order shall direct that the lease shall contain such conditions as are required by the Act, and such other covenants, conditions, and stipulations as the Court shall deem expedient with reference to the special circumstances, or may direct the same to contain such covenants, conditions, and stipulations as may be approved by the Judge at Chambers without directing the lease to be settled by the Judge.

Time.

32. Where any limited time less than eight days from or after any date or event is appointed or allowed for doing any act or taking any proceeding, Sunday or any days on which the offices are closed shall not be reckoned in the computation of such limited time, and when by these orders or when by any decree or order made in pursuance of the Act, time for doing any act or taking any proceeding is limited by months not expressed to be lunar months, time shall be computed by solar months.

33. When the time for doing any act or taking any proceeding expires on a Sunday or other day on which the offices are closed, and by reason thereof such act or proceeding cannot be done or taken, such act or proceeding shall, so far as regards the time of doing or taking the same, be held to be duly done or taken if done or taken on the day on which the offices shall next be open.

34. The Court or Judge shall have power to enlarge or abridge the time appointed by these orders for doing any act or taking any proceeding upon such terms (if any) as the justice of the case may require; and any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed.

Forms.

35. The Forms set forth in the Appendix hereto shall be adhered to, subject only to such variations as may be necessary to meet the circumstances of the case or the directions of the Court.

Saving of existing procedure where no special provision is made.

36. In all cases not provided for by the Act or these orders, the general practice of the Court, including the course of proceeding and practice at the Judge's Chambers, as provided by the Equity Act, 1880, and the Consolidated Standing Rules of 29th June, 1893, shall, so far as the same are applicable and not inconsistent with the said Act or these orders, apply to proceedings under the Act.

Fees to solicitors.

37. The fees and allowances to solicitors of the Court in respect to proceedings under the Act shall be such as are ordinarily recognized or allowed by the Court in its Equitable Jurisdiction, and are applicable to such proceedings; and solicitors shall be entitled to charge and be allowed for a request and certificate under the 18th order of these orders, and for attendance at the Judge's Chambers to procure the appointment of an examiner thereon, a fee of 13s. 4d.

Fees to be taken by officers of Court.

38. The fees to be taken by the officers of the Court in respect to proceedings under the Act shall be such as are ordinarily recognized or allowed by the Court in its Equitable Jurisdiction, and are applicable to such proceedings; and on every request under the 18th order of these orders, there shall be paid a fee of 2s.

Power to dispense with order.

39. The Judge, whether sitting in Court or in Chambers in the case of any petition, may by special order dispense with all or any of the preceding orders, so far as they are applicable to such petition, in any case he shall think fit, and upon such terms and conditions (if any) as he may deem proper.

Date of operation.

40. These orders shall come into operation on the 29th day of July, and shall apply to any petition presented on or after that date.

Short title.

41. These orders may be cited as "The Settled Estates Act Orders, 1889."

FREDK. M. DARLEY, C.J.
W. C. WINDEYER, J.
M. H. STEPHEN, J.
WM. OWEN, J.
GEO. HIBBERT DEFFELL, J.
W. J. FOSTER, J.

THE SETTLED ESTATES ACT—APPENDIX.

FORMS.

No. 1. Title of petition.

In the Supreme Court of
New South Wales. }
In Equity.

In the matter of estates settled by A. B. [or by A. B. and others],
by will dated [or deed dated], consisting of certain lands
[or messuages or tenements] in the parish of
county of ; and in the matter of "The Settled
Estates Act, 1856."

No. 2. Summons for directions as to notices. (S. 22, orders 7 and 9.)

In the Supreme Court of
New South Wales. }
In Equity.

Let all parties concerned attend at my Chambers in
Chancery-square, on at o'clock, on the hearing
of an application on the part of [the petitioners]
that notice of the application intended to be made by a petition
presented in the above matters on the day of
requiring A. B. and C. D. severally to notify whether he assents
to or dissents from such application or submits his rights and
interests, so far as they may be affected by such application,
to be dealt with by the Court, may be given by [state the
manner in which it is proposed to give the notice and the time
within which the notification is to be required] or in such other
manner as the Judge may think fit.

Dated this day of

This summons was taken out by of
solicitor for the applicant.

No. 3. Form of notice. (S. 22, orders 7 and 9.)

In the Supreme Court of
New South Wales. }
In Equity.

Take notice that [name petitioners and their addresses as in
petition] have presented a petition in the above matters, praying
that [as in petition, but describing the lands, messuages, or
tenements as in the petition] and it is intended to apply
to the said Court for an order, in accordance with such
prayer, and you are [severally] hereby required to notify in
writing within after the service hereof whether you assent
to or dissent from such application, or submit your rights or
interests so far as they may be affected by such application to
be dealt with by the Court, such notification is to be delivered
to the petitioner's solicitors, or left for them at the address
specified at the foot hereof, and may be delivered by trans-
mitting the same to them by post at such address.

If no notification shall be so delivered or left within the time
above limited, you will be deemed to have submitted your rights
and interests to be dealt with by the Court.

In the event of your dissenting from such application and
desiring to be heard in opposition to the application, you are
by your notification to require notice to be given to or left for
you or your solicitor at a place to be specified within two miles
from the site of the Supreme Court-house in Sydney of the day
on which the petition is fixed for hearing.

You or your solicitor can upon reasonable notice to the
undernamed A. and B. inspect and peruse the petition without
payment of any fee, and you are entitled at your own expense
to have a copy of such petition furnished to you.

Dated the day of

A. and B.

[Address within two miles of the Supreme Court-house,
Sydney.]

Petitioner's Solicitors.

To [name the person or all persons to be served pursuant to the
22nd section].

NOTE.—A copy of the above notice, with a notification at the
foot thereof to be filled up by you is sent herewith.

[Copy notice.]

No. 4. Notification. (S. 22, order 9.)

In pursuance of a notice, of which the above is a copy, served
on me on the day of, I hereby notify
that I [assent to the application; or dissent from the applica-
tion; or submit my rights and interests, so far as they may be
affected by the application, to be dealt with by the Court; or I
dissent from the application, and I desire to be heard in opposition
to the application and require notice to be given to
at] [naming a place within two miles of the site of the Supreme
Court-house in Sydney] of the day fixed for the hearing of the
petition.

Dated this day of

To Messrs.

[Add signature and address.]

No. 5. Affidavit in support of application to dispense with notice.

In the Supreme Court of
New South Wales.
In Equity.

I, L. M., of [address and description] make oath and say as follows:—

1. A.B. is entitled under the settlement in the petition mentioned to [show the smallness or remoteness of the interest, or add:—The respondents C.D., E.F., and G.H. hold interests in the property, subject to the said settlement, and now proposed to be dealt with similar to that of the said A.B.]

2. The said A.B. left the Colony of New South Wales on or about the of , and the petitioners are unable to discover his whereabouts, although they have made diligent inquiry, and it is uncertain whether the said A.B. is alive or dead.

Or the said A.B. is now resident in , and could not be served with notice without expense disproportionate to his interest in the property now proposed to be dealt with.

No. 6. Notice to Trustees. (S. 26.)

In the Supreme Court of
New South Wales.
In Equity.

Take notice that [name, petitioners, and their addresses as in petition] have presented a petition in the above matters, praying that [as in petition, but describing the lands, messuages, or tenements as in the petition] and it is intended to apply to the said Court for an order in accordance with such prayer. This notice is given to you in pursuance of the above Act, because you are seised or possessed of an estate in trust for , whose consent or concurrence to or in the application is required by the Act. You or your solicitors can, upon reasonable notice to the undermentioned A. and B., inspect and peruse the petition at the address specified at the foot hereof without payment of any fee, and you are entitled at your expense to have a copy of such petition furnished to you.

Dated this day of
A. and B.
(Address)

Solicitors for the Petitioners.

To [name the persons to be served pursuant to the above section].

An affidavit of service of this notice on the trustees must be produced at the hearing, if the trustees do not appear.

No. 7. Advertisement. (Order 22.)

In the Supreme Court of
New South Wales.
In Equity.

By direction of the Primary Judge in Equity, notice is hereby given that an application by petition has been made to the Supreme Court in New South Wales, in its Equitable Jurisdiction, for a sale [or for powers to grant leases] of the abovementioned hereditaments [or otherwise according to the circumstances]. And the Court has directed the application to be adjourned [or adjourned till], and any person, whether interested in the estate or not, may, on or before , apply to the said Court by motion for leave to be heard in opposition to or in support of such application. The petition may be inspected on application to Messrs. A. and B., of , the solicitors for the petitioners.

No. 8. Summons for appointment of guardian and leave to apply for consent. (Order 10.)

In the Supreme Court of
New South Wales.
In Equity.

Let all parties concerned attend at my Chambers in Chancery-square, on , at o'clock, on the hearing of an application on the part of [the petitioners] that A.B., or some other proper person, may be appointed guardian of C.D., an infant, and that E.F., or some other proper person, may be appointed guardian of G.H., an infant, for the purpose of making on behalf of such infants [or consenting on behalf of such infants to] an application proposed to be made by a petition presented on the day of , by the above named applicants for an order in accordance with the prayer of such petition, and (in case the infants are tenants in tail) that such guardians may be directed to make [or consent to] such application.

Dated this

This summons was taken out by , of , solicitors for the applicant.

No. 9. Summons for appointment of guardian to be served with notice, and for leave to deliver notification. (Order 10.)

Let all parties concerned attend at my Chambers in Chancery-square, on , at o'clock, on the hearing of an application on the part of [the petitioner].

That A.B. or some other proper person may be appointed guardian of C.D., an infant, and that E.F. or some other proper person may be appointed guardian of G.H., an infant, for the purpose of being served with a notice requiring them, on behalf of such infants, within clear days after service thereof, to notify whether they assent to or dissent from an application proposed to be made by a petition presented on the day of by the abovenamed applicants for an order in accordance with the prayer of such petition, or submit the infant's rights and interests so far as they may be affected by such application to be dealt with by the Court, and (in case the infants are tenants in tail) that such guardians may be directed to notify that they, on behalf of such infants, assent to [or dissent from] such application for submit the infant's rights or interests so far as they may be affected by such application to be dealt with by the Court].

Dated this day of
This summons was taken out by , of , solicitors for the applicants.

No. 10. Examination of married women.—Form of request.—Name such as may be required to examine.—All the married women who are to be examined. (Ss. 43 and 44, orders 17 and 18.)

In the Supreme Court of
New South Wales.
In Equity.

The petitioners in a petition presented in these matters on the day of request that A.B., of &c., [C.D., of &c., E.F., of &c.] being a solicitor [or solicitors], may be appointed for the purpose of any or either of them examining the petitioner G., the wife of H.I., and K., the wife of L.M., and N., the wife of O.P., of &c., respectively, touching their knowledge of the nature and effect of the application intended to be made by the petitioner, and to ascertain whether they the said G.I. and K.M., respectively, freely desire to make such application, and whether she, the said N.P., freely desires to consent to such application. We, the solicitors for the petitioners, hereby certify that neither of them, the said A.B., C.D., and E.F., is the solicitor for the petitioner or any party whose concurrence or consent to the application is required.

Dated this day of
A. and B., solicitors for the petitioners.
(Address.)

The Primary Judge in Equity appoints the said for the purposes mentioned in the above request.
E.F., Master in Equity.

No. 11. Summons. (Ss. 43 and 44, orders 17 and 18.)

In the Supreme Court of
New South Wales.
In Equity.

Let all parties concerned attend at my Chambers in Chancery-square, at , on , at o'clock, on the hearing of an application on the part of the petitioners in a petition presented in this matter on the day of , that A.B., of &c., and C.D., of &c. [and if the married women are within the jurisdiction, add being solicitors], be appointed for the purpose of any or either of them examining the petitioner G., the wife of H.I., and K., the wife of L.M., and N., the wife of O.P., of &c., respectively, touching their knowledge of the nature and effect of the application intended to be made by the said petition, and to ascertain whether they the said G.I. and K.M. freely desire to make such application, and whether she, the said N.P., freely desires to consent to such application.

Dated this day of
This summons was taken out by , of , solicitors for the applicant.

No. 12. Examination. (Ss. 43 and 44, orders 17 and 18.)

In the Supreme Court of
New South Wales.
In Equity.

The examination of the petitioner G., the wife of H.I., and K., the wife of L.M., and N., the wife of O.P. [insert the names of all who can be conveniently examined at the same place and at the same time]. We, the said G.I., K.M., and N.P. having been this day respectively examined, apart from our respective husbands, touching our knowledge of the nature and effect of an application intended to be made to the Supreme Court of New South Wales, in its Equitable Jurisdiction, by a petition presented in this matter, on the day of by us, the said G.I. and K.M. and others, for answer thereto

severally say that we are aware of the nature and effect of the said intended application, and we, the said G.I. and K.M., freely desire to make such application, and I, the said N.P., freely desire to consent to such application.

As witness our hands this day of

Witness to the signature of the }
said G.I., K.M., and N.P. }
Q.R. }

(Address.)

[To be at the foot of the above examination.]

No. 13. *Certificate of examination.* (Ss. 43 and 44, orders 17 and 18.)

I, the undersigned A.B., being the person appointed by the Primary Judge in Equity for the purpose of examining the abovenamed G., the wife of H.L., K., the wife of L.M., and N., the wife of O.P., hereby certify that I have this day examined the said G.I., K.M., and N.P., apart from their respective husbands, touching their knowledge of the nature and effect of the application intended to be made by the petition above referred to, and I have taken such examination in writing as above set forth, and I further certify that at the time of such examination I explained to them the nature and effect of the said application, and I am satisfied that they were aware of the nature and effect of such application, and that they, the said G.I. and K.M., freely desire to make the said application, and that the said N.P. freely desires to consent to the said application.

As witness my hand this day of

No. 14. *Affidavit verifying examination.* (Ss. 43 and 44, orders 17 and 18.)

In the Supreme Court of }
New South Wales. }
In Equity. }

I, Q.R. of , make oath and say that I was present and did see G.I., K.M., and N.P., respectively named in the above petition, sign the examination or paper writing annexed hereto and now produced, and shown to be marked A, and that the signatures G.I., K.M., and N.P. attached thereto are respectively the proper handwritings of G., the wife of H.L., of , K, the wife of L.M., of , and N., the wife of O.P., of . And I further say that I was present and did see A.B. sign the certificate or paper writing annexed hereto and now produced, and shown to me marked B, and that the signature A.B. attached thereto is the proper handwriting of A.B., &c. And I say that the signature Q.R. attached to the said paper writings as a witness is my handwriting.

FREDE. M. DARLEY, C.J.
W. C. WINDEYER, J.
M. H. STEPHEN, J.
WM. OWEN, J.
GEO. HIBBERT DEFFELL, J.
W. J. FOSTER, J.

1889.

NEW SOUTH WALES.

CRIMINAL LAW AMENDMENT ACT OF 1883.
(ADDITIONAL REGULATIONS.)

Presented to Parliament pursuant to Act 37 Vic. No. 14, sec. 9.

ADDITIONAL REGULATIONS FOR GIVING EFFECT TO THE PROVISIONS OF THE CRIMINAL LAW AMENDMENT ACT IN RESPECT OF COMMUTATION OR MITIGATION OF SENTENCES.

Sections 1 and 2 of the Regulations of 17th December, 1886, are hereby repealed, and the following are promulgated in lieu thereof:—

PRISONERS under sentences to penal servitude, and to hard labour on the roads and public works, and to imprisonment with hard labour, will become eligible for licenses for public works, under the following conditions:—

Prisoners under sentence from three to five years, and who have not been punished for misconduct within the previous six months and favourably recommended by the gaolers, at a period twelve months before they would become eligible for discharge under the ordinary remission regulations, and in anticipation of such discharge; in sentences of five to ten years, similarly at a period anterior to discharge of eighteen months; in sentences of ten years and upwards, at a period of two years.

The Govern^r may, under exceptional circumstances, grant a license to any offender at any period of his sentence.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CONVICTIONS UNDER THE "BETTING-HOUSES SUPPRESSION ACT."

(RETURN OF PERSONS CONVICTED OF GAMBLING IN THE METROPOLITAN DISTRICT SINCE JANUARY, 1889.)

Ordered by the Legislative Assembly to be printed, 23 August, 1889.

[Laid on the Table in accordance with promise made in answer to Question No. 9, Votes No. 74, 14 August, 1889.]

The Under Secretary of Justice to The Stipendiary Magistrates, Central Police Court.

Gentlemen,

Department of Justice, Sydney, 9 August, 1889.

In view of the many prosecutions and convictions for gambling which have recently taken place in Sydney, particularly in connection with the use of the "Totalisator," I am directed by the Minister of Justice to call your attention to the propriety of dealing more severely than has been hitherto done with all convicted offenders of this class.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

[A similar letter to the above was addressed to the Stipendiary Magistrates, Water Police Court.]

G. O'Malley Clarke, Esq., S.M. (for the Bench), to The Under Secretary of Justice.

Sir,

Central Police Office, Sydney, 13 August, 1889.

In reply to your letter of the 9th instant, calling our attention, by direction of the Honorable the Minister of Justice, to the necessity of dealing more severely with offenders under the "Betting-houses Suppression Act," in view of the many prosecutions under the said Act, we have the honor to acquaint you that prior to the receipt of your communication we had inflicted heavier penalties than formerly in such cases, having some time since notified from the Bench our intention to do so, in order to put down, as far as possible, those places where the "Totalisator" is used for gambling on races.

I have, &c.,

G. O'MALLEY CLARKE, S.M.,

(For the Bench).

METROPOLITAN DISTRICT.

RETURN of Persons convicted of Gambling by Totalisators, Consultation Sweeps, &c., since the 1st January last, in above district.

Date of Conviction.	Name.	Description of Gambling.	Penalty.
1889.			
5 February...	Barrows James	Consultation sweep	£10 and costs, or 3 months.
1 March ...	Simmons Dan	do	£10 and costs, or 2 months.
1 " ...	Wellman Arthur C.	do	£10 and costs, or 2 months.
1 " ...	Higgins James	do	£10 and costs, or 2 months.
26 April ...	Crauny Mat	do	£2 and costs, or 14 days.
26 " ...	York J.	do	Warrant issued.
26 " ...	Spool A.	do	£2 and costs, or 14 days.
26 " ...	Jones Will	do	£2 and costs, or 14 days.
26 " ...	Wellman Arthur C.	do	£2 and costs, or 14 days.
26 " ...	Bull W. B.	do	£2 and costs, or 14 days.
26 " ...	Smallman Robert	do	£2 and costs, or 14 days.
26 " ...	Solomon Isaac A.	do	£2 and costs, or 14 days.
26 " ...	Percival A.	do	£10 and costs, or 1 month.
26 " ...	Palm A.	do	£4 and costs, or 21 days.
12 July ...	Bowden Edward	do	£3 and costs, or 21 days.
12 " ...	Kahn Bernard	do	£5 and costs, or 7 days.
12 " ...	D'Arcy W.	do	£5 and costs, or 7 days.
12 " ...	Bryant D.	do	£5 and costs, or 7 days.
2 March ...	Goldstein Louis	Totalisator	£5 and costs, or 7 days.
21 " ...	Do	do	£5 and costs, or 1 month.
21 " ...	Do	do	£5 and costs, or 2 months.
26 April ...	Lazarus Henry	Exhibiting placards to induce persons to gambling.	10s. and costs, or 14 days.
26 " ...	Do	Totalisator	£5 and costs, or 1 month.
26 " ...	Goldstein Louis	do	£25 and costs, or 3 months.
24 " ...	Buist Robert	do	£5 and costs, or 1 month.
24 " ...	Noakes Wm.	do	£5 and costs, or 1 month.
30 " ...	Roberts James	do	£20 and costs, or 2 months.
10 July ...	Cohen Charles	do	£5 and costs, or 2 months.
11 April ...	Dowling Jerome	Permit premises to be used for betting	£5 and costs, or 2 months.
2 May ...	Herbert Charles	Totalisator	£5 and costs, or 1 month.
2 " ...	Lipman Harry	do	Warrant issued.
2 " ...	Clough George	do	£5 and costs, or 1 month.
9 " ...	Riley John C.	do	£10 and costs, or 4 months.
2 " ...	Noakes Thomas	do	£5 and costs, or 1 month.
2 " ...	Meller Henry	do	£5 and costs, or 1 month.
2 " ...	Moody Bob	do	£5 and costs, or 1 month.
2 " ...	Davis Benjamin	do	£5 and costs, or 1 month.
9 " ...	DeLoes Richard	do	£5 and costs, or 1 month.
9 " ...	Jones Wm.	do	£5 and costs, or 3 months.
9 " ...	Spofforth Chas	do	£5 and costs, or 3 months.
23 " ...	Buckridge Alfred	do	£5 and costs, or 3 months.
23 " ...	Drake Alfred	do	£5 and costs, or 3 months.
23 " ...	Kurtz Abraham	do	£5 and costs, or 3 months.
27 " ...	Stauton Edwin	do	£5 and costs, or 3 months.
6 June ...	Goldstein Louis	do	£5 and costs, or 2 months.
16 May ...	Gibbs S. E.	Using premises for betting	£5 and costs, or 2 months.
16 " ...	Wilton F. F.	do	£5 and costs, or 1 month.
8 June ...	Webb Robert	Exhibiting placards to induce persons to gambling.	£2 and costs, or 7 days.
27 " ...	Wilson Keith	do	£10 and costs, or 1 month.
11 May ...	Baker George	Keeper of a common gaming-house	£10 and costs, or 2 months.
11 " ...	Westoff Harry	Found in a common gaming-house	10s. and costs, or 21 days.
11 " ...	Howe Walter	do	10s. and costs, or 21 days.
11 " ...	Wright George	do	10s. and costs, or 21 days.
11 " ...	Walters Arthur	do	10s. and costs, or 21 days.
11 " ...	Box James	do	10s. and costs, or 21 days.
11 " ...	Clarkson Edward	do	10s. and costs, or 21 days.
11 " ...	Meeks James	do	10s. and costs, or 21 days.
11 " ...	Baldock Arthur	do	10s. and costs, or 21 days.

The Inspector-General of Police.
18 July, 1889.

GEO. READ,
Superintendent.

1889.

NEW SOUTH WALES.

FUGITIVE CRIMINALS.

(DESPATCH RESPECTING THE EXTRADITION TREATY BETWEEN HER MAJESTY THE QUEEN AND THE KING OF SPAIN AS TO.)

Presented to Parliament by Command.Department of Justice,
Sydney, 28th August, 1889.

His Excellency the Governor directs the publication, for general information, of the following Despatch, dated 18th June, 1889, from the Principal Secretary of State for the Colonies.

ALBERT J. GOULD.

[Circular.]

Downing-street,
18th June, 1889.

Sir,

With reference to Sir M. Hicks Beach's Circular despatch of 6th December, 1878, I have the honor to transmit to you, for publication in the Colony under your Government, a copy of an Order in Council of the 28th ultimo, carrying into effect a Declaration of the 19th of February last, amending the Extradition Treaty of 1878 between Her Majesty the Queen and the King of Spain.

The Declaration came into operation on the 10th instant, in conformity with Article III.

I have, &c.,
KNUTSFORD.The Officer Administering
the Government of New South Wales.

[Extract from the London Gazette of Friday, May 31, 1889.]

At the Court at Windsor, the 28th day of May, 1889.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Ashbourne.

Earl of Coventry.

WHEREAS by the Extradition Acts, 1870 and 1873, it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient; and that if, by any law made after the passing of the Act of 1870 by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in, or suspected of being in, such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign State, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or of any part thereof, so far as it relates to such foreign State, and so long as such law continues in force there and no longer.

And whereas a Treaty was concluded on the fourth day of June, one thousand eight hundred and seventy-eight, between Her Majesty and the King of Spain for the mutual extradition of fugitive criminals.

And whereas by an Order of Her Majesty the Queen in Council, dated the twenty-seventh day of November, one thousand eight hundred and seventy-eight, it was directed that the Extradition Acts, 1870 and 1873, should apply in the case of Spain.

And whereas by an Act of the Parliament of Canada passed in 1886, entitled "An Act respecting the Extradition of Fugitive Criminals," provision is made for carrying into effect within the Dominion the surrender of fugitive criminals.

And whereas by an Order of Her Majesty the Queen in Council, dated the seventeenth day of November, one thousand eight hundred and eighty-eight, it was directed that the operation of the Extradition Acts, 1870 and 1873, should be suspended within the Dominion of Canada so long as the provisions of the said Act of the Parliament of Canada of 1886 should continue in force and no longer.

And whereas a Declaration was concluded on the nineteenth day of February, one thousand eight hundred and eighty-nine, between the Government of Her Majesty and the Government of His Majesty the King of Spain, for amending paragraph 5, Article II, and paragraph 5, Article VI, of the above-mentioned Treaty of the fourth June, one thousand eight hundred and seventy-eight, which Declaration is in the terms following:—

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of His Majesty the King of Spain, being desirous to provide for the more effectual repression of crimes and offences in their respective territories, have authorized in due form the undersigned to agree as follows:—

ARTICLE I.

The English and Spanish texts of paragraph 5, Article II, of the Extradition Treaty of the 4th June, 1878, are cancelled, and the following text is substituted therefor:—

Unlawful carnal knowledge or any attempt to have unlawful carnal knowledge of a girl under sixteen years of age. Indecent assault.

ARTICLE II.

The Spanish text of paragraph 5, Article VI, of the aforesaid Treaty is amended by the substitution of the words "no menor" for the words "que no podrá exceder," so that the Spanish text shall run, "A la terminacion de un plazo no menor de quince dias desde que se ordenó la prision y sujecion á juicio del preso," &c.

ARTICLE III.

The present Declaration shall come into force ten days after its publication in the manner prescribed by law in the respective countries.

In witness whereof the undersigned have signed the same, and have affixed thereto the seal of their arms.

Done at Madrid, in duplicate, the nineteenth day of February, in the year of our Lord one thousand eight hundred and eighty-nine.

(L.S.) FRANCIS CLARE FORD.

El Gobierno de Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, y Emperatriz de la India, y el Gobierno de Su Majestad el Rey de España, deseando hacer mas efectiva la represion de los delitos cometidos en sus respectivos territorios, han autorizado en debida forma á los infrascritos para convenir en lo siguiente:—

ARTICULO I.

Los textos Español é Inglés del párrafo 5 del Artículo II del Convenio de Extradicion de 4 de Junio, de 1878, quedan anulados y se sustituyen del modo siguiente:—

Comercio carnal ilícito ó tentativa del mismo delito en la persona de una jóven menor de diez y seis años de edad. Atentado contra el pudor.

ARTICULO II.

El texto Español del párrafo 5, Artículo VI, del antedicho Tratado queda enmendado, sustituyendose por las palabras "no menor" las palabras "que no podrá exceder," de modo que el texto Español será "á la terminacion de un plazo no menor de quince dias desde que se ordenó la prision y sujecion á juicio del preso," &c.

ARTICULO III.

Esta Declaracion comenzará á regir diez dias despues de su publicacion en la forma prescrita en los respectivos países.

En fé de lo cual los infrascritos la firman y ponen el sello de sus armas.

Hecho en Madrid, por duplicado, á diez y nueve de Febrero, de mil ochocientos ochenta y nueve.

(L.S.) EL MARQ. DE LA VEGA DE ARMILLO.

Now, therefore, Her Majesty, by and with the advice of the Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the tenth day of June, one thousand eight hundred and eighty-nine, the said Acts shall apply in the case of the said Declaration of the nineteenth day of February, one thousand eight hundred and eighty-nine, with the Government of His Majesty the King of Spain, as fully to all intents and purposes as in the case of the said recited Treaty of the fourth day of June, one thousand eight hundred and seventy-eight:

Provided always, and it is hereby further ordered, that the operation of the said Acts shall be suspended within the Dominion of Canada so far as relates to the Kingdom of Spain and to the said Treaty and Declaration, and so long as the provisions of the Canadian Act aforesaid of 1886 continue in force, and no longer.

C. I. PEEL.

1889.

NEW SOUTH WALES.

FUGITIVE CRIMINALS.

(DESPATCH RESPECTING, BETWEEN HER MAJESTY THE QUEEN AND THE PRESIDENT OF THE UNITED STATES OF MEXICO FOR THE MUTUAL EXTRADITION OF)

Presented to Parliament by Command.

Department of Justice,
Sydney, 27th August, 1889.

His Excellency the Governor directs the publication, for general information, of the following Despatch, forwarding a copy of an Order of Her Majesty in Council, dated the 6th April, 1889, for giving effect to the Treaty between Her Majesty and the President of the United States of Mexico, for the mutual extradition of Fugitive Criminals.

ALBERT J. GOULD.

[Circular.]

Downing-street,
24th April, 1889.

Sir,

I have the honor to transmit to you, for publication in the Colony under your Government, a copy of an Order of Her Majesty in Council, dated the 6th instant, for giving effect to the Treaty between Her Majesty and the President of the United States of Mexico for the mutual extradition of Fugitive Criminals, signed at Mexico on the 7th of September, 1886, the ratifications of which were exchanged at Mexico on the 22nd of January, 1889.

The Treaty will come into operation on the 19th instant, in conformity with Article XVIII.

The Officer Administering
the Government of New South Wales.

I have, &c.,
KNUTSFORD.

[Extract from the London Gazette of Tuesday, April 9, 1889.]

At the Court at Windsor, the 6th day of April, 1889.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.
Duke of Rutland.

Earl of Limerick.
Viscount Lewisham.

WHEREAS by the Extradition Acts, 1870 and 1873, it was amongst other things enacted that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient; and that if, by any law made after the passing of the Act of 1870 by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign State, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or of any part thereof, so far as it relates to such foreign State, and so long as such law continues in force there and no longer.

And whereas by an Act of the Parliament of Canada passed in 1886, and entitled "An Act respecting the Extradition of Fugitive Criminals," provision is made for carrying into effect within the Dominion the surrender of fugitive criminals.

And whereas by an Order of Her Majesty the Queen in Council, dated the seventeenth day of November, one thousand eight hundred and eighty-eight, it was directed that the operation of the Extradition Acts 1870 and 1873 should be suspended within the Dominion of Canada so long as the provision of the said Act of the Parliament of Canada of 1886 should continue in force and no longer.

And whereas a Treaty was concluded on the seventh day of September, one thousand eight hundred and eighty-six, between Her Majesty and the President of the United States of Mexico, for the mutual extradition of fugitive criminals, which Treaty is in the terms following:—

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Excellency the President of the United States of Mexico, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within the two countries and their jurisdictions, that persons charged with or convicted of the crimes or offences hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have named as their Plenipotentiaries to conclude a Treaty, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Spencer St. John, Knight Commander of St. Michael and St. George, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty in Mexico;

And his Excellency the President of the United States of Mexico, Señor Licenciado Don Raulion Velasco, ex-Minister Plenipotentiary of Mexico in France, &c., &c.;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

The High Contracting Parties engage to deliver up to each other, under the circumstances and conditions stated in the present Treaty, those persons who, being accused or convicted of any of the crimes or offences enumerated in Article II, committed in the territory of the one Party, shall be found within the territory of the other Party.

ARTICLE II.

Extradition shall be reciprocally granted for the following crimes or offences:—

1. Murder (including assassination, parricidio, infanticidio, poisoning), or attempt or conspiracy to murder.
2. Manslaughter.
3. Administering drugs or using instruments with intent to procure the miscarriage of women.
4. Rape.
5. Carnal knowledge, or any attempt to have carnal knowledge, of a girl under 16 years of age, if the evidence produced justifies committal for those crimes according to the laws of both the Contracting Parties.
6. Indecent assault.
7. Kidnapping and false imprisonment, child-stealing.
8. Abduction.
9. Bigamy.
10. Malignantly wounding or inflicting grievous bodily harm.
11. Assault occasioning actual bodily harm.
12. Threats, by letter or otherwise, with intent to extort money or other things of value.
13. Perjury or subornation of perjury.
14. Arson.
15. Burglary or housebreaking, robbery with violence, larceny, or embezzlement.
16. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any Company, made criminal by any law for the time being in force.

Su Excelencia el Presidente de los Estados Unidos Mexicanos y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, habiendo creído conveniente, para mejor administrar justicia y para prevenir los delitos en ambos países y sus jurisdicciones, que los individuos acusados de los delitos enumerados mas adelante ó condenados por ellos, y que estén prófugos, sean en ciertos casos recíprocamente entregados, han nombrado sus Plenipotenciarios para celebrar un Tratado, á saber:

Su Excelencia el Presidente de los Estados Unidos Mexicanos el Señor Licenciado Don Emilio Velasco, ex-Ministro Plenipotenciario de México en Francia, &c., &c.;

Y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda á Sir Spencer St. John, Caballero Comendador de San Miguel y San Jorge, Enviado Extraordinario y Ministro Plenipotenciario de Su Majestad Británica en México:

Quienes, despues de haberse comunicado mutuamente sus respectivos plenos poderes, y encontrádoslos en buena y debida forma, han convenido en los Artículos siguientes:—

ARTICULO I.

Las Altas Partes Contratantes se obligan á entregarse en los casos y con las condiciones estipuladas en el presente Tratado, á los que estando acusados ó condenados por alguno de los delitos enumerados en el Artículo II, y cometidos en el territorio de alguna de ellas, se encuentran en el territorio de la otra.

ARTICULO II.

Tendrá lugar la mutua extradición por los siguientes delitos:—

1. Homicidio calificado (comprendiéndose el asesinato, el parricidio, el infanticidio, el envenenamiento); ó el conato de homicidio calificado; ó la colusión para cometerlo.
2. Homicidio simple.
3. El empleo de sustancias ó el uso de instrumentos con el fin de procurar el aborto.
4. Violación.
5. Cópula ó conato de cópula con una jóven menor de diez y seis años de edad, si la prueba producida justifica la prision por esos delitos, conforme á las leyes de ambas Partes Contratantes.
6. Atentado contra el pudor.
7. Plagio; detención ó prision ejecutada con falsedad; robo de niños.
8. Rapto.
9. Bigamia.
10. Heridas ó golpes que ocasionen graves lesiones, unas y otros dados intencionalmente.
11. Agresion violenta contra las personas, causándoles algun daño corporal.
12. Amenazas en cartas ó hechas en otra forma, con el fin de obtener dinero ú otros objetos de valor.
13. Perjurio ó soborno para que se cometa perjurio.
14. Incendio voluntario.
15. Allanamiento de morada; robo con violencia, robo sin violencia, peculado y abuso de confianza.
16. Fraudes cometidos por los que reciben alguna cosa mueble en depósito ó con otro fin, siempre que no se transfiera el dominio; por los banqueros, agentes, factores, tenedores-administradores de bienes, directores, miembros ó empleados de una compañía; y que tengan el carácter de delito conforme las leyes vigentes al verificarse el hecho.

17. Obtaining money, valuable security, or goods by false pretences; receiving any money, valuable security, or other property, knowing the same to have been stolen or unlawfully obtained.

18. (a.) Counterfeiting or altering money, or bringing into circulation counterfeit or altered money.

(b.) Forgery, or counterfeiting or altering, or uttering what is forged, counterfeit, or altered.

(c.) Knowingly making, without lawful authority, any instrument, tool, or engine, adapted and intended for the counterfeiting of coin of the realm.

19. Crimes against Bankruptcy Law.

20. Any malicious act done with intent to endanger the safety of any person travelling or being upon a railway.

21. Malicious injury to property, if such offence be indictable.

22. Crimes committed at sea:—

(a.) Piracy by the law of nations.

(b.) Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

(c.) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

(d.) Assault on board a ship on the high seas with intent to destroy life, or to do grievous bodily harm.

23. Dealing in slaves in such manner as to constitute a criminal offence against the laws of both States.

The extradition is also to be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both Contracting Parties.

Extradition may also be granted at the discretion of the State applied to in respect of any other crime for which, according to the laws of both the Contracting Parties for the time being in force, the grant can be made.

ARTICLE III.

Either Government may, in its absolute discretion, refuse to deliver up its own subjects to the other Government.

ARTICLE IV.

The extradition shall not take place if the person claimed on the part of Her Majesty's Government, or the person claimed on the part of the Government of Mexico, has already been tried and discharged or punished, or is still under trial in the territory of Mexico or in the United Kingdom respectively for the crime for which his extradition is demanded.

If the person claimed on the part of Her Majesty's Government, or on the part of the Government of Mexico, should be under examination for any other crime in the territory of Mexico or in the United Kingdom respectively, his extradition shall be deferred until the conclusion of the trial and the full execution of any punishment awarded to him.

ARTICLE V.

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

ARTICLE VII.

A person surrendered can in no case be kept in prison or be brought to trial in the State to which the surrender has been made, for any other crime, or on account of any other matters, than those for which the extradition shall have taken place, until he has been restored, or has had an opportunity of returning to the State by which he has been surrendered. This stipulation does not apply to crimes committed after the extradition.

ARTICLE VIII.

The requisition for extradition shall be made through the Diplomatic Agents of the High Contracting Parties respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

17. Estafa: recepcion de dinero, valores, ú otros bienes robados ú obtenidos ilegalmente.

18. (a.) La falsificacion ó alteracion de la moneda; ó poner en circulacion moneda falsa ó alterada.

(b.) La falsificacion de documentos públicos ó privados, ó poner en circulacion documentos falsos ó falsificados.

(c.) Fabricar ó sabiendas, sin autoridad legal, algun instrumento, utensilio ó máquina propio y adecuado para falsificar moneda de los Estados respectivos.

19. Delitos contra las leyes de quiebra.

20. Todo acto intencional ejecutado con el propósito de poner en peligro la seguridad de cualquiera persona que viaje ó esté en un ferrocarril.

21. Daños intencionales causados á la propiedad, siempre que el hecho motive un procedimiento criminal.

22. Delitos cometidos en alta mar:—

(a.) Piratería conforme al derecho de gentes.

(b.) Echar á pique ó destruir un buque en el mar; ó coludirse para hacerlo, ó el comiso de estos delitos.

(c.) Amotinarse, ó coludirse con el mismo fin, por dos ó mas personas á bordo de un buque en alta mar, contra la autoridad del capitán ó patron.

(d.) Agresion violenta á bordo de un buque en alta mar con el propósito de privar de la vida ó causar graves lesiones corporales.

23. Tráfico de esclavos en términos que constituya un delito contra las leyes de ambos Estados.

Tambien hay lugar á la extradicion por tomar parte en cualquiera de los delitos expresados, con tal que la participacion sea punible conforme á las leyes de ambas Partes Contratantes.

Puede tambien concederse la extradicion, á arbitrio del Estado á quien se pida, por cualquiera otro delito, respecto del cual se puede conceder la extradicion, conforme á las leyes de ambas Partes Contratantes, vigentes en la época en que sea pedida.

ARTICULO III.

Cada uno de los dos Gobiernos puede, á su exclusivo arbitrio, robarse la entrega de sus nacionales al otro Gobierno.

ARTICULO IV.

La extradicion no tendrá lugar si el individuo reclamado por parte del Gobierno Mexicano, ó si el individuo reclamado por parte del Gobierno de Su Majestad, ya ha sido juzgado y absuelto ó castigado, ó está todavia enjuiciado en el territorio del Reino Unido ó el de México respectivamente, por el delito con motivo del cual se pide la extradicion.

Si el individuo reclamado por parte del Gobierno Mexicano, ó por parte del Gobierno de Su Majestad, estuviese enjuiciado por otro delito en el territorio del Reino Unido ó en el de México respectivamente, se diferirá su extradicion hasta la terminacion del juicio y en su caso hasta haber extinguido la pena que se le haya impuesto.

ARTICULO V.

No habrá lugar á la extradicion si despues de cometido el delito ó de comenzado el proceso, ó de la condenacion, ha prescrito la accion ó la pena conforme á las leyes del Estado al que se pide la extradicion.

ARTICULO VI.

No se entregará al rco prófugo si el delito con motivo del cual se pide su entrega tiene carácter político, ó si él probase que en realidad se ha hecho el requerimiento para su entrega con la mira de juzgarle ó castigarle por un delito de carácter político.

ARTICULO VII.

El individuo entregado en ningun caso puede ser mantenido en prision ó juzgado en el Estado al cual se ha hecho su entrega, por algun otro delito, ó con motivo de cualesquiera otros negocios, diferentes de aquellos que han motivado la extradicion, hasta que haya sido devuelto ó haya tenido una oportunidad de volver al Estado por el cual fué entregado. Esta estipulacion no es aplicable á delitos cometidos despues de la extradicion.

ARTICULO VIII.

La demanda de extradicion deberá hacerse por medio de los Agentes Diplomáticos respectivos de las Altas Partes Contratantes.

La demanda de extradicion de un acusado estará acompañada de un mandamiento de prision expedido por la autoridad competente del Estado que pida la extradicion, y de la prueba que, conforme á las leyes del lugar donde se encuentra el acusado, justificarian su detencion, si allí se hubiere cometido el delito.

Si el requerimiento se refiere á un individuo ya condenado, se acompañará la sentencia condenatoria pronunciada contra el condenado por el Tribunal competente del Estado que pida la extradicion.

A sentence passed in *contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

ARTICLE IX.

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

ARTICLE X.

A fugitive criminal may be apprehended, under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the authority issuing the warrant, justify the issue of a warrant if the crime had been committed or the person convicted in that part of the dominions of the two Contracting Parties in which the Magistrate, Justice of the Peace, or other competent authority exercises jurisdiction: Provided, however, that in the United Kingdom the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London. In the Republic of Mexico the Government will decide on the extradition by administrative procedure, until a judicial procedure be established by law, when the accused will be delivered as soon as possible to the Judge designated by law. The criminal shall, in accordance with this Article, be discharged, as well in Mexico as in the United Kingdom, if within the term of thirty days a requisition for extradition shall not have been made by the Diplomatic Agent of his country in accordance with the stipulations of this Treaty.

The same rule shall apply to the cases of persons accused or convicted of any of the crimes or offences specified in this Treaty, and committed on the high seas on board any vessel of either country which may come into a port of the other.

ARTICLE XI.

The extradition shall take place only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the same State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the State applied to; and no criminal shall be surrendered until after the expiration of fifteen days from the date of his committal to prison to await the warrant for his surrender.

ARTICLE XII.

In the examinations which they will have to make in accordance with the foregoing stipulations, the authorities of the State applied to for said extradition shall admit as valid evidence the depositions or statements of witnesses taken in the other State, under oath or under solemn affirmation to tell the truth, according as its legislation may provide, or the copies of these depositions or statements, and likewise the warrants issued and sentences pronounced in the State which demands the extradition, the certificates of the fact of the condemnation, or the judicial documents which prove it, provided the same are authenticated as follows:—

1. A warrant must purport to be signed by a Judge, Magistrate, or Officer of the other State.
2. Depositions or affirmations, or the copies thereof, must purport to be certified under the hand of a Judge, Magistrate, or Officer of the other State, to be the original depositions or affirmations, or to be true copies thereof, as the case may require.
3. A certificate of, or a judicial document stating the fact of a conviction must purport to be certified by a Judge, Magistrate, or Officer of the other State.

4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness or by being sealed with the official seal of the Minister of Justice or some other Minister of the other State; but any other mode of authentication for the time being permitted by law in the State where the examination is taken may be substituted for the foregoing.

ARTICLE XIII.

If the individual claimed by one of the two High Contracting Parties, in pursuance of the present Treaty, should be also claimed by one or several other Powers on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date.

ARTICLE XIV.

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, or within such further time as the State applied to, or the proper Tribunal thereof shall direct, the fugitive shall be set at liberty.

Una sentencia pronunciada en rebeldía no se tendrá como sentencia condenatoria; pero el individuo así condenado será considerado como acusado.

ARTICULO IX.

Si la demanda de extradición está conforme con las precedentes estipulaciones, las autoridades competentes del Estado al cual se haya pedido aquella, procederán a la aprehensión del prófugo.

ARTICULO X.

Se podrá aprehender a un reo prófugo en virtud de un mandamiento librado por cualquiera Magistrado de Policía, Juez de Paz u otra autoridad competente en uno u otro país, fundado en los informes ó quejas, y en las pruebas ó diligencias que, en opinión de la autoridad que expida el mandamiento, justificarian este acto si el delito hubiese sido cometido ó condenada la persona en aquella parte de los dominios de ambas Partes Contratantes en la cual el Magistrado, Juez de Paz, u otra autoridad competente ejerce jurisdicción; con tal, sin embargo, que en el Reino Unido el acusado sea consignado, en este caso, tan pronto como sea posible, a un Magistrado de Policía en Londres. En la República Mexicana el Gobierno decidirá en la vía administrativa sobre la extradición, entretanto las leyes no establezcan un procedimiento judicial, en cuyo caso el acusado será consignado tan pronto como sea posible el Juez que la ley designe. De conformidad con este Artículo el reo será puesto en libertad, tanto en el Reino Unido como en la República Mexicana, si en el término de treinta días no se ha hecho la demanda de extradición por el Agente Diplomático del país respectivo, con arreglo a las estipulaciones de este Tratado.

Se observará la misma regla en los casos de individuos acusados ó condenados por alguno de los delitos especificados en este Tratado, y cometidos en alta mar á bordo de un buque de alguno de los dos países que llegue a un puerto del otro.

ARTICULO XI.

Solo tendrá lugar la extradición si, conforme a las leyes del Estado al cual se pide aquella, se consideran suficientes las pruebas, ya para que el detenido hubiera sido sometido á juicio, en caso de haberse perpetrado el delito en el territorio del mismo Estado; ya para probar que el preso es la misma persona condenada por los Tribunales del Estado que hace el requerimiento, y que el delito por el que fué condenado es de aquellos en punto á los cuales el Estado á quien se pidió la extradición, podía conceder esta en la época de la condenación. Ningun reo será entregado hasta despues de haber trascurrido quince días contados desde la fecha en que fué puesto en prisión en espera del mandamiento para su entrega.

ARTICULO XII.

Las autoridades del Estado al que se pida la extradición, en el exámen que deben hacer conforme a las precedentes estipulaciones, admitirán como pruebas válidas las deposiciones ó declaraciones de testigos, tomadas en el otro Estado bajo juramento ó bajo protesta de decir verdad, conforme lo prevenga su legislación, ó las copias de estas deposiciones ó declaraciones, ó igualmente los mandamientos librados y sentencias pronunciadas en el Estado que pide la extradición, los certificados del hecho de la condenación, ó los documentos judiciales que lo comprueben, con tal que estén legalizados en la forma siguiente:—

1. Un mandamiento debe expresar que está firmado por un Juez, Magistrado, ó funcionario del otro Estado.
2. Las deposiciones ó declaraciones, ó sus copias, deben expresar que están certificadas por un Juez, Magistrado, ó funcionario del otro Estado, y que son las deposiciones ó declaraciones originales, ó copias exactas de las mismas, segun lo exija el caso.
3. Un certificado del hecho de la condenación, ó un documento judicial que lo compruebe, debe expresar que está certificado por un Juez, Magistrado, ó funcionario del otro Estado.

4. En todo caso, este mandamiento, deposición, declaración, copia, certificado, ó documento judicial serán legalizados ó por el juramento de algun testigo, ó sellándoseles con el sello oficial del Ministro de Justicia u otro Ministro del otro Estado; pero cualquiera otra forma de legalización permitida por la ley en la época y en el Estado donde se haga el exámen pueda ser sustituida por la precedente.

ARTICULO XIII.

Si el individuo reclamado por una de las dos Altas Partes Contratantes, en virtud del presente Tratado, lo fuere tambien por una ó por varias otras Potencias por razon de otros delitos cometidos en sus respectivos territorios, se concederá su extradición al Estado cuya demanda sea primera en fecha.

ARTICULO XIV.

Se pondrá en libertad al reo prófugo, si no se produce prueba suficiente para la extradición en el término de dos meses contados desde la fecha de su aprehensión, ó dentro del término que, ademas de estos dos meses, señale el Estado á quien se pide la extradición ó el Tribunal competente del mismo.

ARTICLE XV.

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension shall, if the competent authority of the State applied to for the extradition has ordered the delivery of such articles, be given up when the extradition takes place; and the said delivery shall extend, not merely to the stolen articles, but to everything that may serve as a proof of the crime.

ARTICLE XVI.

All expenses connected with extradition shall be borne by the demanding State.

ARTICLE XVII.

The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws for the time being in force in such Colonies and foreign possessions respectively will allow.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign possessions shall be made to the Governor or chief authority of such Colony or possession by the Chief Consular Officer of the Republic of Mexico in such Colony or possession.

Such requisition may be disposed of, subject always, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, to the provisions of this Treaty, by the said Governor or chief authority, who, however, shall be at liberty either to grant the surrender or to refer the matter to his Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of Mexican criminals who may take refuge within such Colonies and foreign possessions, on the basis, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, of the provisions of the present Treaty.

Requisitions for the surrender of a fugitive criminal emanating from any Colony or foreign possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

ARTICLE XVIII.

The present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties by a notice not exceeding one year and not less than six months.

The Treaty, after receiving the approval of the Congress of Mexico, shall be ratified, and the ratifications shall be exchanged at Mexico as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done in two originals, at the city of Mexico, the 7th day of September, in the year one thousand eight hundred and eighty-six.

(L.S.) SPENSER ST. JOHN.
(L.S.) EMILIO VELASCO.

ARTICULO XV.

Todos los objetos secuestrados que, al tiempo de la aprehension, estaban en poder del individuo á quien se ha de entregar, tambien serian entregados cuando la extradicion tenga lugar, si la autoridad competente del Estado al que aquella se ha pedido, ordena la entrega de los mencionados objetos; dicha entrega se extenderá, no solo á los objetos robados, sino á todo lo que pueda servir de prueba del delito.

ARTICULO XVI.

Todos los gastos originados de la extradicion seran pro cuenta del Estado que la haya pedido.

ARTICULO XVII.

Las estipulaciones del presente Tratado se aplicarán á las Colonias y posesiones extranjeras de Su Majestad Británica, en cuanto lo permitan las leyes respectivas de dichas Colonias y posesiones extranjeras vigentes en la época en que se pida la extradicion.

La demanda para la entrega de un reo prófugo que se haya refugiado en alguna de estas Colonias ó posesiones se hará al Gobernador ó principal autoridad de la Colonia ó posesion por el principal Agente Consular de la República Mexicana en la Colonia ó posesion.

La demanda puede ser resuelta, sujetándose siempre, tan exentamente como sea posible, y en cuanto lo permitan las leyes de esta Colonia ó posesion extranjera, á las prevenciones de este Tratado, por el Gobernador ó autoridad principal, los cuales, sin embargo, estarán en libertad de conceder la entrega ó de someter el negocio á su Gobierno.

Su Majestad Británica, no obstante, estará en libertad para hacer arreglos especiales en las Colonias Británicas y posesiones extranjeras, á efecto de entregar los reos Mexicanos que se refugian en esas Colonias ó posesiones, sobre la base, tan exentamente como sea posible y en cuanto lo permitan las leyes de la Colonia ó posesion extranjera, de las prevenciones del presente Tratado.

Las demandas para la entrega de un reo prófugo, emanadas de alguna Colonia ó posesion extranjera de Su Majestad Británica, se regirán por las reglas establecidas en los anteriores Artículos del presente Tratado.

ARTICULO XVIII.

El presente Tratado comenzará á regir diez dias despues de su publicacion, hecha conforme á las reglas prescritas por las leyes de las Altas Partes Contratantes. Una ó otra de las Altas Partes Contratantes puede ponerle término dando noticia á la otra con una anticipacion que no exceda de un año ni sea menor de seis meses.

El Tratado, despues de ser aprobado por el Congreso Mexicano, será ratificado, y las ratificaciones se cangarán en México, tan pronto como sea posible.

En fe de lo cual los respectivos Plenipotenciarios lo han firmado y sellado con sus sellos.

Hecho en dos originales, en la ciudad de México, el dia siete de Setiembre, de mil ochocientos ochenta y seis.

(L.S.) SPENSER ST. JOHN.
(L.S.) EMILIO VELASCO.

And whereas the ratifications of the said Treaty were exchanged at Mexico on the twenty-second day of January, one thousand eight hundred and eighty-nine:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the nineteenth day of April, one thousand eight hundred and eighty-nine, the said Acts shall apply in the case of Mexico, and of the said Treaty with the President of the United States of Mexico.

Provided always, and it is hereby further ordered, that the operation of the said Acts shall be suspended within the Dominion of Canada so far as relates to the United States of Mexico and to the said Treaty, and so long as the provisions of the Canadian Act aforesaid of 1886 continue in force, and no longer.

C. L. PEEL.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

THE LATE PRISONER MORRISON.

(CORRESPONDENCE, &c., IN REFERENCE TO RESPITE OF.)

Ordered by the Legislative Assembly to be printed, 25 September, 1889.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 11th September, 1889, praying that His Excellency the Governor will be pleased to cause to be laid upon the Table of this House,—

“Copies of all correspondence and other communications received by His Excellency with reference to the respite of the late prisoner Morrison, pending such prisoner’s petition for leave to appeal to Her Majesty the Queen in Council.”

(*Mr. Edmunds.*)

Statutory Declaration.

I, MARK ANNESLEY WILLIAMSON, of Temple Court, King-street, Sydney, in the Colony of New South Wales, solicitor, do hereby solemnly and sincerely declare as follows:—

1. That I acted as attorney for one James Morrison, now a prisoner under sentence of death at Her Majesty’s Gaol, Darlinghurst, Sydney aforesaid, at the time of his trial at Darlinghurst aforesaid, on the 15th day of July last past.
2. That the document hereunto annexed and marked “A,” purporting to be the petition of the said James Morrison, was duly executed by the said James Morrison, in the presence of me, this declarant, on the fifteenth day of August instant.
3. That the signature James Morrison is the proper handwriting of the said James Morrison.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled “An Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the Government of New South Wales, and to substitute Declarations in lieu thereof, and for the suppression of voluntary and extra-judicial Oaths and Affidavits.”

MARK ANNESLEY WILLIAMSON.

Subscribed and declared at Sydney, this 15th day of August, 1889, before me,—
THOMAS JOSEPH RYAN, a Commissioner for Affidavits.

Petition.

Petition.

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

The humble Petition of James Morrison, now a prisoner under sentence of death in Her Majesty's Gaol at Darlinghurst, New South Wales,—

HUMBLY SHOWETH :

That your Petitioner was tried before His Honor the Chief Justice, on the fifteenth day of July, for the murder of one David Sutherland, a constable of the Police Force of the Colony of New South Wales, who died early in the morning of Monday, the third day of June last, from a wound inflicted by your Petitioner. The circumstances of the case have already been laid before Your Excellency.

At the trial, before the jury came into Court to announce their verdict, counsel for your Petitioner asked his Honor to direct the jury that if the jury found that the arrest by the constable, though lawful, was made with unnecessary violence, amounting to an assault, your Petitioner was guilty of manslaughter only. Secondly, that if the jury found that the constable struck your Petitioner a violent blow with his baton before the shot was fired, it was competent for them to take that fact into account as evidence that the homicide was not murder.

His Honor refused so to direct the jury, on the ground that there was no evidence either that the arrest was made with unnecessary violence, or that any blow was struck with the baton before the shot was fired.

The question whether His Honor ought so to have directed the jury was reserved for the consideration of the Full Court, and a case was stated for the opinion of the Court by His Honor.

The above points were argued on the third day of August last, and the Court, without calling upon counsel for the Crown, upheld the conviction.

The judgment of their Honors directed mainly to the question whether a prisoner's statement, made under the provisions of the "Criminal Law Amendment Act," section 470, is evidence or not? and their Honors held that such statement is not evidence. The question had not previously been decided in the Colony of New South Wales, and it is humbly submitted that it involves consideration of the highest importance to the proper administration of the criminal law in the Colony.

Your Petitioner is desirous of appealing to Her Majesty in Council against the above-mentioned decision of the Supreme Court. Leave to appeal can only be obtained by petition to Her Majesty in Council. The prisoner has been sentenced to death, and the date of the execution of the sentence has been fixed for the 20th day of August instant.

Your Petitioner humbly prays:—

- (1.) That Your Excellency will order the said sentence to be respited, and that time be allowed to your Petitioner to petition Her Majesty in Council for leave to appeal, and to have such appeal dealt with by Her Majesty in her Privy Council if such leave be granted.

Your Petitioner is without any means of paying the costs of a petition to Her Majesty, and attorney and counsel were assigned to him at his trial; your Petitioner therefore humbly prays:—

- (2.) That steps may be taken to have your Petitioner's petition submitted for the opinion of Her Majesty's Privy Council in such a manner that the questions involved may be properly heard and determined.

And your Petitioner will ever pray, &c.

JAMES MORRISON.

THIS is the paper writing marked "A," and referred to in the declaration of Mark Annesley Williamson, hereto annexed, and dated the fifteenth day of August, 1889,—

THOMAS JOSEPH RYAN, a Commissioner for Affidavits.

E. Barton, Esq., Q.C., and P. J. Healy, Esq., Barrister-at-Law, to His Excellency the Governor.

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

MAY IT PLEASE YOUR EXCELLENCY,—

We are informed that a petition for respite of sentence has been presented to Your Excellency by James Morrison, convicted of murder, and now under sentence of death, the object of such petition being to afford the prisoner an opportunity of exercising his right to petition Her Majesty the Queen in Council for leave to appeal to Her Majesty in Council against such sentence, and of being heard on such appeal, if leave be granted. We understand the grounds of the convict's petition to Your Excellency to be that he is advised and believes that the judgment of the Supreme Court of New South Wales overruling the objections taken on his behalf in the course of the trial is erroneous in point of law.

We think it our duty to express our opinion that the question involved in the judgment of the Court is one of great importance, and likely by its authority as a precedent to affect materially the future administration of justice in criminal cases. We are also of opinion that the question is of such a grave and serious character as to demand further discussion and consideration, and that it ought only to be decided after full and deliberate argument before our final Court of Appeal.

The

The contention of the prisoner's Counsel is not without the support of authority, and the considerations of reason which may be urged in its favour are such as seem to us to render the result of an appeal at least a very debatable question. We would further invite Your Excellency's attention to the principles laid down by the Judicial Committee of the Privy Council in the case of *Rogina v. Bertrand* (1 L.R., P.C. 520, at p. 530). Not only do we think it highly arguable that the case in question is within the principle there stated as calling for the intervention of Her Majesty in Council, but as in the terms of the judgment of their Lordships the authority has not by charter or statute been parted with, "It is the inherent prerogative right, and on all proper occasions the duty of the Queen in Council, to exercise an appellate jurisdiction, with a view, not only to ensure as far as may be the due administration of justice in the individual case, but also to preserve the due course of procedure generally." This inherent prerogative right has not been delegated to any other authority, and it follows, therefore, that where there is matter for argument its exercise should not be anticipated or prevented by the action of any other authority. As the prisoner uses his right to invoke by petition the exercise of this prerogative by Her Majesty, the execution of the capital sentence at the time contemplated would be to prevent both the invocation and the due exercise of that prerogative by the warrant of an authority not invested with any such preventive power. With all respect we submit that such would be the result unless Your Excellency, in the exercise of your undoubted right, sees fit to order that the sentence be respited until and unless Her Majesty shall have had the opportunity of exercising her prerogative upon the petition about to be addressed to her.

We would also invite your attention to the fact that the decision of the Supreme Court in this case is one which is likely to materially affect all criminal trials in which it might be expedient for accused persons to make statements. The decision of the Court would seem to have deprived prisoners of any advantage which may arise from statements made by them under the provisions of the 470th section of the Criminal Law Amendment Act, and to so far contravene the apparent intention of the Legislature.

We would respectfully express our hope that your Excellency will exercise the power vested in yourself, and will respite the prisoner for such a time as may be necessary to enable his case to be submitted to the final judgment of Her Majesty the Queen.

We have not taken the course of addressing Your Excellency personally without the most careful consideration; and we would respectfully point out to you that this course is not without memorable precedent, which is furnished by a letter written by the late Sir James Martin (*Sydney Morning Herald*, March the twenty-fourth, one thousand eight hundred and sixty-three), to one of Your Excellency's predecessors.

We have the honor to be,

Your Excellency's obedient servants,
EDMUND BARTON, Q.C.
P. J. HEALY.

Denman Chambers, Sydney, 14th August, 1889.

The Minister of Justice. Carrington. 14/8/89.

(Very urgent.)

In the absence of the Minister of Justice, and after consulting the Attorney-General, I forward this letter for the consideration of the Head of the Government.

The Principal Under Secretary.—A.C.F., B.C. 15/8/89. The Clerk of the Executive Council.—C.W., B.C., 16/8/89.

Laid before the Executive Council on the 16th August, 1889.—ALEX. C. BUDGE, Clerk of the Council.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. JOHN GARSEED.

(REPORT OF MR. HEALY, BARRISTER-AT-LAW, RESPECTING CASE OF.)

Ordered by the Legislative Assembly to be printed, 11 September, 1889.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated the 5th September, 1889, That there be laid upon the Table of this House,—

“ A copy of the Report by Mr. Healy, Barrister-at-law, on the case
“ submitted to him by Mr. Clarke, late Minister of Justice, having regard
“ to the sad miscarriage of justice on the part of the Crown against one
“ John Garsed.”

(*Mr. Hurley.*)

P. J. Healy, Esq., to The Minister of Justice.

Regina v. John Garsed.—Charge of Perjury.

Sir,

Having been entrusted by the late Minister of Justice (Mr. W. Clarke) with the task of “preparing,” to quote the substance of his minute, “a clear statement of the facts of this case, in order that the Minister might decide on the issues involved,” I have the honor to lay before you the following statement as the most accurate I can arrive at upon the materials before me. Those materials consist of evidence taken and documents produced before Select Committees (of which there have been no less than four) of the Legislative Assembly, and reported mainly in vol. 2 of Votes and Proceedings, Session 1876-7, pp. 891 to 931, and vol. 3, Sessions 1877-8, pp. 11 to 77, together with voluminous correspondence from Mr. Garsed.

Unfortunately the volumes referred to do not contain, nor have I before me, a copy of the Judge's notes of the evidence at the trial, and in their absence the statement I am about to submit must, to a considerable extent, be necessarily incomplete. However, taking the evidence as it stands, the history of this very intricate, and, in many respects remarkable case, is as follows:—

On the 9th February, 1858, an action was commenced in the Supreme Court by William Dean and Archibald Ashdown (who were then partners trading as Dean & Co.) against Garsed upon an overdue bill of exchange for £680 15s. 3d. The declaration, which is set out at p. 29, Appendix, vol. 3, and p. 1, Appendix, Progress Report 79-5,120, herewith, is against Garsed as acceptor of the said bill, dated 3rd October, 1857, drawn by the plaintiffs in favour of themselves, payable four months after date, and, consequently, due on the 6th February, 1858. To that declaration the defendant Garsed, on the 26th of the same month, filed a plea upon equitable grounds, and annexed thereto his affidavit of the truth of the same as required by law.

The plea and accompanying affidavit (which are both set out in full, vol. 2, and at pp. 18 and 19 of Progress Report 77-5,050, herewith) both state, amongst other things, that the defendant Garsed gave to the plaintiff Ashdown, in settlement of certain partnership transactions, a bonus of £2,000, or thereabouts, of which the £680 15s. 3d., the amount of the bill of exchange sued upon, formed part.

It is on the affidavit, or rather so much of it as is above quoted, that the prosecution and conviction of Garsed for perjury, hereinafter referred to, proceeded. On the 2nd March, 1858, application was made by the plaintiffs to the Judge in Chambers (Mr. Justice Dickinson) to have the plea struck out on the ground that it was wholly false, and on the further grounds stated in the joint affidavit of Ashdown (one of the plaintiffs) and C. P. Pritchard. Upon this joint affidavit (to which I shall have occasion hereafter to refer more particularly) Garsed relies as affording very cogent evidence that he was wrongly convicted.

638—

[370 copies—Approximate cost of printing (labour and material), £2 9s. 3d.]

However,

However, the application founded upon it was dismissed, and the case was in due course set down for trial. After the case was so set down, and *before the trial came on*, a circumstance worthy of observation, Ashdown, on the 31st March, 1858, laid in the Police Court an information for perjury against Garsed, founded upon that part of his affidavit above mentioned. The Bench, however, declined to entertain the charge pending the trial of the civil action. That action came on to be tried before Mr. Justice Dickinson and a Jury of four in the April following, and after lasting six days resulted in a verdict for the plaintiffs for £696 2s. 6d., being, I presume, the amount of the bill, with interest thereon. *This finding of the Jury against the defendant has an important bearing upon the present inquiry, as the Jury must be taken to have found that the plea had not been proved.* It is right, however, to mention that Garsed filed a notice of motion for a new trial, the grounds for which were duly certified by his Counsel, and that Garsed having become insolvent in July, 1858, his Official Assignee was, by suggestion on the record, admitted to proceed in his place. What became of that notice of motion? Whether it ever came on to be heard or not does not appear. Probably it never did, and this is perhaps what Garsed means when he says in one of his letters that "this action never terminated."

On the 9th December following (1858) Ashdown laid a fresh information in the Police Court against Garsed for perjury upon the same part of his affidavit, verifying his plea, as is quoted above, as well as upon certain evidence given by Garsed upon the trial of the action before Mr. Justice Dickinson. Upon this charge Garsed was, on the 21st December, 1858, committed for trial at the then next Criminal Court, and on the 1st of August in the following year the then Attorney-General, Mr. L. H. Bayley, filed an information for perjury against him in the Central Criminal Court. The trial upon this information did not take place until the ensuing October (1859), when it took place before Sir Alfred Stephen and a Jury of twelve, and after lasting about seven days resulted in Garsed's being found guilty, and sentenced to three years imprisonment in Darlinghurst Gaol.

By this conviction Garsed has ever since considered himself grossly aggrieved, and now seeks not, as I understand him, compensation from the Government, but some authoritative pronouncement that he was wrongly convicted.

The assignment of perjury in the information filed by the Attorney-General was upon the same passage of Garsed's affidavit, as is quoted above, and the information goes on in the usual form to negative the truth of the passage, and also to aver that the said sum of £680 15s. 3d., the amount of the said bill of exchange, was the balance of an account due from the said John Garsed to the firm of Dean & Co., of which firm the said W. Dean and A. Ashdown were partners, and was not a debt due to the said A. Ashdown alone. I gather from the evidence before the Select Committee and the correspondence of Garsed that the main contest, both at the Civil and at the Criminal Court, was whether the bill for £680 15s. 3d. was really a debt due to the firm of Dean & Co. or to Ashdown individually. Ashdown swore that it was a debt due to the firm, and produced a copy in black ink of an account which is endorsed "Pritchard's red-ink account or memorandum," the original of which he swore he saw delivered to Garsed about the 23rd or 24th September, 1857. This copy account, which is set out at p. 38 of Progress Report 79-5,120 herewith, certainly does show that the bill for £680 15s. 3d. was a debt due to the firm, being part of the larger sum of £7,830 15s. 3d. due by Garsed to the firm, whilst it also shows the sum of £2,000 as a liability of Garsed to Ashdown individually, and as being settled and paid for, not in any way by the bill for £680 15s. 3d., but by the transfer of three separate properties. On the other hand, Garsed contended, and still contends, that the £680 15s. 3d. was part of a bonus of £2,000 given to Ashdown alone, denies that he ever saw the red-ink account, and asserts that it is wholly fictitious. In support of this contention he relies in the first place upon certain paragraphs in the joint affidavit of Ashdown and Pritchard filed in support of the application to have his plea struck out.

That joint affidavit, which is set out at p. 3, Appendix to Progress Report 79-5,120, states, in paragraph 3, that the settlement of transactions mentioned in Garsed's affidavit was made by an agreement, of which a copy is thereunto annexed, and, in paragraph 14, that the bill of exchange for the sum of £680 15s. 3d. did not form part of a bonus of £2,000, but was the balance found to be due on the accounts between the said A. Ashdown and the said J. Garsed, but was in no way a part of any bonus.

The part underlined, coupled with the agreement referred to in paragraph 3, would seem clearly to point to the bill as being a private transaction between Garsed and Ashdown individually, and not as a member of the firm. The agreement (A. 5) set out at p. 4, made between Garsed and Ashdown alone on 30th September, 1857, and which, as stated in the joint affidavit, was a repurchase by Garsed of certain properties previously purchased by Ashdown from him, seems also to confirm this view. By that agreement, in the 5th paragraph, the very last item of the sum £9,830 15s. 3d., which was the sum to be paid by Garsed to Ashdown on the repurchase, is this very sum of £680 15s. 3d., which the paragraph says is to be secured by Garsed's promissory note and a memorandum and deposit by way of equitable mortgage over certain title deeds.

Moreover, the items of this agreement are set down in a book called "Pritchard's Journal," a book which Ashdown admitted at the Police Court was kept by Pritchard as a record of the transactions of Garsed and Ashdown individually, in the order in which they appear in the agreement, the £680 15s. 3d. being the last item, and so appearing in that private account book, to which the firm of Dean & Co. were strangers, would lead to the inference that it was a liability to Ashdown alone. Further, according to the evidence of the late Mr. Carroll, a competent accountant, who gave evidence before the Select Committee, and also at Garsed's trial, and who went through the items both of Pritchard's journal and Dean & Co.'s ledger before the Committee, this bill for £680 15s. 3d. must, according to both those books, have been given by Garsed to Ashdown alone in settlement of private transactions between them. He further points out, pages 10 and 11, that while on the 13th October, 1857, Garsed's advance account was in Dean & Co.'s ledger properly credited with the amount of the bill in question, the latter was, when dishonored, not debited, as it should have been, to the same account, but to Garsed's general account (which would be Garsed's real account with the firm of Dean & Co.), and this under date the 20th February, 1858—that is, some time after the action on the bill had been commenced. Carroll further states that across the entry of the bill so wrongly debited a pencil-mark had been drawn, apparently by some accountant who had previously examined and discovered the error. He also states, page 10, that the copy of the red-ink account above referred to was not a genuine account either from Dean & Co.'s books or Pritchard's journal, inasmuch as there are two items of £1,300 each in that account which do not appear in either of those books, and which certainly ought to have appeared in Dean & Co.'s books if those amounts were, as represented

represented by that account, owing to the firm. It may be mentioned that these books are said to be at present in the Legislative Council Chambers. According to Garsed they were rejected as evidence on his criminal trial. If so, it was probably because Carroll had not kept them himself, and that Pritchard, who had previously left the Colony, was not a witness. It may also be as well to mention here that Garsed is in error when he says in his evidence before the Select Committee that the joint affidavit and the agreement of 30th September were not in evidence at his trial for perjury. They were both in evidence. I may further point out in connection with the agreement of the 30th September, that the copy red-ink account does not, in the order of the items, accord with it, various of the items, and amongst them that for £680 15s. 3d., having been transposed.

While, however, the circumstances above alluded to would seem to point to the fact of the bill and the agreement of which it was the outcome having been a private transaction between Garsed and Ashdown alone there can be no doubt, and it is in fact, as I understand, so conceded by Garsed, that the sum of £7,830 15s. 3d., was due by him, or by him and Ashdown, to Dean and Company, and formed part and parcel of the £9,830 15s. 3d. mentioned in that very agreement.

According to Garsed's version, the first four items in that agreement of 30th September, 1857, making in all £8,050, and which Ashdown received from him, exceeded the amount due to Dean and Company by £219 4s. 9d., and adding to this sum the residue of the items as and in the order mentioned in the agreement, viz., Russell's £600, Newtown Foundry, £500, and the bill or promissory note for £680 15s. 3d., the sum total will make exactly the £2,000 which he says he gave to Ashdown as a bonus, and for which he got no consideration.

As against this and the other grounds relied upon by Garsed, there is not only the evidence of Ashdown, but also, to some extent, that of the late Mr. Daintrey and the late Mr. Want, solicitors; as also, I believe, the evidence of Garsed's official assignee, Mr. A. Wilson, his former attorney, Mr. P. A. Thompson; and later, before the Select Committee alone (he was absent from the Colony at the time of the trial) that of Mr. M. Constable. The evidence of Mr. Daintrey at the Police Court (I am informed by Garsed the whole of the Police Court depositions were read in evidence on his trial), though not very precise, shows, on the one hand, that there was some talk on Pritchard's part about Garsed's having agreed to give Ashdown a bonus, and, on the other, seems to some extent to bear out Ashdown's version that the £2,000 to Ashdown was made up of the transfer of certain land and mortgages to him. Mr. Want, p. 14, says that in coming to the agreement of 30th September the £2,000 was named as payable from Garsed to Ashdown for excessive value of land charged by Garsed to Ashdown, and for certain other considerations, and that it was to be paid by certain mortgages and lands, and that these were picked out to make up that sum. He adds that nothing was said as to a bill for £680 15s. 3d., as forming part of the £2,000, and that an amount due to Ashdown, or to Dean and Ashdown, remained unsecured, and a bill was to be given for it—was to be given for the balance—by Garsed to Ashdown, at a short date, payment of which was to be secured by the depositing of deeds.

He is also corroborated to a great extent by Mr. Constable (see p. 16 of Report 79-5,120), as also, it would appear from the latter's evidence (though I have not their evidence before me), by that of Mr. P. A. Thompson and Mr. Adam Wilson, Garsed's assignee.

I have now endeavoured to collect together, to the best of my ability, out of a mass of, in many respects, irrelevant matter, the essential points on both sides of this case. I have endeavoured to eliminate the non-essential matters, such as other criminal charges against, and civil proceedings by and against, Garsed, as only calculated to further perplex the present question. I do not, of course, pronounce any opinion upon the case one way or the other; but I feel bound to call the Minister's attention to the minute of Sir A. Stephen, while acting as Lieutenant-Governor, and who, it will be remembered, presided at Garsed's trial for perjury. That minute, which is dated 24th July, 1879, and is written on Garsed's petition herewith, runs thus:—"This matter arose above twenty years ago, and the litigation and criminal proceedings arising out of it ended in 1859, by the (in my opinion proper) verdict of guilty against the petitioner. I have since that time repeatedly considered the case, and it has been considered several times elsewhere. I therefore decline to take any action on this petition."

I will conclude by adding that in this case there have been two verdicts, one by a civil and one by a criminal Jury, in which they must have found that Garsed's plea was not made out, and that the red-ink account, which he contends was a fictitious one, was in reality a genuine one.

Chambers, 7th March, 1889.

I have, &c.,
P. J. HEALY.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

OFFICIAL ASSIGNEES.

(AMOUNTS OF COMMISSIONS, &c., PAID TO.)

Ordered by the Legislative Assembly to be printed, 13 August, 1889.

RETURN to an *Address* of the Legislative Assembly, dated 8th May, 1889, That there be laid upon the Table of this House,—

“ A Return showing the amounts paid to the respective Official Assignees for Commissions in Insolvency for the last ten years, previous to 31st December, 1887, under Rule 15 of the General Rules in Insolvency, established 21st January, 1862; also a Return of the amounts paid to the Official Assignees for remuneration, as per quarterly Returns, in conformity with section 94 of the ‘ Bankruptcy Act ’ of 1887.”

(Mr. O’Sullivan for Mr. Lyne.)

RETURN showing the amounts paid to the respective Official Assignees for Commissions in Insolvency for the last ten years, previous to 31st December, 1887.

	£	s.	d.
Mr. F. T. Humphrey	1,218	15	8
Mr. Samuel Lyons	3,682	17	8
Mr. Sandeman, £2,216 13s. 2d. ; succeeded by Mr. Francis Macnab, £2,254 11s. 4d. ; succeeded by Mr. Augustus Morris, £1,749 17s. 1d.	7,221	1	7
Mr. E. M. Stephen	10,101	10	8
Mr. L. T. Lloyd	8,043	11	2
Mr. Sempill	3,326	14	11

RETURN showing the amounts paid to the Official Assignees in Bankruptcy, as per quarterly returns lodged with the Registrar in Bankruptcy, under section 94 of “ Bankruptcy Act,” 1887.

	£	s.	d.
Mr. Lloyd (from 73 estates)	1,634	6	1
Mr. Stephen (from 65 estates)	549	15	9
Mr. Augustus Morris (from 29 estates)	344	0	4

It will be seen that Mr. Lloyd and Mr. Stephen were more prompt than Mr. Morris in filing plans of distribution, and therefore received a larger amount for commission.

ARTHUR HENRY,
Registrar in Bankruptcy.

1889.

NEW SOUTH WALES.

DISTRICT COURTS ACT OF 1858.

(ANNUAL RETURNS UNDER 103RD SECTION OF.)

Presented to Parliament, pursuant to Act 22 Vic. No. 18, sec. 103.

METROPOLITAN AND HUNTER DISTRICT.

SIDNEY.	NEWCASTLE.
CAMPBELLTOWN.	MAITLAND.
WINDSOR.	SINGLETON.
PARRAMATTA.	MUSWELLBROOK.
PENRITH.	

SOUTHERN DISTRICT.

GOULBURN.	COOMA.
YASS.	BOMBALA.
WOLLONGONG.	EDEN.
KIAMA.	BEGA.
NOWRA.	BRAIDWOOD.
MILTON.	MORUYA.
QUEANBEYAN.	MOSS VALE.

SOUTH-WESTERN DISTRICT.

GREENPELL.	NARRANDERA.
YOUNG.	DENILIQUIN.
GUNDAGAL.	BURROWA.
TUMUT.	COOTAMUNDBRA.
WAGGA WAGGA.	HAY.
ALBURY.	TEMORA.
COROWA.	

WESTERN DISTRICT.

DURRO.	BATHURST.
WELLINGTON.	MOLONG.
ORANGE.	MUDGEE.
FORBES.	LITHGOW.
CARCOAR.	WARREN.
COWRA.	

NORTHERN DISTRICT.

TAMWORTH.	INVERELL.
ARMIDALE.	TENTERFIELD.
GLEN INNES.	EMMAVILLE.
CASINO.	BINGERA.
KEMPSEY.	LISMORE.
PORT MACQUARIE.	TAREE.
MACLEAN.	MOREE.
GRAFTON.	MURWILLUMBAH.

NORTH-WESTERN DISTRICT.

COONABARABRAN.	WALGETT.
COONAMBLE.	BALRANALD.
BOURKE.	WESTWORTH.
WILCANNIA.	HILLSTON.
MURRURUNDI.	COBAR.
NARRABRI.	MENINDIE.
GUNNDAH.	SILVERTON.

OF 1858—(22 Victoria, No. 18.)

SYDNEY, during the twelve months preceeding the 1st March, 1889, as required by the 103rd section said Act.

Commenced.	Settled without Hearing.	Tried.	Number of Cases for Plaintiff.	Number of Cases for Defendant.	Number of Cases in Arrests.	Number of Cases tried by Jury.	Number of Cases settled by Arbitration.	Number of Cases tried without Jury.
4,965	2,165	2,542	2,373	169	258	11	Nil.	2,531
Amount sued for.	Rehearing of Cases of Judgment by default, in consequence of Defendant's absence.	Number of New Trial Motions.	Number of New Trials granted.	Grounds upon which such New Trials granted.	Number of Appeals to the Supreme Court.	Number of Interpleader Suits.	Number of Issues from Supreme Court.	
£ s. d. 119,944 12 2	47	3	1	Excessive damages	4	33	10	

as required by the aforesaid Act, so far as we are able to set forth the same.—

J. A. LUCAS,
WM. JOHN HALLORAN,
Registrars.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at ALBURY, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted	
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders allowed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	59	1,060 0 9	25	...	29	2	27	28	1	27 0 0	5	Albury.	1888. 1 March... 22, 23, 25, June... 8, 9, Nov... 1889. 23, 24 Jan.	1	...	1	2	
Promissory Notes	48	1,367 1 10	14	...	33	2	31	33	...	28 14 0	...	...	...	1				
Rent	2	144 4 3	2	...	...	...	...	...	...	1 0 0	...	...	...	...			
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	4	311 17 1	3	...	1	...	1	1	...	4 0 0	...	...	...	...			
Wages, Work, and Labour	26	417 5 11	9	...	17	2	15	13	4	12 10 6	...	...	...	...			
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Commission on Agency	1	7 17 6	...	...	1	...	1	1	...	0 6 0	...	...	...	...			
Sales of Live Stock	1	112 0 0	...	...	1	1	...	...	...	1 0 0	...	...	...	1
Money lent	7	473 1 7	4	...	3	...	3	3	...	6 3 6	...	...	...	...			
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader	1	175 10 2	...	...	1	...	1	1	...	1 0 0	...	...	...	...			
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	10	637 5 6	6	...	4	2	2	3	1	6 15 6	...	...	...	...			
Totals	159	4,802 4 7	63	...	90	9	81	53	6	88 9 6	7	5	6					

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

T. H. WILKINSON,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at ARMIDALE, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	62	1,203 16 1	27	...	35	...	35	31	4	79 13 4	...	...	...	...			
Promissory Notes	10	204 12 8	2	...	8	...	8	...	...	14 8 5	...	...	...	1						
Rent	5	199 5 2	2	...	3	...	3	...	...	10 0 7	...	...	...	...			
Board and Lodging	2	17 19 6	...	...	2	...	2	...	...	1 3 0	...	...	...	...			
Trespass on Land	1	200 0 0	...	...	1	...	1	...	...	1 9 0	...	...	...	...			
Trespass on Person	1	50 0 0	...	...	1	...	1	...	...	3 10 10	...	...	...	...			
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover	3	13 10 0	3	...	...	...	...	...	...	2 6 0	...	...	...	...			
Breach of Contract	1	50 0 0	...	...	1	...	1	...	...	2 12 0	...	...	...	...			
Wages, Work, and Labour	21	364 9 8	10	...	11	...	11	...	...	23 0 8	...	...	...	...			
Libel, Slander, and Defamation	2	400 0 0	...	...	2	...	1	...	...	7 16 2	...	...	...	...			
Commission on Agency	4	134 0 0	1	...	3	...	3	...	...	2 2 0	...	...	...	...			
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	9	96 14 6	4	...	5	...	5	3	...	10 10 6	...	...	...	...			
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	4	247 16 4	1	...	...	...	...	...	...	8 6 4	...	...	...	1						
Totals	125	3,262 3 1	50	...	75	1	74	02	13	168 4 10	...	...	...	1						

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

JOHN M. SHEAHAN,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at BALRANALD during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Cases under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders refused.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	11	512 8 1	4	...	7	...	7	7	...	27 14 7											
Promissory Notes	2	125 2 4	1	...	1	...	1	1	...	4 4 0											
Rent	1	23 10 8	...	...	1	...	1	1	...	2 0 10										
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Land	1	50 0 0	...	...	1	1	...	1	...	20 0 11										
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	
Wages, Work, and Labour	1	50 13 0	1	...	...	...	...	...	...	4 16 10										
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent	1	108 5 2	1	...	...	...	...	...	...	5 8 0										
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above	4	170 15 2	2	...	2	...	2	2	...	14 0 6											
Totals	21	1,131 3 5	9	...	12	1	11	12	...	79 3 8											

* Duration not recorded.

I hereby certify that the above is as full and complete a Return of the particulars required by the aforesaid Act as I have been able to compile from the records of this office, which are very defective.

GEO. HERBERT GIBSON,
Acting Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at BATHURST, during the Twelve Months preceding the 1st of March, 1859, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.	
	Com- menced.	Total Amount sued for.	Without hearing.	Arbi- tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend- ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.		
																	Days.	Hours.				
Goods sold	69	£ s. d. 1,188 0 10	48	...	21	...	21	19	2	£ s. d. 78 15 5												
Promissory Notes	19	613 18 7	15	...	4	1	3	4	...	43 5 6												
Rent	2	48 5 2	2	...	...	...	...	...	...	1 11 0										
Board and Lodging	1	10 0 0	1	...	...	...	...	...	...	0 10 0										
Trespass on Land	8	317 0 0	4	...	4	...	4	3	1	35 2 4												
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...		
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...		
Trover .....	...	...	...	...	...	...	...	...	...	...		
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...		
Wages, Work, and Labour	7	281 15 6	5	...	2	...	2	2	...	14 16 4												
Libel, Slander, and Defamation	2	490 0 0	2	...	...	...	...	...	...	2 1 0										
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...		
Salos of Live Stock .....	...	...	...	...	...	...	...	...	...	...		
Money lent	18	729 9 10	10	...	8	2	6	6	2	69 16 2												
Partnership .....	...	...	...	...	...	...	...	...	...	...		
Interpleader .....	...	...	...	...	...	...	...	...	...	...		
Intestacy .....	...	...	...	...	...	...	...	...	...	...		
Legacy .....	...	...	...	...	...	...	...	...	...	...		
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...		
Replevin .....	...	...	...	...	...	...	...	...	...	...		
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...		
Causes of Action not specified above	31	742 1 6	24	...	7	...	7	4	3	77 11 8								1	1	That the ver- dict was against evi- dence, and against the weight of evidence.		
Totals	157	4,836 11 5	111	...	10	3	43	39	8	323 0 5								7	48	1	1	

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

W. G. B. SMITH,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at BEGA, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits £ s. d.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.		
																	Days.	Hours.				
		£ s. d.								£ s. d.												
Goods sold	40	779 17 5	10	...	30	...	40	17	13	37 17 0	...	...	...	1	Bega	1888.					
Promissory Notes	25	1,896 6 11	3	...	22	...	25	18	4	27 13 0			7 Mar ..	1	8			
Rent	1	133 15 0	1	...	1	1	...	1 1 0			28 June..	1	8			
Board and Lodging			14 Sept..	1	8			
Trespass on Land	1	30 0 0	1	...	1	1	...	0 16 0			1889.					
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...		20 Mar ..	1	9			
Illegal Distraint	1	20 0 0	...	...	1	...	1	1	...	0 19 0	...	...	...	...				
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	1	50 0 0	...	...	1	...	1	1	...	1 4 0	...	...	...	...				
Wages, Work, and Labour	23	448 17 3	4	2	17	...	23	8	0	16 15 6	...	...	...	...				
Libel, Slander, and Defamation	5	460 0 0	1	...	5	1	4	2	2	6 12 0	...	...	...	...				
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	2	201 0 11	...	...	2	...	2	2	...	1 16 0	...	...	...	...				
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intorpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	2*	10 7 0	1	...	1	...	2	2	...	1 13 6	...	...	...	...				
Totals .....	...	4,080 13 6	19	2	81	1	100	53	28	96 17 0	...	...	...	...				

* Dishonored cheques.

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

R. FRAPPELL,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at BIRGONA during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.	
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.		
																	Days.	Hours.				
Goods sold	19	£ s. d. 285 12 4	7	...	12	...	12	12	...	£ s. d. 12 15 0	1	Biringona.....	{	1888-9.	16 Mar...	17 Sept...	2		
Promissory Notes	2	37 8 9	2	...	...	...	...	...	...	1 13 0	...	...	...	...				
Rent .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Board and Lodging	1	44 8 9	...	...	1	...	1	...	1	1 0 0	...	...	...	...				
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	2	115 0 0	...	...	2	...	2	2	...	2 1 0	...	...	...	...				
Wages, Work, and Labour	2	17 4 6	2	...	...	...	...	...	...	0 12 0	...	...	...	...				
Libel, Slander, and Defamation	2	400 0 0	1	...	1	...	1	1	...	2 8 0	...	...	...	...				
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	1	3 0 0	1	...	...	...	...	...	...	0 4 0	...	...	...	...				
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Totals .....	...	302 9 4	13	...	16	...	16	15	1	20 13 6	...	...	...	...				

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

F. BULLER
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at BOMBALA, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrest.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	20	305 12 2	7	...	10	...	16	16	1	25 13 3	3	Bombala	1888.	4 April...	...	6	7	
Promissory Notes	10	172 1 4	6	...	4	...	4	4	...	19 2 4	...	...	...	...			
Rent	1	122 12 1	1	...	...	...	...	...	...	3 12 10	...	...	...	...			
Board and Lodging	1	19 19 0	...	...	1	...	1	1	...	4 0 10	...	...	...	...			
Trespass on Land	1	200 0 0	...	...	...	...	...	...	...	2 8 0	...	...	...	...			
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	1	200 0 0	...	...	1	...	1	1	...	13 8 8	...	...	...	...			
Wages, Work, and Labour	3	68 16 2	...	...	3	...	3	3	...	5 8 10	...	...	...	...			
Libel, Slander, and Defamation	2	400 0 0	...	...	2	2	...	...	2	12 10 0	...	...	...	...			
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	5	355 4 0	2	...	2	...	2	2	...	24 11 10	...	...	...	1				
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	4	54 8 4	1	...	3	...	3	3	...	12 9 8	...	...	...	...			
Totals	54	1,956 18 1	17	...	32	3	30	20	3	123 6 3	...	...	...	6				

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

W. A. DOVERS,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at BOURKE, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
Goods sold.....	60	£ s. d. 1,503 12 4	38		21		21	17	4	£ s. d. 147 1 6				1	Bourke	1888. 27 June. 30 Oct.	1	5½ 12			
Promissory Notes.....	24	1,298 12 11	21		3		3	3		79 0 11											
Rent.....	1	7 10 0			1		1		1	0 6 0											
Board and Lodging.....	1	7 10 0	1							0 6 0											
Trespass on Land.....	2	44 0 0	1							1 19 2				1							
Trespass on Person.....																					
Illegal Distraint.....																					
Trover.....	7	484 12 10	4		3		3	2	1	38 1 8											
Breach of Contract.....																					
Wages, Work, and Labour.....	5	270 4 8	3		2		2	1	1	31 2 0											
Libel, Slander, and Defamation.....	1	100 0 0								2 11 4				1							
Commission on Agency.....																					
Sales of Live Stock.....	1	35 13 9	1							2 8 10											
Money lent.....	2	128 0 10	2							6 5 4											
Partnership.....																					
Interpleader.....	1	150 0 0			1		1	1		25 1 9											
Intestacy.....																					
Legacy.....																					
Possession of Tenements.....																					
Replevin.....																					
Consent Jurisdiction.....																					
Causes of Action not specified above.....	8	317 17 1	6		2		2	2		29 1 5											
Totals.....		4,847 14 5	77		33		33	26	7	363 5 11				3							

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

VINCENT BROWN,
Registrar, District-Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at BRAIDWOOD, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	6	144 8 4	3	1	2	...	2	2	...	7 13 0	}										
Promissory Notes	3	54 18 9	3	...	...	...	...	...	...	3 4 0											
Rent .....	...	...	...	...	...	...	...	...	...	...	
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Land	1	40 0 0	...	...	1	1	...	1	...	1 13 0											
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract	1	100 0 0	...	...	1	...	1	1	...	1 12 0											
Wages, Work, and Labour .....	...	...	...	...	...	...	...	...	...	...	
Libel, Slander, and Defamation	1	200 0 0	...	...	1	1	...	...	1	1 2 0											
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent	2	17 16 3	2	...	...	...	...	...	...	0 13 6											
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above .....	...	...	...	...	...	...	...	...	...	...	
Totals	14	557 3 4	8	1	6	2	3	3	2	15 17 6											

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

C. E. OSLEAR,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at BURROWA, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of theittings of each Court.			The Number of		The grounds on which such New Trials were granted.		
	Com-menced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.	
																	Days.	Hours.				
		£ s. d.								£ s. d.												
Goods sold	6	117 12 11	4	..	2	..	2	2	..	7 10 0					Burrowa ...	1888. 29 May... 27 Sept...	1 1					
Promissory Notes	5	19 19 7	3	..	2	..	2	2	..	6 0 0												
Rent .....	..	..	..	..	..	..	..	..	..	..		
Board and Lodging .....	..	..	..	..	..	..	..	..	..	..		
Trespass on Land .....	..	..	..	..	..	..	..	..	..	..		
Trespass on Person .....	..	..	..	..	..	..	..	..	..	..		
Illegal Distraint.....	..	..	..	..	..	..	..	..	..	..		
Trover.....	..	..	..	..	..	..	..	..	..	..		
Breach of Contract	1	200 0 0	..	..	1	1	..	1	1	14 0 0												
Wages, Work, and Labour	2	19 18 0	1	..	1	..	1	1	..	2 10 0												
Libel, Slander, and Defamation .....	..	..	..	..	..	..	..	..	..	..		
Commission on Agency .....	..	..	..	..	..	..	..	..	..	..		
Sales of Live Stock .....	..	..	..	..	..	..	..	..	..	..		
Money lent	8	210 3 4	5	..	3	..	3	2	1	9 0 0												
Partnership .....	..	..	..	..	..	..	..	..	..	..		
Interpleader .....	..	..	..	..	..	..	..	..	..	..		
Intestacy .....	..	..	..	..	..	..	..	..	..	..		
Legacy .....	..	..	..	..	..	..	..	..	..	..		
Possession of Tenements.....	..	..	..	..	..	..	..	..	..	..		
Replevin.....	..	..	..	..	..	..	..	..	..	..		
Consent Jurisdiction.....	..	..	..	..	..	..	..	..	..	..		
Causes of Action not specified above.....	..	..	..	..	..	..	..	..	..	..		
Totals	22	742 13 10	13	..	9	1	8	7	2	39 0 0												

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—
 CHAS. ROBERTSON,
 Deputy Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at CARCOAR, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Cases, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	15	367 12 11	0	...	9	...	9	9	...	25 6 10											
Promissory Notes	9	308 12 5	4	...	5	...	5	5	...	94 8 0											
Rent .....				...		...			...			
Board and Lodging .....				...		...			...			
Trespass on Land .....				...		...			...			
Trespass on Person .....				...		...			...			
Illegal Distraint .....				...		...			...			
Trover	1	20 0 0		...	1	...	1	1	...	20 16 8											
Breach of Contract	2	76 0 0		...	2	...	2	1	1	14 0 2											
Wages, Work, and Labour	1	2 0 3		...	1	...	1	1	...	2 8 0											
Libel, Slander, and Defamation .....				...		...			...			
Commission on Agency .....				...		...			...			
Salus of Live Stock .....				...		...			...			
Money lent	1	17 15 6		...	1	...	1	1	...	7 18 2											
Partnership .....				...		...			...			
Interspousal .....				...		...			...			
Intestacy .....				...		...			...			
Legacy .....				...		...			...			
Possession of Tenements .....				...		...			...			
Replevin .....				...		...			...			
Consent Jurisdiction .....				...		...			...			
Causes of Action not specified above	5	453 4 4	2	...	3	...	3	2	1	52 8 2											
Totals	34	1,245 14 6	12	...	22	...	22	20	2	217 6 0											

* Mr. D.-C. Judge Decker, presided on each occasion.

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

W. B. WARNER,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at CASINO during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	33	708 0 1	17	...	16	...	16	15	1	55 12 10											
Promissory Notes	16	012 0 7	6	...	10	...	10	10	...	31 4 0											
Rent	6	155 15 0	3	...	3	...	3	3	...	9 19 8											
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint	1	200 0 0	...	...	1	...	1	...	1	16 18 8										
Trover	1	7 10 0	...	...	1	...	1	1	...	1 2 8										
Breach of Contract	2	210 0 0	1	...	1	...	1	...	1	6 6 10											
Wages, Work, and Labour .....	...	...	...	...	...	...	...	...	...	...	
Libel, Slander, and Defamation	42	400 0 0	...	...	2	2	...	2	...	18 17 10										
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent	2	120 0 0	1	...	1	...	1	1	...	2 10 0											
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above .....	...	...	...	...	...	...	...	...	...	...	
Totals	63	2,413 14 8	28	...	35	2	33	32	3	142 13 6				Casino	1888. 8 Aug...	1	4	1	1		
															1889. 2 Feb...	1	2				
																2	6	1	1		

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

M. M. CAMPBELL,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at Coban during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.			
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.				
																	Days.	Hours.						
		£ s. d.								£ s. d.				Pending										
Goods sold	27	774 15 1	5	...	8	...	8	7	1	59 5 6	14	Coban	{	1888.	9 May..	...	5	...			
Promissory Notes	6	247 0 0	1	...	2	...	2	2	...	21 18 6	...	...	...	3							
Rent .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	5	820 0 0	1	...	2	...	2	1	1	50 15 0	...	...	...	2							
Wages, Work, and Labour	3	215 5 2	2	...	1	...	1	1	...	6 6 10	...	...	...	...						
Libel, Slander, and Defamation	2	400 0 0	...	...	2	...	2	2	...	62 5 0	...	...	...	...						
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	4	120 0 0	2	...	1	...	1	1	...	7 10 0	...	...	...	1							
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	17	928 9 9	5	...	4	...	4	4	7	Being Appeal—settled out of Court.	
Totals	64	3,505 10 0	16	...	20	4	16	18	2	308 0 10	1	27

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

J. V. FOLEY,
Registrar, District Court.

885—C

RETURN of the Number and Particulars of Suits commenced in the District Court holden at COOMA during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reverted.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	25	384 13 2	4	...	19	...	19	19	...	57 3 2	2	Cooma	1889.	6 April	...	3 1/2		
Promissory Notes	13	606 12 7	3	...	9	...	9	9	...	40 17 2	...	...	...	1				
Rent	1	25 0 5	...	...	...	...	...	...	...	...	...	...	...	1
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Land	1	100 0 0	1	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	1	200 0 0	...	...	1	...	1	1	...	...	...	...	...	...	
Wages, Work, and Labour	5	245 4 3	4	...	1	...	1	1	...	12 3 2	...	...	...	...			
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock	2	101 0 0	1	...	1	...	1	1	...	10 4 0	...	...	...	...			
Money lent	3	173 14 8	1	...	1	...	1	1	...	3 4 6	...	...	...	1				
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	1	200 0 0	...	...	1	...	1	1	...	24 10 2	...	...	...	...			
Totals	62	2,036 5 1	14	...	33	...	33	33	...	143 2 2	...	...	...	5				

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

M. S. LOVE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at COONABARABRAN, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	6	72 4 2	5	5 4 6	1	Coonabara-bran.	1888. 15 Sept...	...	About 1			
Promissory Notes .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rent .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	1	1 0 0	...	...	...	...	...	...	...	0 4 0	...	...	...	1
Wages, Work, and Labour .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	2	35 17 0	1	...	1	...	1	1	...	3 10 2	...	...	...	...			
Totals	9	119 1 2	6	...	1	...	1	1	...	8 18 8	...	...	...	2				

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

JAMES O'BYRNE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at COONAMBLE, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes under distinct heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	6	51 16 7	4	...	2	...	2	2	...	2 12 3	...	...	...	...	...	...	...	...	...	...
Promissory Notes	8	48 17 9	6	...	1	...	1	1	...	8 11 0	...	...	...	...	...	...	...	...	...	...
Rent	1	78 10 0	...	...	...	...	...	...	...	3 5 0	...	...	...	...	...	...	...	...	...	...
Board and Lodging	2	8 15 0	2	...	...	...	...	...	...	0 8 0	...	...	...	...	...	...	...	...	...	...
Trespass on Land	1	200 0 0	...	...	...	...	...	...	...	1 0 0	...	...	...	...	...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wages, Work, and Labour	2	146 18 0	2	...	...	...	...	...	...	1 13 0	...	...	...	...	...	...	...	...	...	...
Libel, Slander, and Defamation	1	25 0 0	...	...	1	...	1	1	...	0 11 0	...	...	...	...	...	...	...	...	...	...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	1	189 12 0	1	...	...	...	...	...	...	2 6 0	...	...	...	...	...	...	...	...	...	...
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	6	86 3 5	4	...	1	...	1	1	...	3 18 6	...	...	...	...	...	...	...	...	...	...
Totals	28	830 12 9	19	...	5	...	5	4	1	24 4 9	...	...	...	...	...	...	...	...	...	...

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

ANDREW T. COCHRANE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at COOTAMUNDRA, during the Twelve Months preceding the 1st of March, 1880, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrest.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.			
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.		
																	Days.	Hours.					
		£ s. d.								£ s. d.													
Goods sold	19	281 13 10	12	...	7	...	7	7	...	40 0 0	...	...	...	Cootamundra	1888.	3 =	to 24						
Promissory Notes	10	328 8 4	8	...	2	...	2	2	...	6 10 0	...	...	...							
Rent	1	26 0 0	1	...	...	...	...	...	...	1 9 2	...	...	...							
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	2	212 10 0	1	...	...	...	...	...	...	2 8 10	...	...	...							
Wages, Work, and Labour	8	222 10 6	6	...	2	1	1	1	1	7 0 0	...	...	...							
Libel, Slander, and Defamation	1	200 0 0	1	...	...	...	...	...	...	2 8 10	...	...	...							
Commission on Agency	1	21 19 5	1	...	...	...	...	...	...	1 9 2	...	...	...							
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	2	63 1 9	1	...	1	...	1	1	...	3 12 0	...	...	...							
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	8	585 17 1	2	...	6	1	5	5	1	40 0 0	...	...	...							
Totals	52	1,932 0 11	33	...	18	2	16	16	2	104 18 0	...	...	...	1									

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

C. H. B. PRIMROSE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at COROWA during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.	
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.		
																	Days.	Hours.				
		£ s. d.								£ s. d.												
Goods sold.....	7	282 7 11	7	...	...	...	...	7	...	7 16 0												
Promissory Notes.....	9	393 13 0	9	...	...	...	...	9	...	16 15 6												
Rent.....	...	...	...	...	...	...	...	...	...	...		
Board and Lodging.....	...	...	...	...	...	...	...	...	...	...		
Trespass on Land.....	...	...	...	...	...	...	...	...	...	...		
Trespass on Person.....	...	...	...	...	...	...	...	...	...	...		
Illegal Distraint.....	...	...	...	...	...	...	...	...	...	...		
Trover.....	...	...	...	...	...	...	...	...	...	...		
Breach of Contract.....	...	...	...	...	...	...	...	...	...	...		
Wages, Work, and Labour.....	6	212 4 1	5	...	1	...	1	6	...	11 12 0												
Libel, Slander, and Defamation.....	1	200 0 0	...	...	...	...	...	...	...	1 0 0												
Commission on Agency.....	...	...	...	...	...	...	...	...	...	...		
Sales of Live Stock.....	...	...	...	...	...	...	...	...	...	...		
Money lent.....	...	...	...	...	...	...	...	...	...	...		
Partnership.....	...	...	...	...	...	...	...	...	...	...		
Interpleader.....	...	...	...	...	...	...	...	...	...	...		
Intestacy.....	...	...	...	...	...	...	...	...	...	...		
Legacy.....	...	...	...	...	...	...	...	...	...	...		
Possession of Tenements.....	...	...	...	...	...	...	...	...	...	...		
Replevin.....	...	...	...	...	...	...	...	...	...	...		
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...		
Causes of Action not specified above.....	...	...	...	...	...	...	...	...	...	...		
Totals.....	23	1,088 5 0	21	...	1	...	1	22	...	37 3 6												

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

ALBERT K. BEVERIDGE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at DENILQUIN, during the Twelve Months preceding the 1st of March, 1889, as required by the 108rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	13	251 5 3	8	...	5	...	5	5	...	3 5 0	Denilquin	1889. 9 Mar .. 8 July .. 17 Nov ... 1889. 31 Jan...	1	1	The motions were with-drawn by the Defen-dants' Soli-citor.		
Promissory Notes	10	218 0 9	4	...	6	...	6	6	...	8 12 6	...	...	...	...			
Rent	3	73 10 0	...	...	3	...	3	3	...	...	...	...	...	...	
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Land	6	210 0 0	...	...	6	...	6	6	...	40 8 8	...	...	...	...			
Trespass on Person	7	530 0 0	1	...	6	...	6	2 4	...	53 16 2	...	...	...	...			
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	2	35 0 0	1	...	1	...	1	1	...	...	...	...	...	...	
Wages, Work, and Labour	6	58 11 4	3	...	3	...	3	2 1	...	...	...	...	...	...	
Libel, Slander, and Defamation	1	200 0 0	...	...	1	...	1	1	...	...	...	...	...	...	
Commission on Agency	4	83 0 11	2	...	1	...	1	1	...	15 18 6	...	...	...	...			
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	2	18 0 0	...	...	2	...	2	2	...	...	...	...	...	...	
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	5	112 11 7	3	...	2	...	2	2	...	2 2 0	...	...	...	...			
Totals	69	1,789 19 10	22	...	36	...	36	28	8	124 3 10	1	2	...			

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

L. W. BROUGHTON,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at DUBBO, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

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Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
Goods sold	41	£ 1,192 5 7	4	...	37	...	37	37	...	£ 64 7 9	Dubbo	1888. 3 May... 10 Aug... 22 Nov... 1889. 31 Jan...	2	13			
Promissory Notes	12	716 0 0	2	...	10	...	10	10	...	25 18 10	...	...	...	...			
Rent	3	62 5 0	...	...	3	...	3	3	...	16 5 2	...	...	...	...			
Board and Lodging	4	86 9 6	...	...	4	...	4	4	...	2 8 0	...	...	...	...			
Trespass on Land	1	59 9 0	1	...	...	...	...	...	...	2 8 10	...	...	...	...			
Trespass on Person	3	600 0 0	...	...	1	1	...	1	...	44 16 6	...	...	2	...			
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	47	562 10 0	5	...	33	...	33	27	6	117 5 2	...	...	9	...					
Wages, Work, and Labour	5	115 15 7	3	...	2	...	2	2	...	24 3 6	...	...	...	...			
Libel, Slander, and Defamation	1	200 0 0	1	...	...	...	...	...	...	2 8 10	...	...	...	...			
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	9	147 12 6	1	...	8	...	8	8	...	13 9 0	...	...	...	...			
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	2	30 15 8	1	...	1	...	1	1	...	2 3 6							
Totals	128	3,773 2 10	18	...	99	1	98	92	7	315 14 1	11	...							

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

W. J. MARTIN,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at EDEN, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.						
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.							
																	Days.	Hours.									
		£ s. d.								£ s. d.																	
Goods sold	6	110 9 4	2	...	4	...	4	3	...	3 4 0	...	.....	...	1	Eden	1888.	2 Mar...	...	1	3	2						
Promissory Notes	5	101 13 6	1	...	4	...	4	4	...	4 10 4	...	.....	...	...								...	...	...	...	...	...
Rent	1	10 13 0	...	...	1	...	1	1	...	4 1 8	...	.....	...	...								...	...	...	...	...	...
Board and Lodging .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...								...	...	...	...	...	...
Trespass on Land .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...								...	...	...	...	...	...
Trespass on Person .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...								...	...	...	...	...	...
Illegal Distraint .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...								...	...	...	...	...	...
Trover .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...								...	...	...	...	...	...
Breach of Contract	1	30 0 0	...	...	1	...	1	1	...	1 10 0	...	.....	...	...								...	...	...	...	...	...
Wages, Work, and Labour	3	99 13 3	2	...	1	...	1	1	...	11 1 10	...	.....	...	...								...	...	...	...	...	...
Libel, Slander, and Defamation .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...								...	...	...	...	...	...
Commission on Agency .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...								...	...	...	...	...	...
Sales of Live Stock .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...								...	...	...	...	...	...
Money lent .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...								...	...	...	...	...	...
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...								...	...	...	...	...	...
Interpleader .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...								...	...	...	...	...	...
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...	...	...	...	...	...	...
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...	...	...	...	...	...	...
Replevin .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...	...	...	...	...	...	...
Causes of Action not specified above .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...	...	...	...	...	...	...
Totals	16	352 14 7	5	...	11	...	11	9	1	24 7 10	...	.....	...	1	...	...	...	...	...	5	...						

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

FRANK POTTS,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at FORBES during the Twelve Months preceeding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Appeal.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.					
	Com-menced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.				
																	Days.	Hours.							
		£ s. d.								£ s. d.															
Goods sold.....	29	519 10 8	11	16	16	...	16	15	1	43 17 6	...	...	...	2	Forbes.....	1888.	5 Mar....	1	1						
Promissory Notes.....	14	338 14 8	3	11	11	...	11	11	...	16 7 8	...	...	...	...							2 July....	1	1	1	
Rent.....	3	29 5 2	1	2	2	...	2	2	...	1 11 6	...	...	...	...							5 Nov....	1	1	1	
Board and Lodging.....	5	61 14 6	3	...	...	...	...	...	...	3 15 0	...	...	...	2											
Trespass on Land.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract.....	1	200 0 0	...	1	1	...	1	1	...	23 12 0	...	...	...	...							
Wages, Work, and Labour.....	6	181 7 11	4	2	2	...	2	1	1	22 10 6	...	...	...	...							
Libel, Slander, and Defamation.....	1	200 0 0	...	1	1	...	1	...	1	13 16 6	...	...	...	...							
Commission on Agency.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent.....	1	9 1 0	1	...	...	...	...	...	...	0 6 0	...	...	...	...							
Partnership.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above.....	6	242 12 10	4	2	2	...	2	2	...	4 19 6	...	...	...	4											
Totals.....	66	1,782 6 9	27	35	35	...	35	32	3	130 16 2	...	...	...	4					2	1					

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

EDMOND A. T. PERRY, J.P.,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at GLEN INNES, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	36	701 5 3	9	...	27	...	27	27	...	83 9 0											
Promissory Notes	7	223 16 0	5	...	2	...	2	2	...	6 6 0											
Rent	3	62 8 11	...	...	2	...	3	3	...	12 13 10											
Board and Lodging	1	10 15 3	...	...	1	...	1	1	...	3 13 0											
Trespass on Land	2	222 0 0	...	...	2	...	2	2	...	11 12 8											
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	
Wages, Work, and Labour	6	178 18 0	2	...	6	...	6	5	1	9 16 0											
Libel, Slander, and Defamation	2	300 0 0	1	...	1	...	1	1	...	...									
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent	2	38 0 0	...	...	2	...	2	1	1	7 3 4											
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above	2	44 16 1	1	...	1	...	1	1	...	...									
Totals	63	1,841 19 6	18	...	45	...	45	43	2	134 13 10											

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

VERE D. H. BESNARD,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at GOULBURN, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Cause, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.	
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.		
																	Days.	Hours.				
		£ s. d.								£ s. d.												
Goods sold	92	1,315 12 11	38	...	40	...	49	47	2	48 6 10	...	...	...	1	Goulburn.	16th and 17th March, 8th and 9th June, 31st August, 1st September, 10th and 11th December, 1888; 27th and 28th February, 1889.	10					
Promissory Notes	41	1,402 9 7	20	...	20	...	20	19	1	27 12 6	...	...	...	1								
Rent	9	270 11 10	2	...	7	...	7	7	...	6 16 6	...	...	...	...				
Board and Lodging	4	37 2 6	1	...	3	...	3	3	...	1 8 0	...	...	...	...				
Trespass on Land	17	744 10 10	9	...	6	...	3	4	2	16 3 0	...	...	...	...				
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	13	700 7 0	0	...	4	...	3	2	2	11 7 0	...	...	...	...				
Wages, Work, and Labour	36	1,059 10 0	14	...	22	...	20	18	4	28 18 0	...	...	...	...				
Libel, Slander, and Defamation	4	279 0 0	...	...	3	...	2	3	...	5 5 0	...	...	...	...				
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	2	66 16 0	...	...	2	...	1	1	1	1 6 0	...	...	...	...				
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cause of Action not specified above	36	2,042 13 8	17	...	19	...	16	15	4	33 16 0	...	...	...	...				
Totals	254	7,918 13 10	110	...	135	11	124	119	16	180 19 10	...	...	...	9								

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

WM. CARSON,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at GRAFTON, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.				
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.					
																	Days.	Hours.							
		£ s. d.								£ s. d.															
Goods sold.....	132	1,919 16 7½	69	...	61	...	61	57	4	153 0 3	...	...	...	2	Grafton	1888. 16 May... to 16 May... 11 Aug... to 15 Aug... 13 Nov... to 16 Nov... 1889. 5 Feb... to 8 Feb...	11 16 2 3 3	1:30 4-35 4-40	1	1	Defendant not having appeared when judgment was given.				
Promissory Notes.....	45	1,272 8 3	10	...	29	...	29	28	1	68 11 2	...	...	...	1					1						
Rent.....	8	195 1 0	2	...	6	...	6	6	...	26 15 8	...	...	...	...					...	...		...	...	...	...
Board and Lodging.....	3	54 19 0	1	...	2	...	2	2	...	7 10 0	...	...	...	...					...	...		...	...	...	...
Trespass on Land.....	1	10 0 0	...	...	1	...	1	1	...	3 0 0	...	...	...	...					...	...		...	...	...	...
Trespass on Person.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...					...	...		...	...	...	...
Illegal Distraint.....	2	230 0 0	1	...	1	...	1	1	...	14 15 10	...	...	...	...					...	...		...	...	...	...
Trover.....	5	535 0 0	...	...	5	1	4	1	4	24 2 8	...	...	...	...					...	...		...	...	...	...
Breach of Contract.....	7	341 8 6	1	...	5	...	5	3	2	40 6 4	...	...	...	1					...	...		...	...	...	...
Wages, Work, and Labour.....	30	697 0 8	11	1	17	...	17	14	3	64 9 6	...	...	...	1					...	...		...	...	...	...
Libel, Slander, and Defamation.....	4	460 0 0	3	...	1	...	1	1	1	8 17 0	...	...	...	...					...	...		...	...	...	...
Commission on Agency.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...					...	...		...	...	...	...
Sales of Live Stock.....	7	162 18 6½	2	...	5	...	5	5	...	19 19 10	...	...	...	1					...	...		...	...	...	...
Money lent.....	9	303 8 0	7	...	1	...	1	1	...	10 2 4	...	...	...	1					...	...		...	...	...	...
Partnership.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...					...	...		...	...	...	...
Interpleader.....	1	106 13 10	1	...	...	...	...	...	...	0 15 6	...	...	...	...					...	...		...	...	...	...
Intestacy.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...					...	...		...	...	...	...
Legacy.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...					...	...		...	...	...	...
Possession of Tenements.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...					...	...		...	...	...	...
Replevin.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...					...	...		...	...	...	...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...					...	...		...	...	...	...
Causes of Action not specified above.....	35	1,100 16 1	12	...	21	1	20	14	7	145 6 6	1	...	1	2					1	1	The discovery of new and material evidence and mis-adventure.
Totals.....	289	7,389 10 6	126	1	155	2	153	132	23	587 12 7	1	...	1	7	...	...	...	...	8	9-50	2	2			

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

WILLIAM CLARKE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at GREENFELL, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Cause, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com- menced.	Total Amount paid for.	Without hearing.	Arbi- tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend- ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
Goods sold	2	£ s. d. 55 14 3	1	...	1	...	1	1	...	£ s. d. 0 6 0								1			
Promissory Notes	5	261 2 11	5	...	...	...	...	...	...	2 11 2									
Rent .....	...	...	...	...	...	...	...	...	...	...	
Board and Lodging	2	28 16 6	2	...	...	...	...	...	...	...				
Trespass on Land	2	65 0 0	1	...	1	...	1	1	...	10 10 10											
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract	1	141 10 4	...	...	1	...	1	1	...	...									
Wages, Work, and Labour .....	...	...	...	...	...	...	...	...	...	...	
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent	2	311 1 11	1	...	1	...	1	1	...	...									
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Malicious Prosecution	1	200 0 0	...	...	1	1	...	...	1	...									
Causes of Action not specified above .....	...	...	...	...	...	...	...	...	...	...	
Totals	15	1,068 5 11	10	...	5	1	4	4	1	13 8 0							9	1			

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

W. F. ROBERTSON,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at GUNNEDAH during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.						
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.					
																	Days.	Hours.								
		£ s. d.								£ s. d.																
Goods sold	4	41 0 3	2	...	2	...	...	2	...	2 8 6	...	...	...	1	Gunnedah	1888.	2 Mar...	Not stated.	1							
Promissory Notes	1	88 9 1	1	...	...	...	...	...	...	...	...	...	...	...							...	...	...	...	...	...
Rent	1	11 7 3	...	...	1	...	...	1	...	0 12 0	...	...	...	...							...	...	...	...	...	...
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...							...	...	...	...	...	...
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...							...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...							...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...							...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...							...	...	...	...	...	...
Breach of Contract	1	107 18 8	1	...	...	...	...	...	...	1 3 0	...	...	...	...							...	...	...	...	...	...
Wages, Work, and Labour	3	54 9 0	1	...	1	...	...	1	...	1 15 0	...	...	...	...							...	...	...	...	...	...
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...							...	...	...	...	...	...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...							...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...							...	...	...	...	...	...
Money lent	2	147 15 0	2	...	...	...	...	...	...	3 2 0	...	...	...	...							...	...	...	...	...	...
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...							...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Totals	32	450 19 3	7	...	4	...	...	4	...	9 1 8	...	...	...	1	...	...	...	...	...	1						

* Not stated from Supreme Court.

I hereby certify to the best of my belief that the above is a full and complete Return of the particulars required by the aforesaid Act,—

JOHN J. KINGSMILL,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at HAY, during the Twelve Months preceding the 1st of March, 1880, as required by the 103rd section of the said Act.

Nature of Cause, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials		The Costs of the Suits.	The Number and Result of Appeals			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com- menced.	Total Amount sued for.	Without hearing.	Arbi- tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend- ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold.....	12	565 18 5	5	...	7	...	7	7	...	75 16 8	...	...	...					
Promissory Notes.....	7	264 16 5	7	...	...	...	...	...	...	17 13 8	...	...	...					
Rent.....	2	40 10 0	1	...	1	...	1	...	...	3 11 4	...	...	...					
Board and Lodging.....	2	31 0 0	...	...	2	...	2	2	...	5 13 0	...	...	...					
Trespass on Land.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover.....	3	150 0 0	...	...	3	1	2	2	1	32 2 6	...	...	...					
Breach of Contract.....	1	17 0 0	...	...	...	...	...	...	...	...	...	...	...
Wages, Work, and Labour.....	18	972 13 2	0	...	9	1	8	9	...	104 0 6	...	...	...					
Libel, Slander, and Defamation.....	2	400 0 0	2	...	...	...	...	...	...	5 19 10	...	...	...					
Commission on Agency.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock.....	3	110 0 0	3	...	2	...	2	2	...	20 1 2	...	...	...					
Money lent.....	2	46 4 0	1	...	1	...	1	1	...	9 13 0	...	...	...					
Partnership.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Interspender.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Totals.....	54	2,588 2 0	28	...	25	2	23	23	2	275 7 10	1							

May.....

1888.
24 Mar...
21 July...
6 Dec...
1889.
15 Jan...

1
1
1
1

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

W. CHISHOLM,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at HILLSTON, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.	
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.		
																	Days.	Hours.				
		£ s. d.								£ s. d.												
Goods sold	9	539 13 7	4	...	4	...	4	4	...	9 2 0	1	Hillston ...	{	1888.	9 May...	1	9	6½	
Promissory Notes	9	953 8 10	2	...	6	...	6	6	...	8 10 0	...	...	...	1					
Rent .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Board and Lodging	1	21 18 6	1	...	...	...	...	...	...	0 10 0	...	...	...	...				
Trespass on Land	1	200 0 0	...	...	1	1	...	...	1	1 0 0	...	...	...	...				
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	1	20 0 0	...	...	1	...	1	1	...	0 10 0	...	...	...	...				
Wages, Work, and Labour .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Libel, Slander, and Defamation	1	200 0 0	...	...	1	...	1	1	...	1 0 0	...	...	...	...				
Commission on Agency	1	37 10 0	1	...	...	...	...	...	...	1 0 0	...	...	...	...				
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	2	214 9 6	1	...	1	...	1	1	...	1 10 0	...	...	...	...				
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	3	211 8 2	2	...	1	...	1	1	...	2 10 0	...	...	...	...				
Totals	28	2,428 8 7	11	...	15	1	14	13	2	25 13 0	2								

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

D. G. M'DOUGALL,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at INVERELL, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrest.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	30	510 6 8	7	...	21	...	21	21	...	14 8 6	...	...	...	2	Inverell.						
Promissory Notes	13	454 0 3	5	...	8	...	8	8	...	8 19 6	...	...	...	...			
Rent .....				...		...			...		...	...	...	...
Board and Lodging	1	8 9 6	1	...		...			...	0 6 0	...	...	...	...			
Trespass on Land .....				...		...			...		...	...	...	...
Trespass on Person .....				...		...			...		...	...	...	...
Illegal Distraint .....				...		...			...		...	...	...	...
Trover .....				...		...			...		...	...	...	...
Breach of Contract .....				...		...			...		...	...	...	...
Wages, Work, and Labour	3	36 4 9	1	...	2	...	2	2	...	1 6 0	...	...	...	...			
Libel, Slander, and Defamation .....				...		...			...		...	...	...	...
Commission on Agency .....				...		...			...		...	...	...	...
Sales of Live Stock	3	159 17 0	2	...		...			...	3 0 0	...	...	...	1							
Money lent	2	76 10 10		...		...			...	2 0 0	...	...	...	2							
Partnership .....				...		...			...		...	...	...	...
Intorploder .....				...		...			...		...	...	...	...
Intestacy .....				...		...			...		...	...	...	...
Legacy .....				...		...			...		...	...	...	...
Possession of Tenements .....				...		...			...		...	...	...	...
Replevin .....				...		...			...		...	...	...	...
Consent Jurisdiction .....				...		...			...		...	...	...	...
Causes of Action not specified above	3	80 0 0	1	...	2	...	2	2	...	2 0 0	...	...	...	...			
Totals	55	1,325 9 0	17	...	33	...	33	31	2	32 0 0	...	...	...	5							

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

F. S. OSBORN,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at KEMPSEY during the Twelve Months preceding the 1st of March, 1889, as required by the 108rd section of the said Act.

Nature of Causes under distinct Heads	The Number of Suits		Settled.		The Number of Cases			Result of Trials		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	43	978 11 3	25	...	18	...	18	19	2	117 15 3	...	.....	.....	2	Kempsey...	1888.					
Promissory Notes	34	1,018 11 4	25	...	9	...	9	20	1	124 11 4	...	.....	.....	...			21 May...	1	8-30		
Rent	2	90 13 8	1	...	1	...	1	1	...	15 10 4	...	.....	.....	...			22 "	1	14-10		
Board and Lodging	2	21 1 11	2	...	1	...	1	1	...	2 18 4	...	.....	.....	...			23 "	1	4-0	1	
Trespass on Land	1	100 0 0	...	...	1	...	1	...	...	21 2 0	...	.....	.....	...			19 Nov...	1	6-0		
Trespass on Person	2	400 0 0	...	...	2	1	1	...	2	45 9 2	...	.....	.....	...			20 "	1	11-0		
Illegal Distraint	2	225 0 0	...	...	2	...	2	...	2	15 11 10	...	.....	.....	...			21 "	1	2-30		
Trover .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...			22 "	1	11-45		
Breach of Contract	3	245 0 0	2	...	1	...	1	...	1	12 11 6	...	.....	.....	...			23 "	1	6-30		
Wages, Work, and Labour	17	334 17 10	10	...	7	...	7	12	3	74 2 10	...	.....	.....	...			
Libel, Slander, and Defamation	1	200 0 0	...	...	1	1	...	...	...	21 14 6	...	.....	.....	...			
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Sales of Live Stock	5	276 2 6	2	...	3	...	...	2	2	61 10 8	...	.....	.....	...			
Money lent .....	...	90 0 0	1	...	1	...	1	1	...	17 7 6	...	.....	.....	...			
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Causes of Action not specified above	12	280 13 5	6	...	6	...	6	6	2	66 10 4	...	.....	.....	...				1			
Totals	126	4,265 11 11	74	...	62	2	47	61	17	596 15 7	...	.....	.....	2				8	64-25	2	

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

GEORGE BOILEAU,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at KLAMA, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders allowed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold.....	19	342 16 6½	14	...	5	...	5	4	1	21 12 9											
Promissory Notes.....	3	47 4 8	3	...	...	...	...	...	...	1 18 0										
Rent.....	...	...	...	...	...	...	...	...	...	...	
Board and Lodging.....	...	...	...	...	...	...	...	...	...	...	
Trespass on Land.....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person.....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint.....	1	100 0 0	...	...	1	...	1	...	1	1 6 0										
Trover.....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract.....	1	12 10 0	1	...	...	...	...	...	...	1 0 0										
Wages, Work, and Labour.....	4	56 13 11½	...	...	4	...	4	2	2	24 6 8										
Libel, Slander, and Defamation.....	1	100 0 0	...	...	1	...	1	...	1	10 7 6										
Commission on Agency.....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock.....	...	...	...	...	...	...	...	...	...	...	
Money lent.....	...	...	...	...	...	...	...	...	...	...	
Partnership.....	...	...	...	...	...	...	...	...	...	...	
Interpleader.....	...	...	...	...	...	...	...	...	...	...	
Intestacy.....	...	...	...	...	...	...	...	...	...	...	
Legacy.....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements.....	...	...	...	...	...	...	...	...	...	...	
Replevin.....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above.....	...	...	...	...	...	...	...	...	...	...	
Totals.....	29	659 5 2	18	...	11	...	11	6	5	60 10 11											

Kiama

1888.
27 April...
21 Aug...
1889.
10 Jan...

14
24
1

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

W. BLIGH CONNELL,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at LISMORE, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	105	1,911 19 5	33	...	68	...	68	57	11	167 13 0	4	Lismore ...				1		
Promissory Notes	57	1,123 3 7	8	...	49	...	49	48	1	95 0 8	...	...	...	1				
Rent	50	300 15 2	17	...	33	...	33	25	8	24 18 4	...	...	...	1				
Board and Lodging	1	14 8 0	...	...	1	...	1	1	...	3 14 6	...	...	...	...			
Trespass on Land	1	50 0 0	...	...	1	...	1	1	...	1 12 0	...	...	...	...			
Trespass on Person	1	30 0 0	...	...	1	...	1	1	...	1 7 0	...	...	...	...			
Illegal Distraint	1	200 0 0	...	...	1	...	1	1	...	1 8 0	...	...	...	...			
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	7	244 15 4	1	...	6	...	6	4	2	45 5 2	...	...	...	1				
Wages, Work, and Labour	44	1,052 1 7	11	...	33	...	33	29	4	86 5 2	...	...	...	...			
Libel, Slander, and Defamation	4	800 0 0	3	...	1	...	1	1	...	5 15 0	...	...	...	...			
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock	1	13 2 0	...	...	1	...	1	...	1	5 6 2	...	...	...	...			
Money lent	4	18 15 0	1	...	3	...	3	3	...	1 8 6	...	...	...	1				
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader	4	366 3 0	2	...	2	...	2	2	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy	1	200 0 0	...	...	1	...	1	1	...	1 0 0	...	...	...	...			
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin	1	24 3 1	...	...	1	...	1	...	1	4 0 6	...	...	...	...			
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	20	1,103 10 6	1	...	19	...	19	17	2	89 5 10	...	...	...	1				
Totals	302	7,442 16 8	77	...	221	...	221	190	31	532 19 10	...	...	...	9				

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

C. COGHLAN,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MACLEAN during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	25	401 2 11	9	...	14	...	14	13	1	54 4 0	...	...	...	2						
Promissory Notes	3	107 14 7	1	...	2	...	2	2	...	3 16 0	...	...	...	...			
Rent	4	309 6 0	2	...	2	...	2	2	...	3 12 8	...	...	...	...			
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Land	2	60 0 0	...	...	2	...	2	1	1	14 4 10	...	...	...	...			
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint	1	30 0 0	...	...	1	...	1	...	1	3 4 10	...	...	...	...			
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	3	65 0 0	...	...	2	...	2	1	1	16 5 6	...	...	...	1						
Wages, Work, and Labour	0	160 18 0	3	...	6	...	6	3	3	31 16 4	...	...	...	...			
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	2	22 6 0	...	...	2	...	2	1	1	6 13 2	...	...	...	...			
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader	1	12 13 3	1	...	...	...	...	...	...	2 1 0	...	...	...	...			
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	3	477 14 8	4	...	5	...	5	2	3	35 2 2	...	...	...	...			
Totals	59	1,446 19 5	20	...	36	...	36	25	11	171 0 6	...	...	...	3						23 45

Maclean.....

1888.
16 Aug. 6 45
17 " 5 50
1889.
11 Feb. 7 10
12 " 4 0

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

G. A. HYDE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MAITLAND, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold.....	83	1,438 14 6	38	...	44	...	44	44	...	74 15 6	1	Maitland	1888. 15 Mar... 14 June... 13 Sept... 6 Dec...					
Promissory Notes.....	31	947 17 6	12	...	17	...	17	17	...	49 8 0	...	...	...	2				
Rent.....	12	157 9 4	6	...	6	...	6	4	2	12 4 6	...	...	...	...			
Board and Lodging.....	2	19 0 0	1	...	1	...	1	1	...	1 4 0	...	...	...	...			
Trespass on Land.....	2	60 0 0	1	...	1	...	1	1	...	1 7 0	...	...	...	...			
Trespass on Person.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract.....	4	236 12 8	2	...	2	...	2	2	...	8 12 6	...	...	...	...			
Wages, Work, and Labour.....	17	461 11 6	8	...	8	...	8	7	1	13 0 6	...	...	...	...			
Libel, Slander, and Defamation.....	4	630 0 0	1	...	3	...	3	2	1	8 12 0	...	...	...	...			
Commission on Agency.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent.....	8	167 3 0	3	...	5	...	5	3	2	6 1 6	...	...	...	...			
Partnership.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above.....	21	471 4 3	15	...	6	...	6	5	1	14 19 6	...	...	...	...			
Totals.....	184	4,579 13 9	87	...	93	...	93	84	9	184 5 0	4	14	11					

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

F. S. ISAACS,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MENINDIE, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Trial.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	3	97 0 10½	...	...	3	...	3	3	...	1 16 0										
Promissory Notes											
Rent											
Board and Lodging											
Trespass on Land											
Trespass on Person											
Illegal Distraint											
Trover											
Breach of Contract											
Wages, Work, and Labour											
Libel, Slander, and Defamation											
Commission on Agency											
Sales of Live Stock											
Money lent											
Partnership											
Interpleader											
Intestacy											
Legacy											
Possession of Tenements											
Replevin											
Consent Jurisdiction											
Causes of Action not specified above											
Totals	3	97 0 10½	...	...	3	...	3	3	...	1 16 0										

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

P. T. WHEALY,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MILTON, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	14	339 14 6	6	...	8	1	7	6	2	19 6 8											
Promissory Notes	3	78 10 7	3	...	...	...	...	...	...	2 10 0										
Rent .....				...													
Board and Lodging .....				...													
Trespass on Land .....				...													
Trespass on Person .....				...													
Illegal Distraint .....				...													
Trover .....				...													
Breach of Contract	1	100 0 0		...	1	1		1		2 10 10								1		Not yet disposed of.	
Wages, Work, and Labour	1	15 0 0		...	1		1			2 0 0											
Libel, Slander, and Defamation .....				...													
Commission on Agency .....				...													
Sales of Live Stock .....				...													
Money lent	3	183 2 2		...	3		3	3		6 2 0											
Partnership .....				...													
Interpleader .....				...													
Intestacy .....				...													
Legacy .....				...													
Possession of Tenements .....				...													
Replevin .....				...													
Consent Jurisdiction .....				...													
Causes of Action not specified above	4	256 4 3	1	...	3		3	2	1	8 6 0											
Totals	26	921 11 6	10	...	16	2	14	12	3	40 15 6									1		

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

LESLIE W. A. MACARTHUR,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MOLONG, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	11	285 8 0	8	...	3	...	3	3	...	0 9 0											
Promissory Notes	7	210 9 6	5	...	2	...	2	2	...	4 12 0											
Rent .....				...		...			...			
Board and Lodging .....				...		...			...			
Trespass on Land	2	140 0 0		1	1		1	1		8 15 0											
Trespass on Person	1	50 0 0			1		1	1		2 7 0											
Illegal Distraint																					
Trover																					
Breach of Contract																					
Wages, Work, and Labour	3	40 16 6	3	...		...			...	2 8 0											
Libel, Slander, and Defamation																					
Commission on Agency																					
Sales of Live Stock																					
Money lent																					
Partnership																					
Interpleader																					
Intestacy																					
Legacy																					
Possession of Tenements																					
Replevin																					
Consent Jurisdiction																					
Causes of Action not specified above																					
Totals	24	726 14 9	16	1	7	...	7	7	...	22 11 0											

Molong { 1889.
12 Mar.
9 July,
12 Nov.

1 1/2

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

H. H. CHIPPINDALL,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at Monro during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrest.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold.....	...	845 8 5	10	...	11	...	...	11	...	13 0 0										
Promissory Notes.....	...	59 3 0	...	...	3	...	...	3	...	1 18 4										
Rent.....	...	22 10 0	...	...	1	...	...	1	1	0 10 0										
Board and Lodging.....	...	14 0 0	...	...	1	...	...	1	...	0 10 0										
Trespass on Land.....											
Trespass on Person.....											
Illegal Distraint.....											
Trover.....											
Breach of Contract.....											
Wages, Work, and Labour.....	...	165 8 9	...	...	7	...	...	7	...	2 16 10										
Libel, Slander, and Defamation.....	...	400 0 0	...	...	4	...	...	4	...	6 18 8										
Commission on Agency.....											
Sale of Live Stock.....											
Money lent.....	...	208 12 0	2	...	1	...	...	1	...	8 12 8										
Partnership.....											
Interpleader.....											
Intestacy.....											
Legacy.....											
Possession of Tenements.....											
Replevin.....											
Consent Jurisdiction.....											
Causes of Action not specified above.....	...	67 4 0	2	...	.....	...	...	.....	.....	3 2 8										
Totals.....	...	1,782 6 2	14	...	28	...	...	27	1	32 9 2				Monro	1888. 19 Mar.... 17 Sept....	1 1				

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

W. E. HENRY,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MORUYA, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	6	224 17 10	5	...	1	...	1	1	...	32 13 6											
Promissory Notes	9	421 11 4	9	...	...	...	...	...	...	28 5 6										
Rent	2	34 10 0	2	...	...	...	...	...	...	3 3 10										
Board and Lodging .....				...													
Trespass on Land	3	80 0 0	1	...	2	...	2	2	...	15 11 6											
Trespass on Person .....				...													
Illegal Distraint .....				...													
Trover .....				...													
Breach of Contract	2	400 0 0		...	2	1	1	2	...	5 9 8											
Wages, Work, and Labour	6	165 17 2	4	...	2	...	2	1	1	36 10 6											
Libel, Slander, and Defamation	1	200 0 0	1	...	...	...	...	...	...	2 12 10										
Commission on Agency .....				...													
Sales of Live Stock .....				...													
Money lent	4	163 14 7	4	...	...	...	...	...	...	12 4 8										
Partnership .....				...													
Interpleader .....				...													
Intestacy .....				...													
Legacy .....				...													
Possession of Tenements .....				...													
Replevin .....				...													
Consent Jurisdiction .....				...													
Causes of Action not specified above	3	147 2 0	1	...	2	2	...	2	...	31 0 5											
Totals	36	1,837 12 11	27	...	9	3	6	8	1	167 12 6											
																				28	

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

JOHN KENNY,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at Moss Vale, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold.....	42	840 1 6	7	...	29	...	29	23	1	44 15 2	...	.....	.....	6	.....	.....	...	...	1	...	
Promissory Notes.....	13	511 5 2	4	...	9	...	9	8	1	13 2 10	...	.....	.....	...	.....	.....	...	...	...	1	
Rent.....	4	87 10 0	2	...	2	...	2	2	...	2 18 6	...	.....	.....	...	.....	.....	...	...	...	...
Board and Lodging.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	.....	.....	...	...	...	...
Trespass on Land.....	1	50 0 0	1	...	...	...	...	...	...	1 4 0	...	.....	.....	...	.....	.....	...	...	...	...
Trespass on Person.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	.....	.....	...	...	...	...
Illegal Detainment.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	.....	.....	...	...	...	...
Trover.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	.....	.....	...	...	...	...
Breach of Contract.....	4	525 0 0	1	...	3	...	3	2	1	4 18 0	...	.....	.....	...	.....	.....	...	...	...	...
Wages, Work, and Labour.....	20	298 13 3	...	...	19	2	17	...	...	13 12 6	...	.....	.....	1	.....	.....	...	...	...	...
Libel, Slander, and Defamation.....	3	450 0 0	2	...	1	...	1	...	...	5 5 4	...	.....	.....	...	.....	.....	...	...	...	...
Commission on Agency.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	.....	.....	...	...	...	...
Sales of Live Stock.....	2	58 0 0	1	...	1	...	1	1	...	1 18 0	...	.....	.....	...	.....	.....	...	...	...	...
Money lent.....	3	15 7 4	1	...	2	...	2	2	...	2 10 0	...	.....	.....	...	.....	.....	...	...	...	...
Partnership.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	.....	.....	...	...	...	...
Interpleader.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	.....	.....	...	...	...	...
Intestacy.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	.....	.....	...	...	...	...
Legacy.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	.....	.....	...	...	...	...
Possession of Tenements.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	.....	.....	...	...	...	...
Replevin.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	.....	.....	...	...	...	...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	.....	.....	...	...	...	...
Causes of Action not specified above.....	13	619 15 0	4	...	9	...	9	9	1	12 5 8	...	.....	.....	...	.....	.....	...	...	...	...
Totals.....	105	3,464 12 3	23	...	75	2	73	47	4	90 10 0	...	.....	.....	7	.....	.....	...	...	1	1	

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

WM. BRIDGES,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at Mudgee, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	27	501 13 0	8	...	19	...	19	12	7	10 15 0											
Promissory Notes	6	73 5 6	1	...	5	...	5	5	...	2 9 6											
Rent	3	59 18 6	...	...	3	...	3	3	...	1 10 0										
Board and Lodging .....				...		...									
Trespass on Land	5	61 12 0	2	...	3	...	3	1	2	2 0 0											
Trespass on Person .....				...		...									
Illegal Distraint .....				...		...									
Trover .....				...		...									
Breach of Contract	2	217 9 10	1	...	1	...	1	1	...	1 10 0											
Wages, Work, and Labour	2	21 8 10	1	...	1	...	1	1	...	0 16 0											
Libel, Slander, and Defamation .....				...		...									
Commission on Agency .....				...		...									
Salce of Live Stock .....				...		...									
Money lent	4	60 3 6	1	...	3	...	3	2	1	2 2 0											
Partnership .....				...		...									
Interspender .....				...		...									
Intestacy .....				...		...									
Legacy .....				...		...									
Possession of Tenements .....				...		...									
Replevin .....				...		...									
Consent Jurisdiction .....				...		...									
Causes of Action not specified above	6	65 17 0	1	...	5	...	5	5	...	2 0 6											
Totals	55	1,070 8 11	16	...	40	...	40	30	10	23 18 6				Mudgee	1888, 24 April. 25 23 Oct. 24 1889, 22 Jan.	8 1 8 31 3					

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

R. H. ACHESON,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MURURUNDI, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	12	206 1 11	7	...	5	...	5	5	...	6 6 0											
Promissory Notes	3	68 7 8	2	...	1	...	1	1	...	2 8 0											
Rent .....				...		...			...			
Board and Lodging .....				...		...			...			
Trespass on Land .....				...		...			...			
Trespass on Person .....				...		...			...			
Illegal Distraint .....				...		...			...			
Trotter .....				...		...			...			
Breach of Contract	2	142 5 0		...	2	...	2	1	1	2 15 0											
Wages, Work, and Labour	2	39 7 4		...	2	...	2	1	1	1 1 0											
Libel, Slander, and Defamation .....				...		...			...			
Commission on Agency .....				...		...			...			
Sales of Live Stock .....				...		...			...			
Money lent .....				...		...			...	2 0 0										
Partnership .....				...		...			...			
Interpleader .....				...		...			...			
Intestacy .....				...		...			...			
Legacy .....				...		...			...			
Possession of Tenements .....				...		...			...			
Replevin .....				...		...			...			
Consent Jurisdiction .....				...		...			...			
Causes of Action not specified above	1	20 14 2		...	1	...	1	1	...	0 10 0											
Totals	20	476 15 8	9	...	11	...	11	9	2	12 15 0					Mururundi.	1888. 21 Aug.	...	2			
																1889. 27 Feb.	...	4			

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

GEO. R. EVANS,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MUSWELLBROOK, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials		The Costs of the Suits.	The Number and Result of Appeals			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	3	68 19 8	...	...	3	...	3	3	...	4 11 6										
Promissory Notes	1	49 15 0	...	...	1	...	1	1	...	0 3 2										
Rent .....			...	...													
Board and Lodging .....			...	...													
Trespass on Land .....			...	...													
Trespass on Person .....			...	...													
Illegal Distraint .....			...	...													
Trover .....			...	...													
Breach of Contract .....			...	...													
Wages, Work, and Labour	1	12 15 0	...	...	1	...	1	1	...	0 11 0										
Libel, Slander, and Defamation .....			...	...													
Commission on Agency .....			...	...													
Sales of Live Stock .....			...	...													
Money lent .....			...	...													
Partnership .....			...	...													
Interspender .....			...	...													
Intestacy .....			...	...													
Legacy .....			...	...													
Possession of Tenements .....			...	...													
Replevin .....			...	...													
Consent Jurisdiction .....			...	...													
Causes of Action not specified above .....			...	...													
Totals	5	131 9 8	...	...	5	...	5	5	...	14 5 8										

Muswellbrook. { 1888.
22 Mar.
22 June.
21 Sep.

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

T. FOLEY,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MURWILLUMBAH, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrest.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.							
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.								
																	Days.	Hours.										
		£ s. d.								£ s. d.																		
Goods sold	10	294 3 8½	0	...	3	...	3	3	...	7 2 0	...	...	...	1	Murwillumbah.	1888. 28 July...	4	...	...	...	...			
Promissory Notes	2	20 17 2	...	...	2	...	2	2	...	1 0 0	...	...	...	...								...	...	...	...	...	...	...
Rent	1	18 8 0	1	...	...	...	...	...	...	0 10 0	...	...	...	...								...	...	...	...	...	...	...
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Wages, Work, and Labour .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Money lent .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	4	612 10 0	2	...	2	...	2	...	2	4 10 0	...	...	...	...	...	...	...	...	...	...	...
Totals	17	935 18 10½	9	...	7	...	7	5	2	13 2 0	...	...	...	1	...	...	...	...	...	...	...

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

JOSHUA BRAY,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at NARRABRI, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials		The Costs of the Suits.	The Number and Result of Appeals.			Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.			
	Com- menced.	Total Amount sued for.	Without hearing.	Arbitra- tion.	Total.	By Jury.	Without Jury.	For Plaintiff.	For Defend- ant.		Appeals.	Judgments or Orders affirmed.	Reversed.	Cases left in Arrears.	Place.	Date.	Duration.			Motions for New Trials.	New Trials granted.	
																	Days.	Hours.				
		£ s. d.								£ s. d.												
Goods sold	15	275 8 11	10	...	5	...	...	4	1	20 3 6				Narrabri	{ 1888. 28 Aug...	1						
Promissory Notes	1	25 13 4	...	...	1	...	...	1	...	1 13 4												
Rent	1	8 2 0	1	...	...	...	...	...	...	0 8 0												
Board and Lodging	1	18 7 6	1	...	...	...	...	...	...	3 6 2												
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...		
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...		
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...		
Municipal Rates	5	98 16 7	1	...	4	...	...	4	...	3 0 0												
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...		
Wages, Work, and Labour	1	27 0 0	...	...	1	...	...	...	1	1 13 2												
Damages	2	260 0 0	...	...	2	1	1	1	1	8 19 8												
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...		
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...		
Money lent .....	...	...	...	...	...	...	...	...	...	...		
Partnership .....	...	...	...	...	...	...	...	...	...	...		
Interpleader .....	...	...	...	...	...	...	...	...	...	...		
Intestary .....	...	...	...	...	...	...	...	...	...	...		
Legacy .....	...	...	...	...	...	...	...	...	...	...		
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...		
Replevin .....	...	...	...	...	...	...	...	...	...	...		
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...		
Causes of Action not specified above .....	...	...	...	...	...	...	...	...	...	...		
Totals	20	738 8 4	13	...	13	1	1	10	3	34 3 10							1					

I hereby certify that the above is a full and complete Return, according to the office Records, of the particulars required by the aforesaid Act,—

WALTER SCOTT,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at NARRANDERA, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads	The Number of Suits		Settled.		The Number of Cases			Result of Trials		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
		£ s. d.								£ s. d.							Days.	Hours.		
Goods sold.....	17	469 16 10	14	...	3	...	3	3	...	31 16 0										
Promissory Notes.....	6	307 19 9	6	...	...	...	...	...	...	11 14 0										
Rent.....	1	38 0 0	1	...	...	...	...	...	...	2 8 10										
Board and Lodging.....	...	...	...	...	...	...	...	...	...	...
Trespass on Land.....	...	...	...	...	...	...	...	...	...	...
Trespass on Person.....	1	200 0 0	...	...	1	...	1	...	1	2 8 10										
Illegal Distraint.....	...	...	...	...	...	...	...	...	...	...
Trover.....	...	...	...	...	...	...	...	...	...	...
Breach of Contract.....	...	...	...	...	...	...	...	...	...	...
Wages, Work, and Labour.....	1	38 16 6	...	...	1	...	1	1	...	8 4 8										
Libel, Slander, and Defamation.....	...	...	...	...	...	...	...	...	...	...
Commission on Agency.....	2	40 1 2	2	...	...	...	...	...	...	2 15 0										
Sales of Live Stock.....	...	...	...	...	...	...	...	...	...	...
Money lent.....	1	32 0 0	...	...	1	...	1	1	...	0 14 2										
Partnership.....	...	...	...	...	...	...	...	...	...	...
Interpleader.....	...	...	...	...	...	...	...	...	...	...
Intestacy.....	...	...	...	...	...	...	...	...	...	...
Legacy.....	...	...	...	...	...	...	...	...	...	...
Possession of Tenements.....	...	...	...	...	...	...	...	...	...	...
Replevin.....	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above.....	...	...	...	...	...	...	...	...	...	...
Totals.....	29	1,225 14 3	23	...	6	...	6	5	1	69 2 0										

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

J. W. LEES,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at NEWCASTLE, during the Twelve Months preceding the 1st of March, 1869, as required by the 103rd section of the said Act.

Nature of Cause, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits	The Number and Result of Appeals.			Cases left in Arrest.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com- menced.	Total Amount sued for.	Without hearing.	Arbitra- tion.	Tried.*	By Jury.	Without Jury.	For Plaintiff	For Defend- ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	164	2,880 0 3	63	...	31	...	144	78	3	258 10 4	...	...	...	20	Newcastle.	1868.				
Promissory Notes	31	945 15 5	14	...	20	...	34	18	2	65 16 10	...	...	...	...		5 Mar...	1	6½		
Rent	13	279 18 10	6	...	7	...	13	7	...	15 10 8	...	...	...	...		6 " "	1	6½		
Board and Lodging	4	62 8 10	4	...	...	...	4	...	...	4 19 8	...	...	...	...		7 " "	1	7		
Trespass on Land	1	30 0 0	...	...	1	...	1	1	...	10 5 8	...	...	...	...		4 June...	1	5½		
Trespass on Person	7	13 15 9	1	...	6	...	7	4	2	92 3 8	...	...	...	...		5 " "	1	6		
Illegal Distraint	2	400 0 0	...	...	2	...	2	2	2	2 2 0	...	...	...	...		6 " "	1	5½		
Trover	2	204 11 1	1	...	1	...	2	1	...	1 18 0	...	...	...	...		7 " "	1	6		
Breach of Contract	7	1,112 0 10	3	...	4	...	7	2	2	59 10 0	...	...	...	...		8 " "	1	5½		
Wages, Work, and Labour	50	1,085 12 10	20	...	27	...	47	25	2	168 2 4	...	...	...	3		9 " "	1	4		
Libel, Slander, and Defamation	7	1,230 0 0	1	...	6	...	7	2	4	35 13 0	...	...	...	...		3 Sept...	1	5		
Commission on Agency	3	62 0 0	1	...	2	...	3	1	1	2 4 0	...	...	...	...		4 " "	1	5½		
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...		5 " "	1	6		
Money lent	16	324 12 5	2	...	11	...	13	10	1	29 8 0	...	...	...	3		6 " "	1	5		
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...		7 " "	1	6		
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...		8 " "	1	3½		
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...		26 Nov...	1	6		
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...		27 " "	1	6		
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...		28 " "	1	5		
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...		29 " "	1	6		
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	30 " "	1	6			
Causes of Action not specified above	91	429 17 0	62	...	24	...	86	23	1	50 4 3	...	...	...	5	1 Dec...	1	3			
Totals	401	9,061 0 0	178	...	192	...	370	172	20	731 8 5	...	...	...	31		21	114½			

* The greater are judgments signed by the Registrar under the District Court Act Amendment Act of 1864.

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

HY. WM. H. HUNTINGTON,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at NOWRA, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrest.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.				
	Com-menced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.					
																	Days.	Hours.							
		£ s. d.								£ s. d.															
Goods sold.....	23	840 3 7	8	...	...	...	...	15	...	19 5 6	...	...	...	...							
Promissory Notes	8	144 18 6	1	...	...	...	...	6	1	6 13 0	...	...	...	...							
Rent	1	200 0 0	1	...	...	...	...	...	...	1 8 0	...	...	...	...							
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person	2	250 0 0	...	...	...	...	...	1	1	2 11 0	...	...	...	...							
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	4	257 0 0	...	...	...	...	...	2	1	3 19 0	...	...	...	...							
Wages, Work, and Labour	5	42 12 2	1	...	...	...	...	4	...	2 8 0	...	...	...	...							
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intersplicer .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	9	651 4 8	...	...	...	...	...	3	6	9 11 0	...	...	...	...							
Totals.....	52	1,865 18 11	11	...	...	...	...	31	9	45 15 6	...	...	...	1											

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

J. H. NISBETT,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at ORANGE, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials		The Costs of the Suits	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.		
										Days.				Hours.								
		£ s. d.								£ s. d.												
Goods sold.....	49	836 10 10	24	...	18	...	18	18	...	89 11 0	7	Orange	1888.	13 Mar...	...	h. m.	1 35	0 20	6 30
Promissory Notes.....	16	361 5 9	6	...	9	...	9	9	...	27 2 0	...	.....	.....	1					
Rent.....	1	70 0 0	1	...	...	...	...	...	...	1 17 0	...	.....	.....	...				
Board and Lodging.....	2	42 5 0	1	...	1	...	1	1	...	1 5 6	...	.....	.....	...				
Trespass on Land.....	3	250 0 0	1	1	...	...	...	...	...	5 10 8	...	.....	.....	1
Trespass on Person.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Illegal Distraint.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trover.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Breach of Contract.....	1	125 0 0	1	...	From Supreme Court.			...	...	...	...	.....	.....	...	
Wages, Work, and Labour.....	13	250 10 7	7	...	6	...	6	6	...	23 2 0	...	.....	.....	...				
Libel, Slander, and Defamation.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Commission on Agency.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Sales of Live Stock.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Money lent.....	5	72 3 11	2	...	1	...	1	1	...	5 10 0	...	.....	.....	2					
Partnership.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Interpleader.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Intestacy.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Legacy.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Possession of Tenements.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Replevin.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Causes of Action not specified above.....	10	162 13 3	4	...	4	...	4	4	...	9 2 0	...	.....	.....	2					
Totals.....	100	2,160 9 4	47	1	39	...	39	39	...	163 0 2	13								

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

STEPHEN MURPHY,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at PARRAMATTA, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Notions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	113	1,466 13 0	53	...	58	...	68	56	2	150 15 0	2	Parramatta.	1888. 7 May.. 6 Oct..	1 1 1	
Promissory Notes	25	799 8 0	20	...	4	...	4	4	...	92 11 10	...	...	...	1				
Rent	5	96 19 0	3	...	1	...	1	1	...	10 0 6	...	...	...	1				
Board and Lodging	2	23 13 6	...	...	2	...	2	1	1	1 15 6	...	...	...	...			
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person	4	375 0 0	...	...	4	1	3	2	2	31 2 4	...	...	...	...			
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	1
Trover	1	200 0 0	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	1	70 0 0	1	...	...	...	...	...	...	2 8 10	...	...	...	1
Wages, Work, and Labour	13	466 10 0	8	...	4	...	4	4	...	40 6 0	...	...	...	...			
Libel, Slander, and Defamation	5	830 0 0	3	...	2	...	2	...	2	12 0 6	...	...	...	...			
Commission on Agency	5	98 0 0	3	...	2	...	2	2	...	12 16 4	...	...	...	...			
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	5	259 11 8	3	...	2	...	2	1	1	6 15 2	...	...	...	...			
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	9	108 1 2	7	...	2	...	2	2	...	12 1 10	...	...	...	...			
Totals	188	4,793 16 4	101	...	81	1	80	73	8	362 13 10	6	1889. 11 Feb..	2	3		

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

GEO. WICKHAM,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at PENRITH, during the Twelve Months preceding the 1st of March, 1899, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	42	319 18 11	18	...	24	...	24	22	2	16 6 6											
Promissory Notes	4	57 8 4	1	...	3	...	3	3	...	1 12 0											
Rent	5	81 19 8	2	...	3	...	3	3	...	2 8 0											
Board and Lodging	2	15 12 0	1	...	1	...	1	1	...	0 19 6											
Trespass on Land	1	30 0 0	...	...	1	...	1	1	...	0 10 0											
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trotter .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract	2	75 0 0	...	...	2	...	2	1	1	1 16 0											
Wages, Work, and Labour	11	232 12 0	3	...	8	...	8	7	1	2 2 0											
Libel, Slander, and Defamation	3	430 0 0	2	...	1	...	1	...	1	2 10 0											
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent	6	182 10 0	...	...	5	...	5	4	1	2 15 6											
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above	31	831 18 5	10	...	21	...	21	16	5	20 17 0											
Totals	106	2,257 3 4	37	...	69	...	69	68	11	51 17 0											25

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

J. K. CLEEVE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at PORT MACQUARIE, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	14	226 2 5	11	...	...	...	1	2	2	6 4 6										
Promissory Notes	14	285 14 8	13	...	...	...	1	...	...	11 0 0										
Rent	1	31 0 0	...	...	...	...	...	...	...	1 0 0										
Board and Lodging	2	6 15 0	2	...	...	...	...	1	...	0 7 0										
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover	1	15 15 0	...	...	...	...	...	...	1	0 10 0										
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	
Wages, Work, and Labour	2	40 11 1	1	...	...	...	...	...	...	1 0 0										
Libel, Slander, and Defamation	1	200 0 0	...	...	...	...	...	1	...	1 0 0										
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent	1	90 18 0	1	...	...	...	...	...	...	1 0 0										
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above	1	13 5 0	...	...	...	...	...	...	...	1 10 0										
Totals	37	846 1 2	28	...	...	...	2	4	3	23 11 6										

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

F. B. HALES,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at QUEANBEYAN, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrest.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	11	238 4 9	6	...	5	1	4	5	...	10 16 0	...	.....	.....	...	...	...	...	1		
Promissory Notes	1	20 0 0	1	...	...	...	...	...	...	0 11 0	...	.....	.....	...	...	...	...
Rent .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...
Board and Lodging	1	1 12 0	1	...	...	...	...	...	...	1 11 6	...	.....	.....	...	...	...	...
Trespass on Land	1	200 0 0	...	...	1	...	1	1	...	10 0 6	...	.....	.....	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...
Wages, Work, and Labour	1	40 5 0	...	...	1	...	1	1	...	1 17 0	...	.....	.....	...	...	...	...
Libel, Slander, and Defamation..	1	200 0 0	...	...	1	1	...	1	...	4 4 0	...	.....	.....	...	...	...	...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...
Sales of Live Stock	2	26 0 0	1	...	1	...	1	1	...	2 15 0	...	.....	.....	...	...	...	...
Money lent	2	91 7 2	1	...	1	...	1	1	...	11 17 4	...	.....	.....	...	...	...	...
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...
Causes of Action not specified above.....	3	275 0 9	...	...	3	3	...	1	2	27 11 8	...	.....	.....	...	...	...	...	2		
Totals	23	1,087 9 8	10	...	13	5	8	10	3	80 4 0	...	.....	.....	...	...	...	...	3		

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

C. J. B. HELM,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at SINGLETON, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.			The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.	Appeals.		Judgments or Orders affirmed.	Reversed.	Place.		Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	87	827 13 0	18	...	67	...	67	59	8	106 8 4	2	Singleton...	1888. 21 Mar... } 22 " " } 20 June... } 21 " " } 19 Sept... } 20 " " }	2	2	2		
Promissory Notes	10	101 13 8	5	...	5	...	5	4	1	12 0 10	...	.....	.....	...			
Rent	1	33 0 0	...	...	1	...	1	1	...	2 3 2	...	.....	.....	...			
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trespass on Land	3	65 0 0	...	...	3	...	2	3	...	19 4 0	...	.....	.....	...			
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Wages, Work, and Labour	1	36 0 0	...	...	1	...	1	1	...	11 13 6	...	.....	.....	...			
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Money lent .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Causes of Action not specified above	17	363 16 9	8	...	9	...	9	8	1	4 18 4	...	.....	.....	...			
Totals	119	1,427 3 5	31	...	86	1	85	76	10	156 8 2	...	.....	.....	2				

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

FREDERICK G. ADRIAN,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at SILVERTON, during the Twelve Months preceding the 1st of March, 1880, as required by the 103rd section of the said Act.

Nature of Cause, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	98	3,510 4 0	32	...	53	...	53	51	2	71 10 0	13	Silvertown...	1888. 8 June... 9 " ... 7 Dec. ... 8 " ...	1	1			
Promissory Notes	20	1,654 3 9	8	...	20	...	20	19	1	9 0 0	...	...	...	1				
Rent .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Board and Lodging	2	40 10 6	2	...	...	...	...	...	...	...	...	...	...
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	9	703 4 11	4	...	4	1	3	3	1	45 2 2	...	...	...	1				
Wages, Work, and Labour	8	341 14 4	3	...	4	...	4	4	...	22 0 2	...	...	...	1				
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Commission on Agency	6	125 5 4	1	...	4	...	4	4	...	...	...	...	...	1		
Sales of Live Stock	1	10 10 0	1	...	...	...	...	...	...	...	...	...	...	...
Money lent	3	88 9 8	...	...	3	...	3	3	...	18 7 0	...	...	...	...			
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements	1	119 14 6	...	...	1	...	1	1	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	7	258 2 4	1	...	5	...	5	5	...	33 14 10	...	...	...	1				
Totals	104	6,846 19 4	52	...	94	1	93	90	4	199 14 2	18	3	1					

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

JOHN SAUNDERS,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at TAMWORTH, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

385-1

Nature of Cause, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amenat-sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	50	644 2 9	15	...	35	...	35	21	14	18 19 0	}	}	}	}	} Tamworth...	} 1888.	} 25 April...	} 2	} h. m.	} 0 5	
Promissory Notes	5	267 12 6	2	...	3	...	3	1	2	5 8 6											
Rent .....				...		...									
Board and Lodging	3	94 8 0	2	...	1	...	1	1	...	3 2 0											
Trespass on Land .....				...		...									
Trespass on Person .....				...		...									
Illegal Distraint .....				...		...									
Trover .....				...		...									
Breach of Contract	1	8 10 0		...	1	...	1	...	1	4 16 0											
Wages, Work, and Labour	2	34 19 0	1	...	1	...	1	1	...	0 6 0											
Libel, Slander, and Defamation .....				...		...									
Commission on Agency	1	7 2 6		...	1	...	1	1	...	0 17 0											
Sales of Live Stock .....				...		...									
Money lent	6	151 11 5	1	...	5	...	5	2	3	22 4 0											
Partnership .....				...		...									
Bill of Costs	1	45 16 3		...	1	...	1	1	...	7 9 8											
Advertising	7	50 17 0	2	...	5	...	5	5	...	2 16 0											
Damages	2	208 10 0		...	2	...	2	...	2	43 7 0											
Possession of Tenements .....				...		...									
Replevin .....				...		...									
Consent Jurisdiction .....				...		...									
Causes of Action not specified above	1	32 2 10	1	...		...				1 1 0								
Totals	79	1,545 12 3	24	...	55	...	55	33	22	110 7 2											

65

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

JOHN L. KING,
Registrar, District Court

RETURN of the Number and Particulars of Suits commenced in the District Court holden at TAREE, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	35	664 3 9	14	...	18	...	18	17	1	89 7 7	3	Taree	1888.	31 May...	1	9	7	1
Promissory Notes	10	315 12 1	5	...	5	...	5	5	...	22 17 10	...	.....	.....	1				
Rent	2	68 19 0	1	...	...	...	...	...	...	3 5 2	...	.....	.....	1
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trover	1	25 0 0	...	...	1	...	1	...	1	1 9 2	...	.....	.....	...			
Breach of Contract	3	214 15 3	2	...	1	...	1	...	1	20 3 0	...	.....	.....	...			
Wages, Work, and Labour	10	129 2 2	7	...	3	...	3	1	2	18 17 4	...	.....	.....	...			
Libel, Slander, and Defamation	1	200 0 0	1	...	...	...	...	...	...	2 8 4	...	.....	.....	...			
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Money lent	2	10 11 0	...	...	2	...	2	1	1	1 12 6	...	.....	.....	...			
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Interpleader	2	...	...	...	2	...	2	1	1	8 12 10	...	.....	.....	...			
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Causes of Action not specified above	1	13 19 0	...	...	1	...	1	1	...	13 1 3	...	.....	.....	...			
Totals	67	1,637 2 3	30	...	33	...	33	26	7	181 15 0	4	3	17					

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

J. A. CREAGH,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at TEMORA, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrest.	Place, Date, and Duration of the Sittings of each Court.			The Number of		Number of Cases in which Judgment entered up under 48 Vic. No. 7.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ent.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
Goods sold	7	£ s. d. 161 6 2	4	...	2	...	2	2	...	10 1 10	...	...	...	...	...	...	...	...	...	1
Promissory Notes	3	266 0 0	...	...	...	...	...	...	...	3 5 0	...	...	...	...	...	...	...	...	...	3
Rent .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Land	2	250 0 0	1	...	1	...	1	1	...	25 19 0	...	...	...	...	...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wages, Work, and Labour	2	23 16 2	...	...	1	...	1	1	...	1 9 6	...	...	...	...	...	...	...	...	...	1
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Commission on Agency	2	216 0 0	...	...	2	...	2	2	...	1 14 0	1*	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	1	13 4 6	1	...	...	...	...	...	...	0 16 0	...	...	...	...	...	...	...	...	...	...
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	2	36 10 0	...	...	2	...	2	...	2	1 15 0	...	...	...	...	...	...	...	...	...	...
Mining appeal from Warden's decision	1	...	...	...	...	...	...	...	...	9 2 6	1†	...	...	...	...	...	...	...	...	...
Totals	20	966 16 10	6	...	8	...	8	6	2	54 2 10	2	...	...	...	...	...	...	...	...	5

* Pending. † Struck out.

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

ROBERT WADDELL,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at TENTERFIELD, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without bearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	48	1,065 3 4	25	...	23	...	23	21	2	81 3 10					Tenterfield	1888. 2 May ... 3 " ... 23 July... 31 Oct... 1889. 19 Jan...	6 1 8 8 9				
Promissory Notes	9	276 8 11	4	...	5	...	5	5	...	56 17 6											
Rent .....	...	...	...	...	...	...	...	...	...	...	
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract	2	200 0 0	...	...	2	...	2	1	1	45 10 4									
Wages, Work, and Labour	9	253 1 0	5	...	4	...	4	1	3	33 15 0											
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent	3	368 0 0	...	...	3	...	3	2	1	12 3 4									
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above	5	101 16 4	2	...	3	...	3	3	...	23 2 4											
Totals	76	2,264 9 7	30	...	40	...	40	33	7	253 1 4											

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

F. BURNE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at TUMUT, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	25	856 13 4	4	...	21	...	21	20	1	80 16 10											
Promissory Notes	14	437 16 9	3	...	11	...	11	11	...	29 10 0											
Rent	1	18 0 0	...	...	1	...	1	1	...	5 3 2										
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	
Wages, Work, and Labour .....	...	...	...	...	...	...	...	...	...	...	
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent .....	...	...	...	...	...	...	...	...	...	...	
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above .....	...	...	...	...	...	...	...	...	...	...	
Totals.....	40	1,312 10 1	7	...	33	...	33	32	1	115 16 0											

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

CHARLES J. LLOYD,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at WAGGA WAGGA, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
		£ s. d.								£ s. d.											
Goods sold	82	1,547 17 2	37	...	43	...	43	43	...	125 14 5	...	...	...	2	Wagga Wagga.						
Promissory Notes	73	3,977 16 3	36	...	36	...	36	36	...	156 19 0	...	...	...	1							
Rent	5	195 19 1	2	...	3	...	3	2	1	10 6 8	...	...	...					
Board and Lodging	4	100 14 0	1	...	3	...	3	3	...	9 17 6	...	...	...					
Trespass on Land	5	505 0 0	2	...	3	...	3	3	...	20 18 2	1*	...	...						
Trespass on Person	1	200 0 0	...	...	1	...	1	1	...	7 11 10	...	...	...					
Illegal Distraint	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover	5	370 0 0	2	...	3	2	1	1	2	188 11 10	...	...	...					
Breach of Contract	2	130 0 0	...	...	2	...	2	2	...	12 14 8	...	...	...					
Wages, Work, and Labour	31	732 18 5	16	...	14	...	14	13	1	89 3 8	...	...	...	1							
Libel, Slander, and Defamation	...	...	...	...	...	...	...	...	...	...	...	...	...
Commission on Agency	2	36 14 2	...	...	2	...	2	2	...	1 3 10	...	...	...					
Sales of Live Stock	1	23 17 0	1	...	...	...	...	...	...	1 0 0	...	...	...					
Money lent	4	106 9 2	3	...	1	...	1	1	...	2 10 0	...	...	...					
Partnership	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	12	477 19 8	5	...	7	...	7	7	...	50 0 0	...	...	...					
Totals	223	8,414 5 5	105	...	118	2	116	114	4	726 11 7	1	...	...	4							

* Not yet decided.

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

J. MCKENSEY,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at WALGETT, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	9	198 19 11	...	...	9	...	0	9	...	6 0 0											
Promissory Notes	3	85 9 10	1	...	2	...	2	2	...	2 3 6											
Rent	1	100 0 0	1	...	...	...	...	...	...	1 0 0											
Board and Lodging	1	25 10 0	1	...	...	...	...	...	...	0 10 0											
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract	2	117 19 2	...	...	2	...	2	1	1	2 0 0											
Wages, Work, and Labour	4	91 9 0	4	...	...	...	...	...	...	2 0 0											
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent .....	...	...	...	...	...	...	...	...	...	...	
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interspreader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above	2	214 2 4	1	...	1	...	1	1	...	1 10 0											
Totals	22	833 10 3	8	...	14	...	14	13	1	15 3 6											

Walget { 1888.
13 Mar... 1
4 Sept... 2

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

W. B. BROWN,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at WARREN, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of theittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold.....	26	847 17 3½	6	...	20	...	20	15	5	16 18 6	}	}	}	}	Warren	{	1888.	14 May..	1	4	
Promissory Notes	5	230 2 1	1	...	4	...	4	4	...	3 16 0											
Rent .....	...	...	...	...	...	...	...	...	...	...	
Board and Lodging	1	3 0 0	...	...	1	...	1	1	...	0 3 6									
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover.....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract	1	31 15 0	1	1	1	1	1	1	...	3 6 0											
Wages, Work, and Labour	2	45 16 2	1	...	1	...	1	1	...	1 10 0											
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	
Commission on Agency	2	63 9 9	1	...	1	...	1	1	...	2 6 0											
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent.....	3	53 0 5	1	...	2	...	2	2	...	1 3 6											
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above .....	...	...	...	...	...	...	...	...	...	...	
Totals.....	40	1,265 0 8½	11	1	30	1	29	25	5	29 8 6											

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

CHARLES HENRY PIGGOTT,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at WENTWORTH, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrest.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	4	56 18 10	4	} Wentworth	} 1888.	} 19 May...	} ...	} h. m.	} 2 45	
Promissory Notes	3	166 5 5	1	...	...	...	...	...	...	...	...	...	...	2
Rent .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wages, Work, and Labour	3	106 19 3	1	...	2	...	2	1	1	2 16 8	...	...	...	...			
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Totals	10	330 3 6	6	...	2	...	2	1	1	2 16 8	...	...	...	2				

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

A. N. BARNETT,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at WILCANNIA, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold.....	21	749 17 6	14	...	5	5	...	18 16 0	2	Wilcannia.	1888. 30 May.. 28 Nov..	2 1				
Promissory Notes.....	10	683 8 11	5	...	1	...	...	1	...	9 10 0	...	...	...	4		
Rent.....	1	35 19 0	...	...	1	...	...	1	...	1 0 0	...	...	...	...			
Board and Lodging.....	1	200 0 0	1	...	...	...	...	...	...	1 0 0	...	...	...	...			
Trespass on Land.....	1	200 0 0	...	...	1	...	...	1	...	1 0 0	...	...	...	...			
Trespass on Person.....	1	200 0 0	...	...	1	...	...	1	...	1 0 0	...	...	...	...			
Illegal Distraint.....	1	200 0 0	...	...	1	...	...	1	...	1 0 0	...	...	...	...			
Trover.....	1	200 0 0	...	...	1	...	...	1	...	1 0 0	...	...	...	...			
Breach of Contract.....	1	14 0 0	...	...	...	...	...	...	...	0 10 0	...	...	...	1
Wages, Work, and Labour.....	1	200 0 0	1	...	...	...	...	...	...	1 0 0	...	...	...	...			
Libel, Slander, and Defamation.....	1	25 0 0	...	...	1	...	...	1	...	0 10 0	...	...	...	...			
Commission on Agency.....	1	25 0 0	...	...	1	...	...	1	...	0 10 0	...	...	...	...			
Sales of Live Stock.....	1	246 0 0	2	...	...	...	...	...	...	11 9 6	...	...	...	1
Money lent.....	3	246 0 0	...	...	...	...	...	...	...	11 9 6	...	...	...	1
Partnership.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above.....	3	246 0 0	2	...	...	...	...	...	...	11 9 6	...	...	...	1
Totals.....	40	2,254 5 5	28	...	0	0	...	39 15 0	8							

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

ARTHUR N. R. PRATT,
Deputy Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at WINDSOR, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold.....	30	248 8 0	12	...	18	...	18	10	2	15 9 6	}	}	}	}	Windsor	}	}	}	}	}	
Promissory Notes.....	6	125 17 8	2	...	4	...	4	4	...	5 13 6											
Rent.....	3	80 10 0	1	...	2	...	2	2	...	3 7 0											
Board and Lodging.....				...		...			...						
Trespass on Land.....				...		...			...						
Trespass on Person.....	1	30 0 0		...	1	...	1	1	...	0 11 0											
Illegal Distraint.....				...		...			...						
Trover.....	7	178 0 0		...	5	...	5	3	2	4 18 0											
Breach of Contract.....	2	49 19 0	1	...	1	...	1	1	...	1 15 0											
Wages, Work, and Labour.....	18	405 0 2	3	...	15	...	15	9	0	18 10 6											
Libel, Slander, and Defamation.....				...		...			...						
Commission on Agency.....	1	25 0 0	1	...		...			...	0 15 0					
Sales of Live Stock.....	1	4 0 0	1	...		...			...	0 4 6					
Money lent.....	2	16 10 0		...	2	...	2	1	1	0 10 6											
Partnership.....				...		...			...						
Interpleader.....	1			...	1	...	1		1												
Intestacy.....				...		...			...						
Legacy.....				...		...			...						
Possession of Tenements.....				...		...			...						
Replevin.....				...		...			...						
Consent Jurisdiction.....				...		...			...						
Causes of Action not specified above.....	3	22 8 2	2	...	1	...	1	1	...	1 10 6											
Totals.....	75	1,180 18 0	23	...	50	...	50	38	12	48 2 0						4	11½				

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

W. H. H. BECKE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at WOLLONGONG, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.													
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.														
										Days.				Hours.																				
		£ s. d.								£ s. d.																								
Goods sold.....	31	513 13 2	18	...	12	...	12	11	1	65 9 2	...	...	...	1	Wollongong	1888. 25 May... 18 Aug... 1889. 19 Feb...	...	...	...	...	...	...	...				
Promissory Notes.....	10	141 11 8	5	...	5	...	5	5	...	29 3 4	...	...	...	...										...	...	...	...	...	...	...	...	...	...
Rent.....	9	253 4 5	2	...	7	...	7	3	4	30 9 2	...	...	...	...										...	...	...	...	...	...	...	...	...	...	...
Board and Lodging.....	2	205 5 4	1	...	1	...	1	1	...	7 7 8	...	...	...	...										...	...	...	...	...	...	...	...	...	...	...
Trespass on Land.....	1	150 0 0	...	...	1	1	...	...	1	32 8 8	...	...	...	...										...	...	...	...	...	...	...	...	...	...	...
Trespass on Person.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...										...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...										...	...	...	...	...	...	...	...	...	...	...
Trover.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...										...	...	...	...	...	...	...	...	...	...	...
Breach of Contract.....	2	40 0 0	...	...	2	...	2	1	1	8 9 10	...	...	...	...										...	...	...	...	...	...	...	...	...	...	...
Wages, Work, and Labour.....	7	83 13 9	3	...	4	...	4	3	1	19 9 0	...	...	...	...										...	...	...	...	...	...	...	...	...	...	...
Libel, Slander, and Defamation.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...										...	...	...	...	...	...	...	...	...	...	...
Commission on Agency.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...										...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...										...	...	...	...	...	...	...	...	...	...	...
Money lent.....	1	22 0 0	1	...	...	...	...	...	...	1 10 2	...	...	...	...										...	...	...	...	...	...	...	...	...	...	...
Partnership.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...										...	...	...	...	...	...	...	...	...	...	...
Interpleader.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...										...	...	...	...	...	...	...	...	...	...	...
Intestacy.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...										...	...	...	...	...	...	...	...	...	...	...
Legacy.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above.....	14	453 2 4	4	...	10	...	10	8	2	62 19 4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Totals.....	77	1,862 10 8	34	...	42	1	41	32	10	257 6 4	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...

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

D. R. JAMIESON,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at Yass, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits. (Court Costs.)	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without bearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	40	615 13 0	16	...	24	...	24	24	...	15 6 0									2		
Promissory Notes	8	369 6 5	1	...	7	...	7	7	...	6 6 0											
Rent	2	21 13 0	...	...	2	...	2	2	...	0 16 0											
Board and Lodging	3	17 16 6	...	...	3	...	3	2	1	0 17 0											
Trespass on Land	4	195 0 0	1	...	3	1	2	2	1	3 0 0											
Trespass on Person .....				...													
Illegal Distraint .....				...													
Trover .....				...													
Breach of Contract	5	430 0 0	2	...	3	1	2	3	...	4 10 0											
Wages, Work, and Labour	9	152 5 2	5	...	4	...	4	3	1	3 11 0											
Libel, Slander, and Defamation	3	450 0 0	1	...	2	2	...	2	...	3 0 0											
Commission on Agency .....				...													
Sales of Live Stock .....				...													
Money lent	4	33 4 2	...	...	4	...	4	4	...	1 9 6											
Partnership .....				...													
Interpleader .....				...													
Intestacy .....				...													
Legacy .....				...													
Possession of Tenements .....				...													
Replevin .....				...													
Consent Jurisdiction .....				...													
Causes of Action not specified above	17	173 7 6	7	...	10	...	10	10	...	5 17 0											
Totals	95	2,459 5 9	33	...	62	4	58	59	3	44 12 6											

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

GLENTWORTH ADDISON,

Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at YOUNG, during the Twelve Months preceding the 1st of March, 1889, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	23	766 1 8	16	...	7	...	7	6	1	68 8 2	Young	1888. 18 May... 19 Sept...	1 1					
Promissory Notes	6	582 14 1	2	...	4	...	4	4	...	26 0 6	...	...	...					
Rent	2	43 15 0	2	...	...	...	...	...	...	6 17 8	...	...	...					
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	1	25 0 0	...	...	1	...	1	1	1	5 4 2	...	...	...					
Wages, Work, and Labour	6	425 12 6	3	...	3	...	3	2	1	15 17 4	...	...	...					
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	4	237 4 4	1	...	3	...	3	3	...	13 7 4	...	...	...					
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above.....	30	496 10 11	22	...	7	1	6	7	1	1	...	1889. 7 Feb....	2						
Totals	72	2,576 18 5	46	...	25	1	24	22	3	135 15 2	1	1	...	1							

Sydney: Charles Fisher, Government Printer—1889.

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

W. C. RODGERSON,
Registrar, District Court.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

METROPOLITAN MAGISTRATES ACT FURTHER
AMENDMENT BILL.

(MESSAGE No. 40.)

Ordered by the Legislative Assembly to be printed, 23 July, 1889.

CARRINGTON,
Governor.

Message No. 40.

In accordance with the provisions contained in the 54th section of the Constitution Act, the Governor recommends, for the consideration of the Legislative Assembly, the expediency of making provision to meet the requisite expenses in connection with a Bill to extend the power of appointing Stipendiary Magistrates conferred by the "Metropolitan Magistrates Act, 1881;" and to make provision for the temporary exercise of the jurisdiction given by the said Act in cases of emergency.

Government House,
Sydney, 20th July, 1889.
